Debates

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SEVENTH ASSEMBLY

Legislative Assembly for the ACT

26 AUGUST 2010

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Thursday, 26 August 2010

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

Minister for Ageing
Motion of censure

MR COE (Ginninderra) (10.01): I seek leave to move a motion of censure.

MR SPEAKER: Yes, Mr Coe. Has that motion been circulated?

MR COE: No.

Leave granted.

MR COE: It is with disappointment that I rise today to move a motion of censure on Ms Burch. I think Ms Burch's conduct over the last week has been particularly disappointing and extremely unprofessional. I will give some background as to why we are moving this disappointing motion today. We on this side of the chamber have no pride or no pleasure in moving such motions, but we feel it is important to make sure that we do not allow such a precedent to occur in this place. On 19 August, Ms Burch responded to a question from Ms Porter. The question was with regard to housing for older persons. This is the question that Ms Porter asked:

> My question is to the Minister for Ageing. Can the minister inform the Assembly about the progress in the development of the stimulus funded older persons' accommodation?

Ms Burch went on to answer that question in some detail. In fact, the question was prearranged, as was, of course, the answer. Ms Burch had a written answer to that question which Ms Porter asked. The text that Ms Burch read included:

> The first site in Macquarie, with some 13 homes, is completed and is currently being allocated.

Mr Corbell: On a point of order, Mr Speaker, the censure motion is yet to be tabled in this place. I have not yet seen the terms of the motion. I do not know whether any advice was given to the minister of an intention to move this censure motion, but we are yet to even see the terms of the censure. Until we see the terms of the censure it is very unreasonable to ask members to prepare for this debate.

Ms Burch: Mr Speaker—

MR SPEAKER: Is this a point of order, Ms Burch? You cannot enter the substantive debate just now. Stop the clocks, thank you. Mr Corbell, there is no point of order under the standing orders. Nonetheless, I think it is poor form in this chamber to move a motion without circulating it at least in advance.

I think, Mr Coe, there must surely have been enough time before 10 am. This is the second time I have had to make the observation in this sitting fortnight about motions being circulated that were not available to members. I expect members to be more courteous in at least having a motion available to the secretariat before they move it. Mr Coe, I have also failed to ask you to move the motion, which was an oversight on my part in the confusion at the beginning. So if I could just ask you to move that motion.

MR COE: I move:

> That this Assembly censure Ms Burch for misleading the Assembly on 19 August 2010 in relation to housing for older persons.

The reason we did not circulate the motion is that I honestly expected Ms Burch to come down here and correct the record, as she has had an opportunity to do each day this week. On 19 August I asked the question of Ms Burch, which was obviously wrong. I asked a supplementary question in that very debate to clarify that:

> Minister, you referred to a couple of developments that have been finished. On what date were they handed over from the developer to Housing ACT and when will the tenants move in?

Answer:

> The completed homes I refer to were in Macquarie and Curtin.

Not only that—this minister was so arrogant that she then had a go at me:

> I can get back to you on the exact date on the calendar with a red circle around the handover …

That red circle around the handover is not yet known because it is going to be in October some time. They are not completed at all. They are not completed homes, as she suggested. I asked that she take it on notice. Indeed, I interjected that. I even wrote to her chief of staff to clarify it. She then wrote back—it was dated 19 August but was received by my office on 24 August:

> I would like to confirm that the homes in Macquarie and Curtin will be tenanted from October this year.
>
> It is envisaged that construction will be completed by the end of September …

She had a written response to Ms Porter's question, in which she said they were completed, and then she came back and said, "I would like to confirm that it will be October this year and they will be finished in September." The arrogance that Ms Burch demonstrates is astounding and really quite unjustified given her performance in this place since being elected, especially over the last year since becoming a minister.

I came into this place and did the right thing on Tuesday, 24 August when I gave her an opportunity, a very simple opportunity. I think that any other minister would have corrected the record. Instead, she went on the attack again. She desperately tried to demonstrate confidence. Because her confidence got such a battering at the start of her ministerial career, she is now going overboard trying to demonstrate confidence. But I am afraid the confidence is totally unfounded, Ms Burch.

She even said that anybody who drives by the units will know that they are not completed. If that is the case, why did you not correct the record? Why did you mislead the Assembly last week? Why have you not corrected the record in the three sitting days you have had to do so? It is extremely disappointing but extremely indicative of the disrespect you show this place, the disrespect you show your department, the disrespect you show your staff and the disrespect you show other ministers and the Australian Labor Party.

The arrogance she attempts to display, the confidence she attempts to display, are unjustified and unwarranted. We all know the Joy Burch story. We all know her story about being a minister in this place. She was an uninspiring backbencher who was promoted to the frontbench through a process of elimination and it went straight to her head. It went straight to her head that she was suddenly a minister in the Australian Capital Territory. Who would have thought two years ago, in 2008, that this person would be a minister of the ACT? Who would have thought it? Yet she is a minister here.

If you are going to be a minister in this place, you would think that you would take it very seriously. You would take on the responsibility and you would treat it with the respect it so desperately deserves. Instead, the overconfidence was apparent on day one. She thought that because she was a minister she was the bee's knees. I am afraid she is not and her record indeed demonstrates that. It is extremely disappointing and it is extremely disappointing for all the stakeholders in the territory. She thought she was being fast-tracked to be Chief Minister when she became a minister. Who knows? Maybe she could be in the Lodge in a few years time.

It became apparent to everyone in this place that she did not have the answers to the questions which we posed to her early on in her ministry. Rather than get on top of her briefs, rather than read up and get on top of things, she kept on going as she was. I think it is quite interesting because her staff, or Mr Stanhope, must have told her that the strategy was to take the questions on notice—"Take everything on notice." "Why?" "Because that is going to be lower risk than your answering them. Even though you are going to cop a bit of flak for not answering any of the questions in this place, it will still be lower risk than you actually trying to answer them." It was lower risk for her to cop flak for not answering than it was for her to be let loose.

In addition to that, we have heard of many other blunders. She told the WIN journalist that she had not read the report she had just launched. She then arrogantly said, "Well, cut that," expecting that the WIN journalist would just bow to her demands. She still, of course, has animosity towards WIN TV, even though they were simply doing their job. She is a poor man's Andrew Barr, who is the poor man's Jon Stanhope, who is no idol that anyone should be looking up to.

One day one of her staff, or Mr Stanhope even, must have told her—and I imagine it was early this year or just before Christmas—"You've got to pick up your act. You've got to start reading your briefs. You've got to start getting on top of things." And, to her credit, nobody knows that ministerial folder like she does. She is totally across it. She can turn to the page of any issue extremely quickly. But we want a minister who actually has judgement and who actually assesses the situation. We do not just want someone who reads out dot points. We might as well get a computer to do that because it would do a better job. We want a minister who casts judgement on situations and makes informed decisions.

There is a pattern of behaviour here, whether it is not answering questions, whether it is not reading reports, whether it is not correcting the records on simple issues, whether it is bullying or whether it is mishandling situations like the Flynn school or the Gumnut childcare centre. Even people in the ALP and the ministry are disappointed about how this minister is handling herself.

I gave her opportunities to correct the record and it is indeed disappointing that she has not taken them up. I told her on Tuesday that I did not think she had adequately corrected the record. She could have corrected the record there and then. Instead, she arrogantly told me that it was pretty much my fault—it was my fault. Then yesterday nothing happened in this place. She had the opportunity to clarify the record. She did not do so. So yesterday afternoon we sent a letter to Ms Burch:

> After reviewing the clarification by you in writing and your statement in the Chamber on the 24th of August in relation to the completion of older person's accommodation, the Opposition considers that you have still not sufficiently corrected the statements you originally made in the Chamber on the 19th of August.

I sent her this letter yesterday afternoon. She got this in her inbox at about 4 or 4.30. The Assembly did not rise until 9.30. This was delivered at 4.30 yesterday afternoon. She had the opportunity. I asked her to withdraw, without qualification, as the first item of business on 26 August. She has had plenty of time to correct the record. It is extremely disappointing that she has not done so.

The contempt that she shows this place—the disrespect she shows her colleagues and all members of this place—is extremely disappointing and indicative of how she treats her role as a minister in this place. I think it is important that Ms Burch steps up, that she does not put on this show of arrogance because she wants to look like a strong leader. It is more important that she actually corrects the record.

The only time ministers from this government correct the record is when we put pressure on them to do so. There is no commitment from these ministers to stand up for integrity and make sure the record is true and accurate. Ms Burch has had the opportunity correct the record. She has not done so. It is for that reason that it is unavoidable that we have had to move this motion of censure.

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) (10.15): Just to be clear, the letter from Mr Coe I received when I left the caucus room this morning at quarter to 10. I

was in my office typing a response, which is here with me. I thought I would get it through before the call; I thought that I would have the chance to get to it. I thought those opposite would give me the chance when I walked in the door to seek the call.

Mr Speaker, the Liberals, as we know through Mr Coe, have asked me to correct the record in relation to a question last week on the older persons units. I stand by my earlier comments that I was referring to the assessment process, which is complete. However, to be clear and correct and to avoid further correction—

Mr Coe: "They are complete."

MS BURCH: I am correcting the record, Mr Coe, if that is what you want me to do. Both the Macquarie and Curtin sites are under construction. For the Macquarie and Curtin sites, the assessment is complete and the allocation process is being progressed. I have corrected the record. I accept that there was confusion and I have made a mistake. I am here to correct the record. I just would have appreciated to have been able to walk into this place and make that statement.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.17): I rise to speak only briefly to this matter. Ms Burch has outlined quite succinctly the sequence of events that occurred this morning. Caucus met until quarter to 10. Ms Burch, upon leaving that, received a copy of a letter that had been delivered this morning. She immediately—she has shown me her response to that particular letter from Mr Coe—sat down and typed out a statement, which she has just essentially read to the Assembly, accepting that comments she made in answer to a question have been misconstrued. The interpretation that has been taken of what she said is not what she intended.

We all say things that perhaps are ambiguous or not particularly clear in our expression. Ms Burch has acknowledged that comments that she made in relation to an answer to a question did have the capacity to convey a meaning that she did not intend. She has just clarified that. She would have done that at 10 o'clock, subject to the ringing of the bells, had she received the call first. She did not. Indeed, in retrospect, that is something she may have arranged with your office or with the Clerk, Mr Speaker, before the commencement of proceedings. But, in the context of having been in caucus pursuing business, receiving a letter at quarter to 10, and typing out a statement acknowledging the capacity for her comments to have misled, she has stood and has unambiguously acknowledged that fact.

This censure motion is, I guess, just to complete the record of Liberal Party censures of one a sitting week, and they needed one this week. It was a no-confidence motion last week and it was a censure the sitting week before that. Of course, we cannot get through a sitting week any more without at least a censure or a no-confidence motion. I guess the Liberal Party really had to maintain their quota of censures by finding some spurious reason.

But in the context of the comment and the answer that Ms Burch gave and which the Liberal Party complained about, she mentioned that the houses would be handed over in October. She gave a time frame, which actually was open to that interpretation.

Mr Smyth: No, it's not. Have you read the *Hansard*?

MR STANHOPE: Yes. It states:

> The first site in Macquarie, with some 13 homes, is completed and is currently being allocated. Applications for the second site … are currently being assessed. The homes will … be handed over from October …

"The homes will be handed over from October." She says she meant to say that the assessments have been completed. She missed out a word in relation to the Macquarie development which she included in relation to Curtin, and you believe that a missing word—which the minister has been quite prepared today to stand and openly admit should have been included for the sake of completeness but was not included—is worthy of a censure on executive members' day. That is just nonsense.

The challenge for Liberal Party in relation to this is for you to think of the number of times that each of you every sitting day stand and make statements that are not exactly or explicitly true in this same way, with one word missing. One word was missing, the word "assessment", and you believe it is worthy of a censure. I would challenge or invite each of you to reflect on comments which you make every day and then stand there and swear that you have not, even yesterday, made statements in this place in speeches and contributions to debate that were 100 per cent true. Because let me tell you now, you have not.

Mr Coe: If you bring it to our attention and we know about, then we will do it.

MR STANHOPE: So that is the rule? I might just take up and accept that challenge, Mr Coe, in relation to each of you—that you will then willingly subject yourself to an apology or to a censure, and we will decide which. That is a nonsense. That is an absolute nonsense. This matter should never have got to this stage. The minister was quite prepared—

Mrs Dunne: Yes, you're right. She should have fixed the record when it was first brought to her attention.

MR STANHOPE: This morning the minister had typed out a statement subsequent to a letter which she received at 9.45 this morning. She received the letter at quarter to 10 this morning asking that she make a statement this morning. She agreed to do it, and she typed out a statement to that effect. You did not wait, because you were not interested, actually, in her making the statement. You wanted your weekly censure, which you have just moved.

This censure has absolutely no merit. The minister has done the right and appropriate thing. She has stood and clarified her comments. She accepts that they did have the capacity to mislead or to be misunderstood, and she has now clarified that. This is an absurd waste of this chamber's time.

MS BRESNAN (Brindabella) (10.22): The Greens do accept that Ms Burch has come down and made the apology this morning.

Mr Coe: She didn't apologise.

MS BRESNAN: She has come down and corrected the record this morning quite clearly with her statement. I do accept Mr Coe's statement that it should have been done much earlier, and it is something which we had discussed with Mr Seselja's office. I do believe that she should have actually come down and corrected the record much earlier. She has come down and done it this morning, so we will not be supporting the censure at this stage.

I will say that it is unfortunate again with the Liberals that we have had a censure circulated at the last minute. We were given every indication that Ms Burch was going to be provided with the letter yesterday, and obviously that did not happen?

Mr Coe: She was. They were.

MS BRESNAN: Well, that is not the indication that is coming from Ms Burch's office. Again, we are hearing a story from one side and one from the other. It is not helpful at all. We heard Mr Coe come down yesterday and make this statement about what is considered acceptable in the parliament and the view we are giving to the public. I think this incident this morning that we are seeing is a perfect example of why the public is probably losing some faith in the Assembly here in the ACT with this sort of behaviour and the behaviour, frankly, that we saw yesterday from the Liberal Party. I know I am getting off track, but I think it was worth making that statement.

Begrudgingly, Ms Burch has come down and corrected the record. It is something which should have been done sooner. She has come down and done it this morning. She should have been given the time to do that, I do believe. I will make the point that we are seeing the Liberals circulating these censures at the last minute and not actually discussing them fully with other parties in this place which is, I believe, the convention of this place. I continually hear about what are the conventions of this place and the way we should be conducting ourselves, and it does not always seem that that is happening.

We do try to operate in good faith with all parties. This morning is an example where that has not happened. We will not be supporting the censure. We do accept that Ms Burch has come down and corrected the record this morning, and that is where we stand.

MR SMYTH (Brindabella) (10.24): I am not sure Ms Burch has corrected the record. The Chief Minister in his speech said "if it was misconstrued". This was a dixer. This was a set piece of play. Ms Burch knew the question and she knew the answer. Her office had probably written the question and her office had probably written the answer, and they got it wrong. The Chief Minister is right. Most people here will know that Jon and I do not often agree, but the Chief Minister is right. When you are called to account, you have an obligation to correct the facts. When you are

challenged on what you said, the form of Westminster is that the minister comes back and either defends or comes back and corrects and apologises.

Now, Ms Burch was called to account. This is not just since 9.30 or 9.45 this morning; this started on 19 August. This has now been going for a week. In that time, I have not heard Ms Burch come down here and say, "I apologise to the Assembly for inadvertently misleading them or deliberately misleading them or misleading them in any form." You only have to go the ministerial code of conduct to see that the code of conduct is quite clear, and the code of conduct is not being adhered to in this case.

If the Greens do not believe in applying the code of conduct, that is fine—you will be known by the way you behave. I refer to page 2, which refers to conformity to the principles of accountability and financial and collective responsibility:

> Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

Now this question, this dixer, was asked on 19 August. So any time between 19 August and now when that inadvertent—let us call it inadvertent—error was brought to the attention of Ms Burch—it has been now on several occasions in this place, by email and by letter—she had an obligation to come down and correct the record. She should also apologise.

I refer members to Ms Gallagher's response when I challenged her on a fact last year. Ms Gallagher said basically, "You didn't do this." I said, "Yes, we did. Go and check the record." She went away and checked the record, and she came down here at the earliest possible time, which is 10 o'clock in the morning, and she said, "I apologise to the Assembly. Mr Smyth, you got it right; I was wrong." End of matter. Members will remember that I stood and I thanked Ms Gallagher for her graciousness in correcting the record, because that is how it should be.

Now if the answer is you can now scurry into the Assembly, read a few words, not withdraw, not apologise and not correct but that is then accepted as an apology, then, Mr Speaker, the Greens are setting a very low bar against the ministerial and Westminster systems of accountability, because that is what is happening here.

What is in dispute? What is in dispute is:

> The first site in Macquarie, with some 13 homes, is completed and is currently being allocated.

The homes are not completed. Ms Burch went on to say, "And I can give you the calendar with the red squiggle on it which shows when they were done." She was not restrained about this; she was crowing about something on which she was wrong.

She was asked again on the 24th and she was sent an email yesterday. There seems to be some dispute—and the benefit of the doubt has been given—but Ms Burch tells us she saw the letter at quarter to 10 this morning when she got out of caucus. The letter

was sent at 4.30 yesterday afternoon to Ms Burch, hand delivered. Ms Burch needs to go back and ask her office why they were not taking this seriously, because when these matters are sent by a letter, hand delivered, they are considered to be serious matters.

Now if we want to erode how ministers operate and if we want to erode the standard of accountability and ultimately erode Westminster in that regard, that is well and good, but let us tell people that is how it is. Let us tell people that what we say in this place does not matter, because if you have got the numbers you can just wipe that away. It is not how it works. I would expect that, when somebody is challenged, they go away and they check. We would expect that. If appropriate, they should apologise. A number of people on both sides have done that over time, but we are not getting that today.

The excuse, as I heard it, seemed to be, "I was talking about the process of assessment." That is patently untrue. The question from Ms Porter was:

> My question is to the Minister for Ageing. Can the minister inform the Assembly about the progress in the development of the stimulus funded older persons accommodation?

What is the process? Answer the question: where is the process at? "Well, it is completed for the 13 homes in Macquarie," and that is untrue. So when you come down and you obfuscate in this way, you do not bring any of us in this place any credit. You particularly do not bring the standard of ministerial responsibility any credit, and you particularly do not bring the code of conduct for ministers any acknowledgement that it is being taken seriously.

I would ask the Greens to reconsider their position. If you go back over what Ms Burch said this morning, she again attempts to obfuscate. If it was a word in error—the Chief Minister said, "You've missed one word"—a misunderstanding of one word can lead to all sorts of outcomes—for example, a misunderstanding of what "no" means. The Japanese in 1945 used a Japanese word to ask the Americans for more time to consider whether they would surrender. The American interpretation of the word used was "get lost", so they dropped two bombs on Japan. One word can make an awful lot of difference. But regardless of whether it is a large difference or a small difference, it is whether or not you can believe something that a minister says.

It would be a sad day in this place where we had to go and word by word, line by line, paragraph by paragraph, speech by speech, go and check everything a minister says. But, in Ms Burch's case, that may well be where we are heading. Because if you cannot even get this right in your own dixer and if you have not got the courage just to come say, "Okay, fair cop; I got it wrong; I apologise"—as Ms Gallagher did so graciously, which we accepted graciously, because that is how it is meant to be—then what we are doing is eroding the role of politicians in the territory and eroding all politicians in the process.

This is about compliance with the ministerial code of conduct. It is about an issue that has now been going since 19 August. It is about holding ministers to account. It is about how high or how low a bar we are willing to set in regard to adherence to Westminster and adherence to the ministerial code of conduct. It is about how we see

ourselves in this place. It is not right to say today that some bumbled words beyond the deadline are an apology. I did not hear the word "apology". I did not hear the words, "I withdraw what I said." I did not hear, "Mr Coe, I have checked and, yes, you are correct. I apologise."

Perhaps there is a secret language that I have not been made privy to where you can say things that people think they hear and, therefore, it is all okay. That is not on. It does not work that way; it has never worked that way; it should never work that way. Go back to what Ms Gallagher said. She thought she was right. She stood up to me and said, "No, you're wrong. You didn't do it." I said, "Well, you go and check." She checked, and she came down and she withdrew and she apologised. That is how it should be, and that is why this censure should be supported by the Assembly today.

I would ask the Greens to reconsider their position, because the bar that you have just lowered and the standard that you have just set means that there is no accountability here whatsoever.

Ms Bresnan: You're lowering the bar every day.

MR SMYTH: Ms Bresnan says we lower the bar every day. Then bring the censure against me when I lower the bar. That is your right—

Ms Bresnan: Your behaviour is appalling.

MR SMYTH: Then censure me for my behaviour if you think my behaviour is inappropriate. You have that right. That is the form of this place. But you do not, because you know it is not right and you know that it is not true.

In this case, it is so clear that the minister fumbled her dixer, fumbled her correction and fumbled her apology today. This is not something that has happened since quarter to 10; this is something that has now been going for a week. The minister should just simply stand and say, "I withdraw and I apologise." The Assembly should pass this motion because this motion is worthy of support.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.34): Ms Burch has said sorry for the error that she has made, and that is the expectation and the obligation on her part.

Mrs Dunne: She did not.

Mr Hanson: She did not, Simon. That is the point.

Mr Coe: That is a lie, Simon.

Mrs Dunne: That is the point.

MR SPEAKER: Order! Let us hear from Mr Corbell.

MR CORBELL: As the Chief Minister has indicated, the minister has come down to this place, accepted that an error has been made and corrected the record. That is her obligation under the code of conduct. It does not say that you have got to grovel to the Liberal Party. It does not say that you have got to use a certain word to make it satisfactory on the part of the Liberal Party. The obligation on the part of the minister is to correct the record, and that is what the minister has done. Anything other than that is simply absolute nonsense being spouted by those opposite.

This censure motion has no basis. The minister has recognised that an error was made in her comments, and she has corrected the record. That is her obligation from the code of conduct. The censure motion has no standing. It is simply a political attack, one done without any due regard to the conventions of this place. It has absolutely no credibility, and the minister has done what she was required to do.

MR SESELJA (Molonglo—Leader of the Opposition) (10.35): I want to briefly touch on a couple of the issues that have been raised because there is some spin going on in the positions of both the minister and the Greens on this. I would like to address both.

From what we heard from the Greens, I think they acknowledge that the minister misled. The minister, in her own special way, eventually acknowledged, in one form or another, that she misled. She has not been particularly gracious about that in the way that she has acknowledged that, but I want to go to why we have got to this point.

It should be the position of ministers that they want to correct the record if they get it wrong. There is a positive obligation. If you mislead and it is brought to your attention, then, if you take integrity seriously, if you take honesty in this place seriously, you want to correct the record as soon as possible. Most members at some point would have made inadvertent errors, and most of us will come in and correct.

What happened here though was that we had a clear case of misleading. It was not just once; it was not accidental. It is very difficult to make that case when you are answering a dorothy dixer. When you are answering a dorothy dixer, you repeat it. You arrogantly attack your opponent about it. That does not look accidental to me. So I think we can all agree that the minister acted inappropriately on 19 August in giving misleading information to the Assembly. It appears that we agree on that point.

Mr Coe then followed a process. Mr Coe did not get up on 20 August without notice and move to censure the minister. Mr Coe went through a process. He communicated with the minister's office and said, "I think you are wrong." Then he got an answer that confirmed the minister was wrong. Then he came into this place two days ago and asked for a correction. I am not sure what better process you could use or how much more warning you could be given when you get it wrong.

The right thing for the minister to have done on Tuesday would have been to have said, "I was wrong. I apologise. I withdraw." And we would have moved on. That would have been the end of it. We have been forced to move a motion because the minister refused.

There are only two ways to do it. There is the easy way, as Ms Gallagher showed, as Mr Smyth has pointed out. She came back; she corrected; she apologised. Mr Smyth did not move a censure. There was no need to, because she corrected. Ms Burch had days, and now she is saying, "Well, I only knew about this at quarter to 10." Well, no. She knew about it—everyone knew about it—at least two days ago in this place. She probably knew about it before then. If Mr Coe had done nothing, once this was brought to her attention she should have come here and corrected.

The Greens again hide behind process when the process has been followed to a T. Mr Coe was not going to circulate a censure motion when he was waiting for Ms Burch to come down at 10 o'clock and correct the record.

Mr Smyth: He hadn't even written it.

Ms Bresnan: He did not let her come down and correct it.

MR SESELJA: He did not let her come down?

Ms Bresnan: That is what you just said.

MR SESELJA: We have the—

Mr Coe: We were stopping her in the stairwell!

Ms Bresnan: That is what you just said.

MR SESELJA: We have the interjection from the Greens again. Two days ago it was on the record in this place. Did everyone miss it? If it is in the Assembly, did it happen? Is that the position of the Greens and the Labor Party—that they missed it?

Mr Hargreaves: I missed it.

Mr Smyth: No; actually, John, you did not. You said—

MR SESELJA: They missed it.

Mr Hargreaves: I missed what he was doing.

MR SESELJA: They missed it, Mr Speaker. You cannot say that you did not get notice when you were told days ago and when the whole Assembly had it brought to their attention two days ago. At 4.30 yesterday afternoon, Ms Burch was again asked to come down and correct the record. Mr Coe has been through the right process repeatedly.

It is unfortunate that the Labor Party do not see it as being important enough to actually go out of their way and correct the record. We know that some ministers do from time to time, but this minister has shown that she will not unless she is forced to. Ms Bresnan acknowledged that in her speech—that she has been forced to. But given that Mr Coe has followed what can only be described as an exhaustive process to try

and get a correction, I put it again to the Greens: why don't they care when ministers mislead? Why is it only the Liberal Party that cares? Why don't they write to ministers and get them to correct the record? Why don't they bring a censure motion when they are misled? Do the Greens not care about telling the truth in this place?

It appears that we go through this process where the Greens eventually acknowledge that we are right, as they have today—acknowledge that the minister has misled, acknowledge that the minister has had lots of opportunity—and then come up with an excuse as to why they cannot support it. Why aren't you looking for some integrity in this place? Why aren't you looking for some honesty? Why aren't you coming to us and saying, "Ms Burch has misled; we are going to write to her and ask her to fix it"? Instead, you try and manufacture a reason not to support it.

The facts speak for themselves. The facts are that the minister misled—not just once, but on a number of occasions—and she perpetuated that in the way that she responded. She was then given the opportunity outside the chamber. She was then asked to correct, two days ago, in the chamber. And then there were further discussions asking her to come and correct. If that is not an exhaustive process to give a minister the opportunity to withdraw, then I have not seen one. The Greens' defence is that there was not a proper process. You could not go through a more exhaustive process. What do you need—a month's notice? There have been days and days and days—not five minutes, not an hour, not a day, but days and days of notice. She should have come and corrected the record.

We believe that the high standards should be kept. If ministers get it wrong and they correct it, we move on. If they refuse to correct, we need to hold them to account. That is what this motion is about, and that is why it should be supported.

MR HARGREAVES (Brindabella) (10.42): I will not be very long. I will not take my full quota of 10 minutes. I need to put a couple of things on the table, though. Mr Seselja talks about fact. It is a fact this is just a filibustering waste of time. This is all about not getting to the Liquor Bill because they do not particularly want to. So let us call a spade a spade. Guys over there, you can put make-up on a pig but it is still a pig. That is what you are trying to do. You are trying to waste time so that we do not get to an item on the notice paper. So let us all accept that and then move on.

The second fact is that those opposite put a proposition to Ms Burch that they have a particular perspective on something she had said. Was she expected to believe them? Come on, get real! Would I believe it? No, I would not. Would I go and check it? Yes, I would. Perhaps her notion of what she said was correct.

We are talking about a very short space of time. What happens? Did Ms Burch get an opportunity to stand up here at start of business and say something? No. Speedy Gonzales over here goes, boing, gets straight up, like he was one of those little Acme toys you get on a cartoon program. But no! Does he give her time to correct the record?

Mrs Dunne: She was not here.

MR HARGREAVES: She was not here. What a feeble excuse from someone who should know better. You should know better, Mrs Dunne. You have been here long enough. Mrs Dunne has been here long enough to know that that is frivolous and stupid. That is just stupid in the nth.

The other question is, and let us get a little real about this: what is it that she has actually done, which crime that requires somebody to be censured? I refer members to the *Hansard* of a set of criteria that Ms Hunter put down in this place about what would constitute reasons to consider supporting a censure or a no-confidence motion. And it talks about misuse of funds, wilful misleading and all those sorts of really deep and difficult things. And you are talking about—

Mr Hanson: Those are for no confidence, not a censure.

MR HARGREAVES: Mr Hanson, that screaming pedant, splits the criteria between no confidence and censure.

Mr Hanson: They are quite different.

MR HARGREAVES: The criteria are the same. And you people over there would not know this, except for Mr Smyth—and I do apologise for putting him in the same group this time—because you have never been on this side of the chamber. You do not know the pressures. You do not know exactly what goes on.

This minister wanted to inform the Assembly about positive developments in older persons' accommodation. What actually happened? These guys look at it and they comb over every single word she said to try to find something which is going to give them justification for this censure motion. You people over there, by this quality censure motion, have devalued the whole notion of a censure in this place. If anyone in this place deserves a censure motion, it is Mr Hanson over here for his behaviour yesterday and his continual misrepresentation—

Mr Seselja: On a point of order, Mr Speaker, if he is going to make allegations against Mr Hanson he is free to move a motion. But the motion is not about that. This motion is about a censure of Ms Burch.

MR HARGREAVES: Hold your horses. I will give you a bit more notice than you gave Ms Burch.

Mr Hanson: Bring it on, John.

MR HARGREAVES: Hang on to your hat and your cape, Superman, because you are going to need them.

MR SPEAKER: Mr Hargreaves, just come to the censure motion.

MR HARGREAVES: Yes. I am talking about the possibility of one against him. You have got to talk about the quality of misbehaviour. And, quite frankly, this minister is not in any way guilty of any misbehaviour at all. She has come down here,

corrected the record. If you do not think that that record has been corrected to your satisfaction, fine. But she has done it. She has complied. She gets a letter first thing this morning and then walks into the place. Right? She is not here right on the dot of 10 o'clock. So what?

Mr Smyth: As early as possible.

MR HARGREAVES: Early as possible, okay. Beware the standards that you apply because one of these days you are going to have them applied to you. Ms Burch has done nothing to offend the ministerial code of conduct. She has done everything that has been asked of her. And all you guys are doing is trying to avoid getting to the Liquor Act later today.

MR COE (Ginninderra) (10.47), in reply: The minister has had plenty of opportunities to correct the record. It is interesting that Mr Hargreaves should claim we are trying to filibuster when he goes on and gives a speech for five minutes about nothing. Yet he says, "What the opposition, what the Liberals, do is go trawling through *Hansard*, trying to find errors." It is interesting he should say that because in a supplementary question I actually asked the minister to clarify her answer. I am no stenographer. I was not there frantically typing it out and then reviewing my own notes. I asked Ms Burch a question, as a supplementary, to clarify what she had just said:

> Minister, you referred to a couple of developments that have been finished. On what date were they handed over from the developer to Housing ACT and when will the tenants move in?

There it is. It is pretty straightforward. That was no more than six minutes later. She replied:

> The completed homes I refer to were in Macquarie and Curtin. The applications are … being assessed and letters will go out to those who are deemed suitable and acceptable. They have been given an offer. We have to wait for them to come back and say whether they accept that offer. They could change their mind. We will work with those between when they receive the letters and through to the middle of next year.
>
> I can get back to you on the exact date on the calendar with a red circle around the handover …

That is not a word. That is not a lone word. That is a sentence. It is a sentence in addition to the error she made earlier in her answer:

> I can get back to you on the exact date in the calendar with a red circle around the handover …

With the marvels of modern technology, when I was in the chamber I sent an email about five minutes later, at most, after that question and she gave me that answer, asking her to please clarify her answer. Again, I have not gone through the *Hansard*. I have not trawled through it, as Mr Hargreaves has suggested. I had asked a supplementary question on the back of her inaccuracy. I then sent an email saying,

"Please clarify." There has been plenty of notice. This was last Thursday. Today is Thursday. Then I got a letter on the 24th:

> I would like to confirm that the homes in Macquarie and Curtin will be tenanted from October this year.
>
> It is envisaged that construction will be completed by the end of September …

She knew about this when I asked a supplementary question. She knew about it when I sent the email. And then she confirmed that knowledge when she sent me a letter on Tuesday. She had 48 hours or thereabouts to correct the record. All she had to do was come down—and she has been in the chamber for many hours, I might add, in the last couple of days—seek leave and say, "In response to a question that I was asked by Ms Porter on Thursday, I said that homes were already completed. In actual fact, they are going to be completed in September." That is all she had to do. The record would be corrected and all would be well.

Instead, the culture of arrogance and her desperation to come across as a confident minister have led to the Assembly being misled. That is what it comes down to, Ms Burch's desperation to come across as a leader and a confident minister. She tries to demonstrate confidence, to get away from the fact that she is not doing a good job in her ministry. As I said earlier, she got the job by a process of elimination, not because she is a good minister. It is very disappointing that the evidence we have seen since she became a minister has confirmed what we thought beforehand. It is extremely disappointing.

It is of course extremely disappointing that the Greens, who seemed to acknowledge that she misled, are trying to hide behind some technicality that apparently she received it at only a quarter to 10. I asked a supplementary question last Thursday. I sent her the email last Thursday. She sent me a letter on Tuesday. I sent her a letter yesterday afternoon, which was hand-delivered by my office. She has had plenty of time. And even if she did not know about this until quarter to 10, why did she not drop down? She already had the prepared statement which she sent me earlier in the week.

It could not have been any easier, this whole process. We have done the right thing. We have gone through every hoop we needed to, yet Ms Burch tried to hedge her bets by saying she had a prepared statement, hoping we would not move a censure motion. That is what it comes down to. She was sitting up in her office. She had some words if push came to shove, but she just thought, "I will ride this out. I will ride it out. I will try my luck."

The bluff has been called and it is very disappointing. The bluff has been called on this incident and, indeed, on her ministry. It is extremely disappointing, and I urge all those present to vote in favour of the censure.

Question put:

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

The Assembly voted—

Ayes 6		Noes 10	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Unparliamentary language
Ruling by Speaker

MR SPEAKER: Members, before we return to business, yesterday I was asked for a ruling on certain words used by Mr Stanhope referring to Mr Hanson in the course of the debate on the motion regarding Calvary hospital. I have reviewed the *Hansard* overnight. The relevant comment from Mr Stanhope was:

> I am talking about … his commitment to antidiscrimination against gays and lesbians, his commitment to human rights and his commitment to women, all commitments that he has breached over the last two years … He has been homophobic, he has been sexist and he has no commitment to human rights.

I would like to take this opportunity to draw a distinction between what I believe is robust political debate and criticism and unparliamentary and offensive conduct in the chamber. In doing so, I would like to quote an observation made in the Senate by Deputy President Wood. This is a quote, so forgive the gender, the non-neutral terms:

> When a man is in political life it is not offensive that things are said about him politically. Offensive means offensive in some personal way. The same view applies to the meaning of 'improper motives' and 'personal reflections' as used in the standing orders. Here again, when a man is in public life, and a member of this Parliament, he takes upon himself the risk of being criticised in a political way.

That quoted, however, in the current context, I believe that the use of the words "homophobic" and "sexist" is unparliamentary. Whilst members are free to criticise other members, policy positions or inconsistencies between their stated position and their behaviour, the simple use of such words in the context of name-calling is not fitting of the behaviour we should accept in this chamber.

On that note, I am concerned by the increasing level of personal attack in this chamber, something I believe has intensified in recent weeks. I consider personal attacks to be unparliamentary and unacceptable. As I have already noted, members should seek to draw a line between political debate and personal attack. I will increasingly turn to the use of standing order 202 to address this sort of behaviour in the chamber.

Mr Stanhope, I invite you to withdraw the unparliamentary words you used last night.

Mr Stanhope: I thank you, Mr Speaker. I thank you for your explanation. I withdraw.

Planning, Public Works and Territory and Municipal Services—Standing Committee
Report 7

MS PORTER (Ginninderra) (10.58): I present the following report:

> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 7—*Inquiry into Live Community Events*—Final report, dated 20 August 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Looking at the issues surrounding the colocation of residential developments and live event venues, the committee's final report makes a number of recommendations building on those already outlined in the committee's interim report, which I tabled in December 2009. The committee primarily focused on the need for relevant legislation to reflect the ACT government's commitment to live community events, including planning, licensing and noise regulations.

The committee was pleased to receive such a strong response from interested parties. Seventy-three submissions were received in all. The committee extends its thanks to all those who made comment and to all those who appeared before it to give evidence.

The committee was pleased to be able to benefit from a visit with the Brisbane City Council and meeting with members of the Valley Chamber of Commerce in Queensland. The committee heard about the development and implementation of the Fortitude Valley music harmony plan and the valley's special entertainment precinct, and it undertook a tour of several live music venues and other venues in Fortitude Valley in Brisbane. It also had the opportunity to visit a number of live music venues in the ACT.

The committee would like to thank all those in Queensland and the ACT who facilitated those valuable meetings and those visits to live music venues. Their names appear, for members' information, on pages 3 and 4 of the report. They are as follows. From Queensland I mention Ms Carol Gordon, President of the Valley Chamber of Commerce; Mr Les Pullos, Director of the Pullos Group, owner of Ric's Cafe and past chair of the Valley Liquor Accord; Mr Frank Henry, Principal Policy Officer, Pollution Prevention (Environment Policy), Brisbane City Council; and Mr John Beirne, Program Officer, Alcohol Management Community Safety, Brisbane City Council.

Here in Canberra, from the Australian Hotels Association ACT Branch, there were General Manager, Mr Steven Fanner, and Membership Officer, Mr Gwyn Rees. I also mention the following people from the venues: Julie Stelzer of the George Harcourt Inn in Gold Creek; Patrick Collins of the Lighthouse bar in Belconnen; Frank Condi of Sub-Urban in Dickson; and Marc Grainger of the Transit Bar in Civic.

The committee heard from a wide range of people and organisations—those who are in support of live music venues and the opportunity they can afford and those who believe that their current arrangements are impacted by the proximity of such venues. It also heard evidence about the long-term effect of noise exposure on one's hearing.

The committee noted the Cultural Ministers Council guide. One of the actions suggested in the guide is that state and local governments consider "publishing a dedicated live music and entertainment noise guide to encourage best practice in live music venues". The guide also suggests:

> Liquor legislation should acknowledge that the live music sector may be associated with the provision of alcohol. It should also help to ensure that the live music and entertainment industry are considered in licensing matters.

The committee also found that it appears that the community is somewhat unaware of the appropriate authority with which to lodge different types of noise complaints and how best to lodge a complaint.

The committee recommendations included monitoring current noise levels in the city and town centres and amending noise standards to reflect the ambient and background noise levels, as well as managing peak and intermittent noise; greater consideration for, and increasing industry awareness of, the occupational health and safety risks for noise exposure; possible establishment of entertainment precincts; enhancement of noise attenuation, or sound insulation, requirements for new developments; possible assistance for existing businesses to improve noise attenuation; possible inclusion of order of occupancy principles in the objects or aims of the liquor law and ensuring that any proposed amendments to that act would not impose unreasonable barriers to the presentation of live music events; consideration of authorisation for one-off or annual events; access for performers to appropriate government-owned and community facilities and affordable insurance arrangements; and late night transport considerations.

The committee would like to highlight that this final report should be read in conjunction with the interim report. In closing, I would like to thank my fellow committee members, Ms Le Couteur and Mr Coe; the committee secretary, Mrs Kosseck; and the staff of the committee office, particularly Ms Chung, who assisted the committee during the course of this inquiry. I commend the report to the Assembly.

MS LE COUTEUR (Molonglo) (11.03): I am very pleased that the committee is today tabling its report into the inquiry into live events. I would like to echo Ms Porter's words in terms of thanking the secretariat, Mrs Kosseck and Ms Lydia Chung, for their support during this inquiry and thanking my fellow

committee members, Ms Porter and Mr Coe. I am very happy to say that this report originated in a motion that I introduced in the Assembly way back in February 2009. A year and a half later, we have what I think is a very good report.

I note that the committee did table an interim report in December last year, and this report builds well on that. The only regret I have about this whole report is that we have two reports. I think that we are running a bit of a risk that the recommendations and the discussion in the first report will be forgotten, because people will go to the final report and we did not repeat the recommendations in the final report—although I understand that the final PDF on the website will include both reports. That would be my only regret about the whole report.

This is something where we can say that this Assembly has worked well in a collegiate fashion. Obviously all three parties were represented on the committee, and both the interim report and the final report were reports of the whole committee. We do not have dissenting reports.

I would also say that it has turned out to be a very good process. From a public point of view, it did take a while to get going. I remember thinking for many months that we needed submissions. But we ended up with 73 submissions, and they have been great. They have been on a wide variety of subjects. The inquiry has been one of the best supported by the public. We even ended up with a Facebook page largely devoted to it, which I think is a really positive outcome.

It has also been a positive outcome for me and, I think, my fellow committee members in terms of learning about the live music industry, both in the ACT and in Fortitude Valley. Ms Porter mentioned that we did a field trip to Fortitude Valley, which was a very interesting and enjoyable event for us.

Before I move on to talking about some of the points raised by the committee and the report, I would like to point out a fact which we sometimes overlook in these sorts of reports. There is already a live music industry. Live events are happening in the ACT, quite successfully in many cases. There are problems, and of course the committee's report tends to dwell on the problems, but we must not lose sight of the fact there are some great things happening in the ACT.

The first recommendation of the committee is that the government should be reflecting upon the importance of live events in Canberra in the objectives of the relevant legislation—this would include planning, licensing and noise regulations—to ensure that it is a factor which is given appropriate consideration in relevant decisions. This is a key recommendation, because putting this statement into legislation makes it a real commitment and gives it teeth. This is the sort of thing that will move us past just rhetoric—saying that of course we all support live events—and actually give us teeth. It will make sure that the rules really support the continuation of live events.

A first suggestion for the drafting of this would be "music venues, live performances and arts and cultural facilities make an important contribution to Canberra's character, vitality, cultural life and activity centres". This is the sort of sentiment that has come through very strongly to the committee over the days of public hearings and through the 73 submissions we received.

One of the other strong things that came through the submissions, and it is unfortunately a sadder theme, is the concern of many residents and artists that Canberra's music and arts scene is struggling and, to some extent, evaporating. With that, we are losing something that is very important to the city and its vibrancy and vitality. I pointed this out in my original motion last year, the motion which established the inquiry. Live music and events are part of Canberra's soul, and we need to hang on to that. There are many ways outlined in this report and the original interim report which will help Canberra to do just that.

This leads me to another point I want to emphasise. While the report clearly acknowledges the complexity of the issues that impact on live events, such as noise, planning, licensing, changing leisure patterns, transport and different community expectations, it also makes clear the fact that there are many more things the ACT government can do and needs to do to support live music. The reality is that there is a large degree of onus on the government to help create, support and promote opportunities for live events in Canberra.

One of the key recommendations in the "Other issues" section of the report, at page 59, is:

> … the ACT Government could take a variety of measures to support live events venues to stay open in Canberra, and for new venues to open …

It talks about facilitating partnerships between live entertainment operators and private leaseholders, as well as between live acts and the government, to help find venues for artists without prohibitive costs and where there is viable public transport. This may include opening up some non-traditional venues, such as public spaces or school halls. It is clear from my observations as a member of the committee and also as an MLA and a Canberran who is interested in the arts, that we are lacking in space and venues in Canberra. The controversy over McGregor Hall has made this a very visible issue recently.

In acknowledgement of this, the report recommends that the government should develop a policy focused on maintaining government properties that are suitable for live events and community events, as well as considering opportunities for building or converting government property into suitable venues for live events. I hope the government does pick up on this.

I know that the government, and Mr Stanhope in particular, in terms of answering my questions, have said that there are already enough spaces for groups like the Canberra Musicians Club or the Canberra orchestra to perform in. But the reality is that these spaces are not suitable for their needs. What seems to be the situation in Canberra is that we have good infrastructure for high-end events. We have got the Canberra Theatre; we have got various other facilities managed by the cultural facilities corporation. But we are lacking community-level events.

When people graduate from the school of arts and they are good musicians but they are not the sort of musicians who can fill the Canberra Theatre, where do they go to perform? What if they need venues bigger than their own living room or their own

garage? Where are the venues at the intermediate level before we get to the good, big, high-end events? That is the area where we have most problems.

On that note, I would like to say that one of the recommendations I am very pleased that the committee has supported is the recommendation that the government explore ways it can facilitate adapting some of Canberra's empty office spaces in the city for short or longer-term event venues. Newcastle in New South Wales provides an excellent example of how to do this through its support for the Renew Newcastle organisation.

Renew Newcastle is a not-for-profit that is supported by the government. It finds short and medium-term uses for buildings in the Newcastle CBD which are currently vacant, disused or awaiting redevelopment. It finds artists, cultural projects and community groups to use and maintain these buildings until they become commercially viable or are redeveloped. It has been a brilliant project for Newcastle in many ways, and Canberra could benefit from this sort of thing. You just need to walk through the Canberra CBD to know that Canberra could benefit from this sort of thing—or, even more, go to Tuggeranong town centre. Canberra could benefit from this sort of thing.

The report tackled one of the most thorny challenges facing live music and events—noise and order of occupancy. I agree with the recommendations of the committee that order of occupancy needs to be made a consideration in assessing noise or disturbance complaints. I believe that the Liquor Act should specifically note in its objects the importance to Canberra of live music and entertainment.

Beyond this, as the committee points out, it would be good to see the government exploring how it can assist with mediation between venues and complainants and where it can create noise agreements similar to environmental protection agreements which are already available under the Environment Protection Act. Going further, it may be possible for the government to allow agreements to operate as a kind of property covenant that is passed on when a property changes hands.

I would also like to draw the Assembly's attention to the recommendations from the committee about ACT planning legislation. Although the planning committee currently gives some consideration to noise when it specifies building and planning requirements, there is more it can do to respond more appropriately to the specific issues that can arise between live entertainment venues and nearby residents.

There are also recommendations in the report about specifically planning for live music precincts. This early planning can, of course, avoid many of the problems that are arising because of the colocation of residents and event venues. Live music precinct planning can involve the territory plan, setting specific noise buffers and other built-in requirements to balance the amenity in the area and ensure that live events are supported in the precinct.

This is going to become more and more of an issue as we become a denser town. Noise will become more of an issue. We are encouraging people to live in the city, and we are encouraging live events in the city. Both of these things are good, but if we are going to have more of these things co-existing, and living together, we need to ensure that our planning is right, that noise attenuation is built into buildings. We will

also, I believe, need to ensure that we evolve our expectations over time as to what is an acceptable level of noise. I note that we had complaints not just about live events but about garbage being collected and about the patrons of live events. This is an area that we as a community need to do more work on.

On that note, let me say that I would be interested in the new eastern broadacre study looking to see if there was any space there which could be used as a live music precinct. It could be an interesting idea—not so much to get it out of the way, but to give it a space where there will not be the restrictions there are in other places in Canberra. Manchester in the UK provides an interesting precedent of somewhere where live music precincts have evolved in industrial areas and into a lively music scene. But a key to this would be good public transport, which could be the undoing of any use of the eastern broadacre.

On the issue of transport, I would draw the Assembly's attention to page 60 of the report and the section on transport. Transport is, of course, a critical part of protecting Canberra's live events scene, especially as a lot of it happens at night, and also as a lot of it happens in conjunction with alcohol consumption.

Recommendation 25 of the committee recommends that the ACT government investigate the viability of extending ACTION's Nightrider service all year round on Friday and Saturday nights. We know that this is needed. I am very glad that it was a tripartisan agreement. We all know that it is needed. Mr Rattenbury has been talking about the need for this service specifically this week in the context of the Liquor Bill, which I understand is coming back before the Assembly later today.

I believe that late night public transport is critical to support live music and events, to ensure the safety of patrons and to ensure that the whole licensed venue industry continues. The committee was able to cite the experience of Fortitude Valley, where transport was an extremely important factor in making live entertainment work—in contrast to Canberra, where, to quote the AHA, "Canberra's public transport system is almost non-existent, particularly late at night."

The last point I will make concerns the recommendation around the liquor licensing regime. The committee specifically points out the importance of fees needing to remain affordable and the fact that liquor licensing recommendations should not consider live music to be an additional risk factor. This recently caused a calamity in Melbourne when it did this, and it ended up with a sharp increase in fees for live music venues.

In my very brief conclusion, I would like to point out that this work needs to continue. I understand that there is an IDC and a live music forum. This is an area of our communal work life which is very important. It needs to be fostered. It is a significant part of actually making a community in Canberra or any other city—having live events which we all share in, which we all participate in. It is important that there is support for a wide diversity of live events. It is one of the things that make a city great. It is one of the things that make a city fun and lively to live in. I commend the report to the Assembly. *(Time expired.)*

MR COE (Ginninderra) (11.18): Before I get into the content of the report, I would like to thank you, Madam Deputy Speaker, for chairing this committee and also Caroline Le Couteur, for serving as deputy chair. It was a pleasure to undertake this inquiry. I think it is a topic that is of particular interest to the three of us and, indeed, to many others in this place and many Canberrans.

I think it is important, when we look into issues like this, that we do not necessarily work on the basis that it is up to government to solve these problems. I think it is important that we actually acknowledge that sometimes the government can be the problem and can be the restricting force and that, if there was not so much by way of regulations and legislation and other rules, perhaps we would all be better off. I think that could be the case when it comes to live events and music in the city and elsewhere. I think sometimes we run the risk of over-legislating and over-regulating and, in turn, stifling what would otherwise be a lively sector.

Speaking to what Ms Le Couteur said earlier about how she brought on this inquiry through her motion—and I supported that motion, and I thank her for doing so—prior to that, back in January last year, I put out a press release and spoke to WIN news, I believe, about prior occupancy laws and the impact that not having prior occupancy laws in the ACT is having on some businesses. That was particularly in respect of the Lighthouse bar in Belconnen, which is going to have a development go up next door to it, with apartments. There is some concern about how the Liquor Act and how the EPA will enforce the rules with regard to noise that emanates from the Lighthouse and also from patrons when they are going to and from the Lighthouse and how that will actually affect the operation of that good business.

I think prior occupancy laws in that particular instance might be handy. In that particular instance, what prior occupancy laws, I think, would suggest is that, because the Lighthouse bar has been there for a considerable amount of time in one form or another, anybody that moves into a premises next door to the bar—where the Pizza Hut currently is—might have to expect and tolerate reasonable noise emanating from that establishment and also from patrons going to and from it.

It still has to be reasonable, but I think there is some merit in that sort of legislation. I am not by any means committing the opposition to any such policy position, but it is certainly worth investigating. Indeed, that is what this committee did recommend in recommendation 21, which says:

> The Committee recommends that order of occupancy principles be reflected in the objects or aims of the Liquor Act 1975.

There may well be scope to go beyond the Liquor Act and to look at other parts of legislation or other bits and pieces of legislation, but in particular the Liquor Act would be the first port of call, I would think, to actually get those principles reflected.

I am glad that recommendation 1 is an overarching one that really does set the tone for the whole report. It is:

> The Committee recommends that the ACT Government should reflect on its commitment to live events in the objectives of the relevant legislation, including planning, licensing and noise regulations.

I think it is important that we work on the basis that we do actually support live events here in Canberra, that we do actually support the music industry, that we do actually support the entertainment industry and all the other things that make Canberra such a great place to live in.

With regard to festivals and large events, I think it is great that we do have these. We have got quite an eclectic mix in Canberra, and I think Canberra does extremely well when it comes to these prominent national events that we host here in the capital. Whether it be events like Summernats or Stonefest or the Folk Festival, Foreshore, Corinbank or others, we have a pretty proud record when it comes to hosting good events here in the territory. I hope this government and all future governments do actually harness this.

I am by no means saying we should be neglecting the concerns of residents or other stakeholders, but I am sure there is a happy balance, a happy medium, that we can get to with regard to fostering these kinds of events in Canberra, whilst keeping residents and others happy as well.

I will speak to just a few more recommendations, as the report is, of course, comprehensive. To that end, I thank Nicola Kosseck for the work she did. I think it is a superb report and does actually include some rather complex subject matter, especially with regard to some of the music measurements and the like. I think she has done extremely well in compiling this report.

Recommendation 6 states:

> The Committee recommends that the dB(A) noise standards be amended to more realistically reflect the ambient and background noise levels in the City and Town Centres as indicated by the monitoring process recommended above.

I think that is extremely important. At the moment, I do not think the current noise standards necessarily capture the true noise which does emanate from the city centres, and I think it is important that all Canberrans do actually come to the realisation that, when you move into the city and when you move into a town centre, it is not like living in a suburb. You are not going to have the exact same amenity that you have in the suburbs.

It is a different amenity. It may be a better amenity or it may be a worse amenity, but the fact is it is different, and I think it is important that Canberrans do come to terms with that. Living in apartments and living in units is a relatively new thing here in Canberra and, indeed, across Australia. To that end, I think it may well still be a little while away yet where we actually do have generations of people that do have expectations of what living in a modern city or a modern town centre is all about.

That said, I by no means discount the very legitimate and genuine concerns of some people that raised their issues with us in the inquiry, and I hope that the EPA and other government agencies do take on all those concerns and do assess them on face value and do assess them with due diligence.

Recommendation 14 states:

> The Committee recommends that the ACT Government investigate the possibility of establishing entertainment precincts that align with the Territory Plan zoning, taking into considerations the risks and limitations identified by the Committee.

I think entertainment precincts are a very interesting concept and one that we had the benefit of being able to explore in a bit more depth when we went to Brisbane and had a briefing by the Brisbane City Council. I think the work that they have done at Fortitude Valley is one that we can learn many lessons from. I know I personally did learn many lessons from it, and I believe the Assembly can also take on the lessons that we learnt through this report.

Not quite finally, there is recommendation 25:

> The Committee recommends that the ACT Government investigate the viability of extending the ACTION Nightrider service year-round on Friday and Saturday nights.

This is something that the Liberals have been calling for for some time. We believe the Nightrider bus service is one that has many positive spin-offs. There are some challenges with it as well, but we do not believe those challenges are insurmountable, and we are glad that the committee has made recommendation No 25.

I will leave it there, other than to thank all of the witnesses that came before the committee. In particular, I would like to thank the George Harcourt Inn, Sub-Urban, the Transit Bar and also the Lighthouse for facilitating our site visit. I know that the George Harcourt Inn has a unique set of problems because it is a well-established nightspot which is very close to houses. Order of occupancy principles there may well have some impact on how they do operate there. But it is worth noting that order of occupancy alone may not be the answer. It may well be a conjunction of precincts as well as order of occupancy that somehow could form a better operational environment for residents and also for businesses, so everybody knows what their rights are and what their expectations are before they actually buy into a residence or into a venture.

In conclusion, I thank the committee once again, and I look forward to the next inquiry.

Question resolved in the affirmative.

Road Transport (General) Amendment Bill 2010

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.29): I move:

> That this bill be agreed to in principle.

This bill clarifies provisions in the Road Transport (General) Act for giving notice to people who have not paid certain infringement notice penalties or court fines that their driver licence, vehicle registration or right to drive will be suspended, if payment is not forthcoming. Licence and registration sanctions are an extremely effective tool for enforcing payment of infringement notices, penalties and fines, and they are used in all Australian jurisdictions. These sanctions have worked successfully in the ACT since they were first produced in the late 1990s, with the ACT having one of the best payment rates for vehicle-related infringement notice penalties in Australasia.

Recent experience in prosecuting drive-while-disqualified offences has highlighted certain technical issues with the existing legislation, particularly in relation to when a suspension takes effect and the contents of suspension notices. In particular, one aspect of the decision by the Chief Magistrate in Davies v Jilbert, that a suspension takes effect when a notice is served on the person, creates significant practical difficulties for the Road Transport Authority.

While the authority has already addressed the particular ground of the court's decision that led to the failure of the prosecution case against the defendant, through administrative changes to the contents of suspension notices, the finding by the court that a suspension does not take effect until the notice is served has serious practical implications for effective maintenance of the driver licence register and the vehicle registration registers. To put it simply, the Road Transport Authority simply does not have the resources to manually track and record the date of service of the many thousands of suspension notices sent to clients under section 44 or section 85 of the act every year.

To overcome the problem, the bill amends sections 44 and 84, to make it clear that a suspension takes effect by operation of law on the date specified in the suspension notice, if payment is not received by that date. That date cannot be earlier than 10 days after the notice is sent to the person.

This means the person will be notified of the suspension date beforehand and given a further opportunity to avoid the sanction by paying the outstanding amount. The person will be sent a confirmation notice after the suspension occurs, confirming the type of action that has been taken and the date of effect.

The reason for sending a notice to confirm the type of action is that there will be a period of at least 10 days between sending of the suspension notice and the date of effect of the suspension, during which time the rights held by the person may change. For example, the person may cease to hold an ACT driver licence, because he or she moves interstate or is disqualified from driving by a court, or a relevant vehicle may be sold or written off.

As the Road Transport Authority must apply the sanction on the basis of the rights held by the person on the suspension date, not the date that the suspension notice is prepared, the Road Transport Authority cannot know at the time of postage which right will be ultimately affected by the suspension. It is therefore not possible for the suspension notice to specify the particular form of suspension action that will be taken, although in practice the most commonly applied sanction is the suspension of a person's ACT driver licence. For interstate clients, the applicable sanction is usually the suspension of the person's right to drive in the ACT.

The confirmation notice will ensure the person is informed of which type of suspension or enforcement action is taken. In addition, the Road Transport Authority will advise clients in the suspension notice that they may call Canberra Connect before they receive their confirmation notice, if they wish to check their driver licence or vehicle registration status.

The bill also corrects minor errors to references to provisions in the Crimes (Sentence Administration) Amendment Bill 2010, which came into effect on 1 July. I am advised that no-one has been adversely affected by these by incorrect cross-references in the act.

Madam Deputy Speaker, the amendments in the bill represent simple, practical solutions that will provide both the Road Transport Authority and its clients with certainty when licence or registration sanctions are taken. I commend the bill to the Assembly

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

Justice and Community Safety Legislation Amendment Bill 2010 (No 3)

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.33): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2010 (No 3) is the 26th bill in a series of legislation that concerns the Justice and Community Safety portfolio. The bill I am introducing today will improve the effectiveness of the ACT statute book.

I note the Assembly recently supported a motion calling on the government to adhere to the generally accepted practice of using omnibus bills to deal only with amendments to legislation that are minor, technical and non-contentious in nature and to bring more substantive amendments forward in separate bills.

I would like to reiterate that, although JACS bills have always been used to make more substantive changes to the law than SLAB bills, the government is supportive of the general practice that a majority of the substantive issues pursued through a JACS bill not be controversial and that major new initiatives and major new policy be pursued through a distinct, separate bill.

I am confident that the bill I have introduced today accords with these established norms. The amendments include minor as well as more substantive, yet uncontroversial, amendments. The minor amendments ensure that legislative instruments can be updated more efficiently, and the more substantive amendments ensure that the legislation operates effectively and in a manner consistent with the government's intention. While substantive in nature, the government is satisfied that these amendments are non-contentious.

In March and June 2008 the Council of Australian Governments agreed that the commonwealth would assume responsibility for a national system for the regulation of credit and a related cluster of additional financial services. On 7 December last year, the government signed the COAG intergovernmental national credit law agreement which underpins the national credit legislation and outlines the implementation process for the legislation.

On 26 October last year the commonwealth parliament passed the National Consumer Credit Protection Act 2009. This national act enacted existing territory legislation, the uniform consumer credit code, into commonwealth legislation and established a national licensing regime.

Commonwealth responsibility for consumer credit commenced on 1 July this year. Commonwealth legislation includes and extends the uniform consumer credit code that currently operates in the territory.

In line with the COAG agreement, this bill repeals relevant ACT consumer credit legislation, specifically the Credit Act 1985, the Consumer Credit Act 1995, of which the uniform consumer credit code is an instrument, and the Consumer Credit (Administration) Act 1996, all of which no longer operate since the commencement of the new commonwealth scheme.

The bill provides transitional and consequential amendments as a schedule to the Fair Trading (Consumer Affairs) Act 1973, allowing for a smooth and efficient transfer of responsibility to the commonwealth. This bill preserves several provisions until the commencement of chapter 3 of the commonwealth act, which replaces the territory provisions. Chapter 3 of the commonwealth act, which establishes new responsible lending and due diligence requirements, will not commence until 1 January 2011.

This bill preserves the due diligence obligations currently placed on credit card providers under section 28 of the Fair Trading Act until the commonwealth legislation takes over in this area on 1 January next year.

The government has taken steps to ensure that consumers continue to be protected with respect to finance broking commission charges until commonwealth legislation governing this subject commences again on 1 January next year.

This bill preserves the legislation providing a maximum annual percentage rate for a credit contract so that consumers in the ACT will continue to be protected from unfair and extreme interest rates until commonwealth law is established dealing with this matter. The commonwealth government is currently examining different options for providing protections in this area as part of stage 2 of its consumer credit reforms.

The bill makes amendments to the Evidence (Miscellaneous Provisions) Act 1991 to facilitate the giving and receiving of evidence in proceedings before territory courts by audio and audiovisual links from places not covered by model legislation endorsed by the Standing Committee of Attorneys-General in 1997.

In a recent ACT Supreme Court case it was held that the evidence of a witness given by telephone from Victoria was not admissible because the Victorian legislation, which differs from the model legislation, does not have the necessary measures to allow this to happen.

The amendments in the bill will extend the scope of the existing legislation by providing that the location in Victoria, or another place not covered by the uniform scheme, where evidence is being taken is regarded as part of the ACT court for the purpose of the conducting the proceeding. Accordingly, ACT laws relating to evidence, procedure, contempt and perjury will apply.

The bill amends the Supreme Court Act 1933 to ensure that a judge, in a trial by judge alone, must take into account any warnings that would, under the commonwealth Evidence Act 1995, have had to be given to a jury in the case. Currently, judges must take into account only those warnings required to be given to a jury under "territory law". While the commonwealth act applies in ACT courts, it is not covered by the definition of "territory law".

This leads to a peculiar situation where, in a judge-alone trial, the judge is bound to direct themselves according to the common law, whereas if the trial involved a jury the judge would be required to apply an appropriate provision of the Evidence Act, and possibly give a rather different set of warnings, in cases where the statute deliberately departs from the common law approach. This situation could lead to an imbalance in the conduct of trials, depending on whether it is presided over by a judge, or a judge and a jury. This amendment will resolve the inconsistency.

A minor amendment also clarifies that judges in judge-alone trials are required to take comments and directions into account, as well as warnings. This amendment further puts the status of trials on equal footing, regardless of whether they are conducted before a judge, or a judge and jury.

Finally, the bill makes a minor amendment to the Juries Act 1967 in order to allow the prescribed scale of jury payments to be made by ministerial determination, by disallowable instrument. This will allow the scale to be indexed annually in a more administratively efficient manner, whilst maintaining an appropriate level of Assembly scrutiny through tabling a disallowable instrument.

JACS bills are an important tool in ensuring that legislation remains effective and in line with original policy intentions. They are an efficient mechanism for enabling the government to be responsive and to ensure that its laws reflect the changes and needs of the community it serves. The bill I present today introduces amendments to the statute book of a relatively minor and uncontroversial nature, providing this Assembly with an opportunity to ensure that the territory's laws remain clear and consistent and continue to operate effectively.

I commend the bill to the Assembly.

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

Climate Change and Greenhouse Gas Reduction Bill 2010

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.41): I move:

> That this bill be agreed to in principle.

Today I present the Climate Change and Greenhouse Gas Reduction Bill 2010. This bill sets out targets to reduce greenhouse gas emissions by 40 per cent of 1990 levels by 2020 and 80 per cent by 2050. It also establishes in statutory form the long-term target of carbon neutrality for Canberra by 2060.

I am presenting this bill today because the community are looking to government for leadership on the issue of climate change. They are looking for governments to recognise the clear and unambiguous scientific evidence that climate change is occurring, and that it is human activity which is causing it. They are looking for governments which will make policy and take action informed by that scientific evidence.

The targets in this bill reflect the scientific evidence. The Intergovernmental Panel on Climate Change has clearly stated that to avoid dangerous climate change, global temperatures should not increase by more than two degrees. To achieve this, the concentrations of greenhouse gas in the atmosphere should not exceed 450 parts per million, and to achieve that, reduction of emissions in developed countries should be the equivalent of 40 per cent of 1990 levels by the year 2020. For this reason, the ACT government has adopted an emissions reduction target of 40 per cent of 1990 levels by 2020 and 80 per cent by 2050.

Achieving these targets will require the government, business and the broader community to work together, to take responsibility for our common future. They are ambitious targets, but I stress that they are also achievable targets.

With uncertainty surrounding the national and international commitment to addressing climate change and with the future of a national carbon pricing regime unclear, it is important that at the local, state and territory levels we take the steps that need to be taken to address this issue.

Increasingly, it is being recognised that, far from being insignificant and small, action by local and regional authorities will play a critical role in encouraging the more efficient use of energy and providing the frameworks and policies to allow communities to place greater reliance on renewable energy sources and to reduce carbon emissions. Demonstration of progressive and transforming policies to tackle the challenge of climate change can also enable national leaders to follow suit.

The Chief Scientist for Australia, Professor Penny Sackett, has recently stated that urgent action is required within the next five years, advising:

> … additional delay meant more stringent emission reductions would be required in future if Australia still planned to meet its portion of the worldwide carbon budget aimed at limiting temperature increases to 2 degrees.

A change of two degrees is considered to be the guardrail value, or tipping point, that, if surpassed, will result in dangerous conditions. The Chief Scientist has also observed:

> … not all required action will be taken through national government policy …

And:

> In the face of slow changes at national levels, it is all the more important that forward-looking industries, states, individual cities and towns, community groups and family groups continue to network together to reduce their carbon footprints and assess the impact of climate change on their activities.

There is currently significant uncertainty about climate change policies nationally and internationally. Implementation of policies by the commonwealth and other jurisdictions, such as a price on carbon, cleaner generation of electricity in the national grid and initiatives that promote renewable energy, could play an important role in reducing greenhouse gas emissions in the ACT. Therefore, the proposed legislation reinforces the ACT's efforts to promote collaboration for the development of regional, national and international approaches to addressing climate change.

In the ACT, we must take fundamental action to reduce greenhouse gas emissions and to transition the ACT from a high emission economy into a low emission, dynamic and sustainable one.

Climate research indicates that the ACT will become drier and hotter and experience more extreme conditions as a result of climate change. Last winter, Canberra had 17 consecutive days with above average maximum temperatures. There were only 38 frosts last winter, well below the winter average of 58. The winter of 2009 was the third warmest on record.

In 2008, our emissions were 4.18 million tonnes of carbon dioxide equivalent emissions. The ACT's emissions are dominated by the burning of fossil fuels for electricity. Electricity represents 62 per cent, transport 23 per cent and natural gas nine per cent of our total emissions. Due to our extreme temperatures in winter and summer, heating and cooling are a significant contributor to our emissions profile. Therefore, the government recognises that effective climate change policy needs to be applied across a range of sectors and needs to engage individuals, businesses and the government.

The proposed legislation seeks to achieve the following things. Firstly, it sets targets to reduce greenhouse gas emissions and increase renewable energy use and generation. Secondly, it installs regular reporting to the Legislative Assembly on the ACT's progress on greenhouse gas emissions reduction. Thirdly, it establishes a Climate Change Council to provide independent advice on climate change issues as they affect business and the wider community. Fourthly, it encourages private entities to take action through voluntary sector agreements with government.

The legislation also sets an average per person greenhouse gas emissions target to peak by 2013 which confirms that the immediate challenge for the ACT is to halt the growth in per capita and total greenhouse gas emissions as soon as possible.

A key mechanism to ensure effective legislation and community engagement will be the adequate and timely reporting of the ACT's progress in reducing its greenhouse gas emissions, including against the legislated targets.

The bill requires the minister to request an independent entity, the Independent Competition and Regulatory Commission, to prepare an annual report on the amount of greenhouse gas emissions in the ACT for each financial year following commencement of the bill, an analysis of the ACT's progress in meeting targets, including a comparison of the annual emissions amount with the interim and final targets, identification of the main sources of greenhouse gas emissions in the ACT, and identification of possible reasons for changes in greenhouse gas emissions from previous years.

The bill also clearly sets out a number of functions to be performed by the minister that will promote action on climate change. For each financial year the minister will report to the Legislative Assembly on actions taken.

Working with the community and business sector is paramount. To this end, through this bill, a Climate Change Council will be established to advise the minister on reducing greenhouse gas emissions and adapting to climate change.

The Climate Change Council will consist of at least five and up to nine members appointed by the minister, drawing expertise and representation from climate change science, environment and conservation, the built environment, including urban development, transport and infrastructure, the community sector, the business sector, the government sector and other expertise as required.

The Climate Change Council will promote community and business engagement in climate change mitigation and adaptation and help inform the development of the next action plan under the territory's climate change strategy, weathering the change.

In 2007, the climate change strategy, weathering the change, and the associated implementation plan, action plan 1 for 2007-2011, was released. With the establishment of the new greenhouse gas reduction targets in legislation and the new implementation plan, action plan 2 will be developed and released next year. The key focus of action plan 2 will be on the pathway and the specific actions to achieve the legislated targets.

The bill also provides for the establishment of voluntary sector agreements between the minister and organisations, individuals or specific sectors. Sector agreements will provide the basis for groups or individuals to demonstrate their serious intent and willingness to address climate change by reducing their emissions. A regulation created under this legislation will outline the following requirements for sector agreements. A sector agreement will need to be consistent with the objects of the bill and include specific requirements for reviewing and reporting on the operation of the agreement.

Sector agreements may set out the climate change objectives for a particular enterprise or industry or a particular sector of the territory's economy. They will set out strategies to achieve objectives, including a reduction in energy use, improved energy efficiency or use of renewable energy. They will set out strategies to promote or support research and development and innovation in technologies or practices to reduce greenhouse gas emissions or to adapt to climate change. They will set out methods to measure or acknowledge successes in meeting any targets.

The overall intent of this bill is to engage the ACT community and business sector in the collaboration needed to achieve a sustainable carbon neutral territory. There are many sectors of the local economy that could choose to enter into these sector agreements I have just outlined. As minister, I will be inviting different business sectors, such as the commercial office sector, to enter into agreements to reduce their emissions to agreed targets as part of the territory's overall emission reduction effort.

Actions to reduce greenhouse gas emissions will need to be as efficient and as effective as possible. The ACT government is already engaged heavily in improving energy efficiency and exploring options for increasing the uptake of low emission and renewable energy generation.

The ACT's electricity feed-in tariff was introduced in March last year and continues to be one of the most successful initiatives of its type in the country. In addition, a large number of recipients of the ACT government's one million community energy grants program has used this money to help purchase significant solar panel installations with capacities of around 10 kilowatts.

In 2009-10, the government provided funding of more than $19 million in programs and rebates to help consumers reduce their energy and water consumption and their waste generation. In addition, the government is providing $2.4 million on a matched

basis to retrofit commercial office premises to achieve greater energy efficiency and has allocated $3.2 million to increase the ACT government's purchase of green power for its own operations from 23 per cent to 30 per cent of our total energy need.

The ACT also participates in the greenhouse gas abatement scheme. This scheme, established under the ACT Electricity (Greenhouse Gas Emissions) Act, was a baseline and credit emissions trading scheme where electricity retailers are required to undertake a certain level of greenhouse gas abatement. Since the scheme's commencement in 2005, abatement in the ACT has amounted to 2.3 million tonnes.

These and other policies have had flow-on effects. For example, the increased demand for tradespeople to fit solar photovoltaic panels has been promoted through the feed-in tariff scheme. To complement this demand, we now see the ACT government's vocational educational provider, the Canberra Institute of Technology, developing specialist trades courses for energy efficiency, such as a new course for plumbers on installing and maintaining solar hot water. We have seen a strong demand for these courses and even stronger demand for the trades they represent. This is just one example of how leadership from the government can motivate changes in the economy and steer jobs towards clean sectors which support a viable and sustainable economy.

The transition to a low emission, clean economy will involve significant change. The government is a strong advocate of a clean economy and believes that economic progress need not be at the expense of the environment. Career opportunities and growth in some sectors will result from adjustments in the economy to address climate change. While the government can set the parameters for what needs to be achieved—for example, through targets, policies and programs—it is only through the combined efforts of government, business and the people of the ACT that success will be achieved. Indeed, it is at the suburb, household and individual levels that the real change is taking place.

As the responsible minister, I have had the opportunity to visit community groups, householders, schools and businesses that have embarked on sustainable practices that show governments and others in the community the way forward. These people, our community, are looking for the government to do the same. Today I believe that, with this bill and with these targets, we are meeting that expectation. Of all Australian states, Canberra is ideally placed to achieve our vision of zero net emissions and lead the way to an achievable low carbon future. This bill gives us the framework to achieve that future. I commend it to the Assembly.

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

Planning and Development (Public Notification) 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) (11.56): I move:

> That this bill be agreed to in principle.

This bill is about the public notification of applications for development approval under the Planning and Development Act. This process is commonly known as the notification process for development applications. There has, as members would be aware, already been significant debate on this area. The matter was debated during the government's previous term when Labor's Planning and Development Act was passed, with the support of all parties in this place, in August 2007.

Some years later, the issue of notification was again debated in response to the ACT Greens party bill—the Planning and Development (Notifications and Review) Amendment Bill 2009. I said at the time that the intentions of that bill were good, but they were impractical and lacked a sense of the big picture. During debate on the Greens party bill, I confirmed that the government would bring forward its own legislation on public notification later in the year. The bill I now present is indeed that bill.

The bill includes practical, well-targeted measures to strengthen the public notification process. This is a bill of realistic scope and practical ambition. The government has clearly set out its position on public notification and third party appeals. The government supports a public notification assessment and appeal process that is fair, effective and able to produce timely decisions that can be relied upon. This bill falls squarely within these longstanding parameters.

I will now highlight some of the features of the bill. Under the Planning and Development Act, applications for approval assessed in the merit and impact tracks must be publicly notified. The notification period is 10 or 15 working days, depending on the nature of the proposal. The notification might involve a sign on the property, a notice in the newspaper or letters to adjoining properties. Anyone is entitled to comment on a development application that is notified.

The mechanisms in the bill will apply in the event of a significant error in public notification. The bill will require the public notification to be repeated in specified circumstances. A repeat public notification will be required if the original notice is defective and, in the Planning and Land Authority's view, the defect is likely to impair someone's ability to comment. The defect might be as a result of an incomplete, misleading or inaccurate notice. For example, a notice which included only a partial description of the proposed development could amount to a defect requiring repeat public notification.

Importantly, though, the mechanism only applies to defects that come to ACTPLA's attention during the original public notification period. This time limit is necessary to provide certainty to landowners and the general public. The time limit will mean that once a development application is decided, it will not be open to challenge on the basis of public notification months down the track.

To achieve these results the bill amends relevant sections in division 7.3.4 on public notification of DAs and representations. For example, the bill amends section 153 requiring notification letters to neighbouring lessees. The amendment will apply if before the end of the original notification period ACTPLA becomes aware of a defect in the content of the letter which makes the letter incorrect, incomplete or misleading.

In such a case, ACTPLA must assess the error and consider whether the defect is one that is likely to impair someone's awareness of the timing, location or nature of the proposed development or restrict someone's ability to comment. If ACTPLA concludes that the error is likely to have any of these negative effects then ACTPLA is obliged to repeat this public notification process. The repeat would need to be a full repeat. In other words, fresh letters would have to be sent again to all relevant neighbouring lessees.

The same mechanisms and obligations are introduced into similar provisions on public notification. For example, the bill also amends section 155 of the act which requires physical signs on the development site. If ACTPLA becomes aware that a required property sign is defective then ACTPLA may be required to repeat the public notification. Also, if ACTPLA discovers that the required sign was never displayed, a repeat of that public notification will be required.

I will speak further about the details of the bill at a later stage. This is clearly a short bill. Some might say it is refreshingly uncomplicated and direct. In this case, brevity is a virtue. What this bill does not do is as important as what it does do. To underline this point I would like to set out more of the context for the bill.

First, this bill is but one element of an overall strategy to enhance the public notification system. Of equal importance are steps that have been taken and will be taken in the administration of the notification process. An error in the public notification of a Latham development application was raised in the debate on the ACT Greens party bill that was debated in June. Since that error came to light, ACTPLA has initiated processes to ensure that notification errors are eliminated as far as possible. These steps strengthened an already robust system that, it must be remembered, resulted in an exceptionally low error rate in the content of public notices.

In addition, I can confirm that ACTPLA has been working with the office of the Commissioner for ACT Revenue to permit ACTPLA to obtain up-to-date information to ensure that letters notifying neighbouring lessees of development applications are sent to the latest address. This process for the augmentation of ACTPLA's address database will utilise existing sections 395A and 395B of the act. I am advised that this process is scheduled to become operational by November this year.

These are indeed significant steps to strengthen the public notification process on top of the measures in this bill. This bill does not include measures to make radical change. Rather, it is about making incremental improvement of an already sound system. In this the bill clearly differs from the ACT Greens' bill debated in June. When we debated that bill in June I indicated that the government could not support that bill because of its open-ended features that would end the ability of the planning system to deliver timely planning decisions that could be relied upon.

This bill does not risk such an outcome. It does not risk such an outcome because it does not radically expand the scope of appeals. It does not make development approvals vulnerable to challenge months or years after they are granted. It does not permit the appeal process to be used as a tool to defeat legitimate market competition.

Instead, what this bill does is set out a measured, practical mechanism for resolving anomalies in public notification where those anomalies are discovered sufficiently early in the assessment process. This, Mr Speaker, in conjunction with the administrative measures I have outlined, will make an already effective notification system even better. It will result in a system that is equitable and effective but, most importantly, able to produce timely decisions on which landowners, industry and the community can rely.

The bill also reflects the good work ACTPLA's staff are doing, and I thank them again. I commend the bill to the Assembly.

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

Working with Vulnerable People (Background Checking) 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) (12.06): I move:

> That this bill be agreed to in principle.

I am pleased to present the Working with Vulnerable People (Background Checking) Bill 2010. The bill establishes a statutory framework for background checking and risk assessment of people working or volunteering with children or vulnerable adults in the ACT.

This government is committed to the support and protection of vulnerable people in the ACT. This legislative framework will mandate background checking of people working with vulnerable people. It is generally acknowledged that organisations providing services to vulnerable people in the ACT have an obligation to provide services in a safe and supportive manner. The exclusion of people with a known history of inappropriate behaviour is fundamental to creating and maintaining a safe environment.

Some organisations are proactive, already background-checking employees and volunteers. However, even in these cases, organisational policies vary in regard to who is checked, what is checked and how often checks are undertaken. Under current informal arrangements, sensitive personal information can be disclosed to employers.

Checks may not be recognised across organisations and there is little recourse to appeal individual checking decisions.

In response to the recommendations of various ACT reports as well as calls from the community, the government announced in the 2008-09 budget an appropriation of $4.1 million over four years to establish a mandatory and centralised checking system to reduce the risk of harm to or neglect of vulnerable people in the ACT. Checking systems for people working with children have been established or are being established in all Australian jurisdictions.

The ACT recognised the similarities in the risk of harm for children and certain vulnerable adults and has therefore extended checking to include people working with vulnerable adults. I can report Tasmania has commenced consultation on a checking system modelled on the ACT policy.

The Working with Vulnerable People (Background Checking) Bill 2010 is based on policy developed by my department since 2008 in consultation with agencies, external jurisdictions and the ACT community. The policy has been informed by existing legislation, obligations arising under inter-jurisdictional agreements and community preferences and practical and technical considerations.

On 19 August 2009, the then Minister for Community Services, Katy Gallagher MLA, released a discussion paper on a working with vulnerable people checking system for the ACT and invited submissions from the communities and stakeholders. Thirty-eight submissions were received and other comments were made by email or on the web. The written submissions are available on the departmental website.

A consultation report summarising the views of respondents is also available on the website. The consultation demonstrated strong support for a centralised and mandatory checking system in the ACT that includes people working or volunteering with children or vulnerable adults.

The Working with Vulnerable People (Background Checking) Bill 2010 may affect many organisations in the ACT, including education providers, childcare operators, private sector services for children, religious organisations, health services, clubs, public transport services, correctional services and volunteer organisations. It is estimated that around 12 per cent of the ACT population will be checked. Research shows that a rejection rate of applicants will be around 0.2 per cent.

The Office of Regulatory Services will administer the checking function and will establish a screening unit. People working or volunteering with children or vulnerable adults will apply to be registered with the screening unit and consent to a risk assessment. People who are unregistered would generally be ineligible to work with vulnerable people. It is expected that around half the applicants will be employees, and half volunteers.

An application fee will apply to employees. This is consistent with other jurisdictions which levy a similar application fee for working with children checks. There will be no fee for volunteers. The screening unit will be responsible for background checking and risk assessment of applicants.

The primary information used for the risk assessment will be an enhanced national criminal history check that includes convictions, spent convictions, charges and circumstance information. The screening unit will also be able to access information relating to apprehended violence orders, child protection orders and employment information held by ACT government agencies. Information about applicants or registered people will be held by the screening unit in accordance with privacy legislation and will not be disclosed to employers.

Detailed guidelines about the risk assessment will be outlined in a notifiable instrument which will be developed with input from the community. The direction of the notifiable instrument will be informed by the policy paper which I have released concurrently with the tabling of this bill in the Assembly. I understand it is available online either now or certainly will be by the end of today.

The principles governing risk assessment are included in the primary legislation and include considerations such as the nature of an offence, the gravity of an offence, how long ago the offence occurred and whether or not an applicant has undergone treatment or intervention for an offence.

The screening unit will inform applicants of proposed decisions, and applicants may correct inaccurate information or provide further information before the screening unit makes a final decision. People found to pose an unacceptable risk will not be registered with the screening unit and will not work with vulnerable people. People may also be deregistered if new information indicates an unacceptable risk.

The screening unit will issue a card with a unique identification number to successful applicants who will be permitted to work with vulnerable people for the period of the registration, which is three years. Conditions may be attached to a registration limiting the circumstances in which a holder may work with vulnerable people. Rechecking will generally not be required when registered people change employers or positions during the registration period.

Employers will be required to validate the cardholder's registration either online or by telephone prior to engaging that person. Employers will supply contact details to the screening unit as part of the validation process.

The government clearly supports the right of people to work in positions in which they are well suited, have relevant life experience and that deliver benefits to vulnerable people. Position-based registrations will be available to applicants with a significant criminal history that is likely to preclude the granting of a general registration. A position-based registration application may be lodged concurrently with the general registration application and in these circumstances a negative notice will not be made where a person is registered only for a position-based application.

Applicants may choose to submit additional information with their initial application that will enable the screening unit to undertake a more detailed assessment. These submissions can include clinical assessments, probation reports, evidence of successfully completing rehabilitation processes or other information the applicant believes relevant to the assessment, including letters of support from an employer.

Position-based assessment will also take into account the requirements of a specific position and any risk management strategies proposed by a particular employer. After consideration of this detailed information, the screening unit may approve an applicant subject to the conditions that the person engages only in stated activities and only with a stated employer. Holders of position-based registrations will not be able to move between positions or employers without applying for a further assessment. Provisions have also been made to allow unsuccessful applicants to lodge an appeal in the ACT Civil and Administrative Tribunal.

It will not be possible to conduct all checks in the first year of operation. For this reason, the checking system will be phased in across operational categories from 2011 to avoid capacity constraints that may lead to delays in checks being conducted. Occupational categories will be scheduled for commencement with regard to the relative risk to vulnerable people, the level of checking already undertaken and the operational capacity of the screening unit.

In conclusion, the Working with Vulnerable People (Background Checking) Bill 2010 will be beneficial to vulnerable people, employees, volunteers, organisations and employers. The checking system will establish mandatory minimum checking standards that will apply across regulated activities.

Vulnerable people will know that people delivering service will have been checked and that risk assessments will be based on a broader range of information than checks currently undertaken by organisations. Under the checking system, risk assessment and decision making will be more consistent, transparent and open to appeal. For people who are subject to checking, this will lead to fairer and reliable checking outcomes.

For the first time in the ACT, registered persons will be able to move between employers or organisations within the ACT without the need to be rechecked. This will reduce the duplication of checking effort across the ACT community. Some people will be subject to checking for the first time, and some people who are subject to checking may be prevented from working with vulnerable people in the future. This is consistent with the aim of reducing risks for vulnerable people. The bill provides for a range of new penalties for individuals and organisations that do not comply with the checking system.

Background checking and risk assessment engages a number of rights protected under laws, including the Human Rights Act 2004, the Discrimination Act 1991 and the Privacy Act 2000. The explanatory statement to the bill provides an overview of the mechanisms provided for in the Working with Vulnerable People (Background Checking) Bill 2010 to balance the rights, obligations and responsibilities of affected stakeholders.

The bill is an important step in enshrining protections for the most vulnerable people in the ACT community, and I commend the bill to the Assembly.

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

Standing and temporary orders
Amendments

MR RATTENBURY (Molonglo) (12.18): I move:

> That the following standing orders be amended to take effect from the September 2010 sittings:
>
> (1) Omit standing order 152A, substitute:
>
> "152A After notifying the Member in charge, the Clerk shall remove from the Notice Paper any:
>
> (a) private Members' business order of the day, excluding bills; and
>
> (b) Assembly business order of the day to take note of a paper or report:
>
> which has not been called on for eight sitting weeks.".
>
> (2) Omit standing order 212A, substitute:
>
> "212A Unless otherwise ordered, the following papers are authorised for publication when presented to the Assembly:
>
> (a) papers presented by the Speaker;
>
> (b) reports and discussion papers of standing and select committees of the Assembly;
>
> (c) papers presented pursuant to standing orders or resolutions of the Assembly;
>
> (d) papers presented pursuant to statute; and
>
> (e) papers presented by Ministers during the period in the daily routine of business for presentation of papers.".

This motion today seeks to make two amendments to the standing orders. The first is an amendment to standing order 152A, and this amendment is largely housekeeping in nature.

Currently, standing orders 125A and 152A provide for the removal from the notice paper of notices and private members' business orders of the day, except bills, which have not been called on within eight sitting weeks. The change that is being proposed extends this to include simply business orders of the day relating to committee reports. Members who have looked closely at the notice paper will know that some of them that are currently in there have been on the notice paper for over a year. The essential purpose here is to keep the notice paper as current and as relevant as possible. I should note that the clock shall start from now, so that notices that are currently on the paper will have eight weeks from the passage of this amendment, if it is passed by the Assembly today.

The second amendment is to standing order 212A, and this relates to the types of documents which are automatically authorised for publication when presented to the Assembly and hence the track to parliamentary privilege. Currently, this is limited to committee reports and papers as well as Auditor-General's reports. Any other paper requires a motion to be moved in the Assembly allowing for publication.

It would be fair to say that many requests are received asking for copies of tabled papers, particularly from the media, but the Secretariat is unable to comply without first obtaining the permission of the Speaker. Whilst that is something we are obviously willing to do, many of these documents are ones that all members of the Assembly would be comfortable with and would expect the media and others to have access to, so we have an administrative process that is seemingly unnecessary.

Certainly, most jurisdictions have moved to make tabled documents more freely available. We did give this some consideration in the administration and procedure committee, and the amendment that we have settled on provides for the automatic authorisation of publication of the types of documents which are routinely tabled in the Assembly and are unlikely to contain actionable material.

It does remain possible for the Assembly to deny publication of a particular document and, similarly, it will be possible for the Assembly to allow for the publication of a document that does not fall on this list if it so wishes. The view of the administration and procedure committee was that we wanted to draw this distinction between documents and that the options remained open to the Assembly.

As I have perhaps implied, both of these amendments have had quite some discussion in the administration and procedure committee and come forward with unanimous support to the Assembly today.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.22): The government will be supporting this proposal today. I note that the matter has been the subject of some detailed discussion amongst members. The government, having considered the matter, believes that this is a workable proposal and one that strikes, on the face of it, a reasonable balance between the need for the Assembly to be aware of what is in a document prior to its being granted that absolute privilege that authorisation for publication provides and the need to make sure that documents are available in a timely way and with that protection where they are routine and where there would be an expectation that they would be made public in any event.

The types of documents that are identified in the list in the amendment to the standing orders is a reasonable list. The government will have regard to the operation of this new order and will reserve the right, if there are issues that emerge, to come back to the Assembly and raise those concerns. But, on the face of it, this would appear to be a sensible and workable mechanism that ensures that, at least in relation to the item dealing with authorisation for publication, the types of documents that you would expect to be made public will be made public automatically with the full privilege of this place. I think that is certainly of benefit for the better promotion and publication of what goes on in this place and the information provided to it.

MR HANSON (Molonglo) (12.24): I just indicate that the opposition will be supporting the motion as moved by Mr Rattenbury.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 9

MS LE COUTEUR (Molonglo) (12.24): I present the following report:

> Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's Report No 4 of 2009: Delivery of Ambulance Services to the ACT Community*, dated 5 August 2010, including additional comments *(Mr Smyth)*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I am pleased to speak to this report. The public accounts committee resolved to inquire further into the Auditor-General's report on the basis of the significance of the service delivery examined, the significance of the audit findings, the public response by the responsible minister in relation to audit findings, the ACT community's interest in the issues arising and the importance of confidence in the service delivery examined.

The Auditor-General's report found that, whilst the ACT Ambulance Service had delivered a complex range of services against growing demand and limited capacity, there was significant scope for the service to improve its performance by addressing deficiencies in planning, documentation of policies and procedures, risk management and performance management review.

The committee acknowledges that ambulance services are a critical aspect of public sector service delivery. Further, the demand for ambulance services is under increasing pressure attributable to a range of demographic and socioeconomic variables and changing health system practices and policy environments, and this rising demand is expected to continue for the foreseeable future.

The committee's report has attempted to examine and reflect on several key themes concerning the delivery of ambulance services that arose as part of the inquiry. We made a number of recommendations which I will just quickly get to. We made 13 recommendations and, basically, they are all important. The initial recommendations relate largely to audits in general, and then the recommendations relate to the ambulance service in particular. I will not go through them in detail because I think they are pretty well explained in the report itself.

I would just like to conclude, firstly, by thanking all the stakeholders who contributed to the report by providing submissions and information and appearing before it. I would like to commend—I think I can probably speak on behalf of the committee—

Canberra's paramedics for the professional way in which they deliver such a critical service to the ACT community. I would like to conclude by thanking my committee colleagues, Mr Smyth and Mr Hargreaves, the Committee Office, and Andrea Cullen in particular. I commend the report to the Assembly, and I believe my colleagues may wish to also make comment.

Debate (on motion by **Mr Smyth**) adjourned to a later hour.

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 12.28 to 2 pm.

Personal explanation

MR HANSON (Molonglo): Mr Speaker, I seek leave to make a personal explanation.

Leave granted.

MR HANSON: I have received a letter from Ms Hunter with regard to comments that I made here in the chamber last night which I withdrew. She has asked me to apologise, and I would like to say that I am very happy to do so. I do apologise, Ms Hunter. Certainly, if anyone else felt offended by my comments then I am happy to do so.

I made the point that my comments were not directed specifically at Ms Hunter; they were generically made at those opposite and the Greens, after the events that had transpired that evening. As I have said, I unreservedly apologise. But I would like to explain why, in the heat of the moment, I did make such comments. I had spoken with the Greens whip prior to the adjournment debate to explain that I would be making an adjournment speech with regard to the death—

Members interjecting—

MR SPEAKER: Thank you; listen to Mr Hanson in quiet.

Mr Hargreaves: A qualified apology doesn't always save you.

MR SPEAKER: Thank you, let us hear Mr Hanson.

MR HANSON: of Lance Corporal Jared MacKinney, and I felt it was an important speech to make on a tragic day. I had identified to Ms Bresnan that I would be happy if the adjournment debate were to be curtailed slightly; we could adjust for that. But it certainly became very apparent that, with Ms Hunter's motion commencing at 9 o'clock, the time for the adjournment debate would not be sufficient, if we were to conduct the debate on the motion. Therefore, a speech that I felt very strongly about personally, which I had indicated to the Greens, would not be able to be made. I felt very strongly that this was disrespectful to Lance Corporal MacKinney, and I felt very emotional about it.

Mr Speaker, it was a night when comments were made across the chamber. As you said this morning, it did get heated. I note that Mr Stanhope also made comments that were directed at me, specifically, of an offensive nature. I would ask that, in a consistent fashion, if we are to be consistent in this place, he, too, apologise for those comments.

Questions without notice

Childcare—fees

MR SESELJA: My question is to the Minister for Children and Young People. A survey of 170 New South Wales childcare centres, commissioned by Child Care New South Wales, reveals that parents in New South Wales could face childcare fee increases of up to $33 per child per day when the federal government's new staff-to-child ratios come into effect. It also revealed that some childcare centres will reduce place numbers to reduce costs, therefore putting pressure on available places. In response, Child Care New South Wales is calling for an increase of 15 per cent in government subsidies. Minister, are you aware of the New South Wales survey and its results, and what assessment have you made of the impact of the new child-to-staff ratios on childcare fees in the ACT?

MS BURCH: I am aware of the New South Wales survey. Indeed, Mrs Dunne spoke about it last week when she made comment that that survey showed a rise of $20.56 a day but then she went on to say that it would probably cost more in the ACT, which is just arrant nonsense and wrong facts and figures. Mrs Dunne knows as well as I do that the framework has been costed through Access Economics and that it is $2.75 per child per week in 2012 up to $11.39 by 2025. So we have considered the cost of the COAG reforms on childcare. Indeed, we look forward to the impact that it will have—the positive impact about improvement in the quality of the workforce and a better child-to-staff ratio. Everyone—parents and providers—that I have spoken to thinks that that is a very good thing indeed.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Minister, what representations have you made to the federal government to increase childcare subsidies to help compensate parents for the additional costs imposed by federal government policy?

MS BURCH: Look, I think I would note that the federal government has increased childcare rebates effectively by 20 per cent, so it has increased and has afforded increased support to families. It has done; it will continue to do so. The government is looking to move from quarterly payments to fortnightly payments, so that is a very good thing indeed. We have looked at and work with the local services. I talk regularly with the children's services forum, and it is something that ministers across the country have had ongoing discussions about. I refer to your colleagues in WA, who have signed up to this as well.

MR SPEAKER: Supplementary question, Mrs Dunne?

MRS DUNNE: Minister, when will you acknowledge that the imposition of the federal government policy will make it more expensive for parents to have their children looked after during the day while they are at work?

MS BURCH: I think I have just said that Access Economics has provided modelling that shows an increase per week in 2012 and by 2015 which is nowhere near the scaremongering and the nonsense that is coming from those opposite.

Mr Seselja: So Child Care New South Wales is just scaremongering.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what contingency plans have you put in place to ensure that the available places for childcare do not decline in the ACT in the event that childcare centres are forced to reduce their places to keep costs down?

MS BURCH: It is clear that those opposite—

Mr Hargreaves: On a point of order, Mr Speaker, the premise of Mrs Dunne's supplementary is the hypothetical—that something may occur, yet there is no evidence being put forward that it will occur. It is a hypothetical supplementary and it should be ruled out of order.

Mrs Dunne: On the point of order, I asked the minister whether she had any contingency plans. It is not hypothetical.

Mr Hargreaves: On that point of order, Mr Speaker, the contingency plans were based on a hypothesis.

Mr Seselja: Mr Speaker, just further to it, if we were to take that to its logical conclusion, questions such as "how are you strengthening our economy to protect it from any future possible challenges" would be hypothetical. It is a ridiculous assertion. I ask you to allow the question to proceed.

MR SPEAKER: There is no point of order. I think that the question is quite consistent with questions regularly asked in this place. Minister Burch.

MS BURCH: I work and talk regularly with the childcare sector. We have increased childcare places by over 400 places just this year. That is on top of the 600-plus of last year. There were 800 vacancies in 2009 across over 100 centres. So clearly not every centre is full to capacity. There was an interjection from Mr Seselja on scaremongering. I quote from a media release from Early Childhood Australia who is the voice for young children. The Early Childhood Australia CEO says, "The claims are not based on solid evidence and are simply scaremongering."

Schools—relief teachers

MS HUNTER: My question is to the Minister for Education and Training and concerns relief teachers in ACT schools. Minister, is there currently a shortage of relief teachers in ACT government schools?

MR BARR: I thank Ms Hunter for the question and note that someone in the Greens is a subscriber to Crikey. I understand that a few days ago there was a claim broadcast to all Crikey subscribers around Australia from someone who had some alleged links to the ACT public school system that there was a dire crisis in terms of relief teachers within the ACT.

I think it is fair to say that from time to time some schools will have difficulty organising all of the relief staff that they need. That is not unusual. It is not unusual for 2010. It is not unusual for the ACT.

We do recognise that in seasonal periods, particularly during winter when illness tends to be higher, there are increased pressures on the education system and we do note the goodwill of teachers within schools to cover the occasional class where a relief teacher cannot be arranged at short notice, particularly if one of the colleagues goes home half way through a school day. In general, there are challenges in covering every single class in every single school on every single day, particularly if there is a late notice of a teacher absence. However, schools and the department are working effectively to provide comprehensive education for all students in all classes.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Minister, how many schools have had to make alternative arrangements to manage classes because they have been unable to get a relief teacher or teachers?

MR BARR: I will take that question as it relates to today. I will seek information from the department on arrangements today and get back to the member.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Minister, how has the relief teacher system been managed within the ACT education system in the light of the sometime shortages?

MR BARR: We have in fact moved to adopt a new system that makes a lot of these staffing arrangements assessable online so as to reduce the need for multiple telephone calls and for those who are registered as relief teachers to be receiving multiple calls from multiple schools.

There is a more centralised system that the department has put in place in an attempt to streamline these processes. The advice that I have from the department is that this is certainly working more effectively than the previous arrangements.

Childcare—national quality standard

MR SMYTH: My question is to the Minister for Disability, Housing and Community Services. Minister, I refer you to the Access Economics report entitled *An analysis of the proposed ECEC national quality agenda*, published in July 2009. The report states that only 28 per cent of childcare for under two-year-olds in the ACT meets the new national quality standard. Can you confirm for the Assembly that this figure is the lowest in the country along with Tasmania?

MS BURCH: My advice on the number of centres that meet the under two ratio has been 25 per cent. I know that all of our centres for children over that age meet the COAG requirements.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, given that the report states that the ACT has the lowest percentage of any state or territory of childcare for under-two-year-olds that will meet the criteria, what assistance is being provided by the ACT government to providers to ensure they can implement the reforms by the end of 2011?

MS BURCH: As I think I have said a number of times, the CPRU, the regulation unit, has ongoing discussions with childcare providers. The children's services group is in there and, in fact, I have written to every childcare provider in the ACT, saying that I will work with them around transition. I have assured them that my door is always open to their concerns. I will work with each and every childcare centre, so that they do move forward to meeting the requirements that commence in 2012. That is right: the ratios are for 2012. That is the start date. The qualification start date is 2014. I think, if you read through the Access Economics report, you would find that the ACT is indeed well positioned to meet those requirements. But, that aside, I know that this government and our unit will indeed work with the sector and work closely with the sector to ensure that we meet those standards.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what policy mechanisms do you have in place to support families, given that a large percentage of the ACT's under-twos will be affected by this? What policies do you have in place to support families who will be facing higher childcare costs, and especially low income earners, who pay a large proportion of their disposable income on childcare?

MS BURCH: This government will work with all childcare providers and work with them so they meet the requirements. The federal government has invested moneys in the transition support and the ACT has benefited from that with over $600,000 to help with that support. We have increased our capacity within the regulation unit to work with services. We have a history of supporting services in minor capital works development. That will continue. We have invested $4 million to support two

childcare providers to relocate to Flynn and to have a small expansion. We are currently providing support to another childcare provider in the Belconnen region—Baringa—so that they can increase, particularly targeted to the baby section. That shows that we are active and engaged and looking to provide support.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, I ask you again: what policies do you have in place to address the cost stress on low income families as they face higher childcare fees after 2012?

MS BURCH: The childcare fees, by Access Economics, are $2.75 per week in 2012. That is completely at opposite ends to the fanciful nonsense that Mrs Dunne comes in here with. Again, it is just scaremongering that she is bringing in.

Mrs Dunne: On a point of order, my question was: what policies does the minister have in place to address the effect on low income earners? I do not need another reference to the Access Economics report. I asked a specific question about policies in relation to low income earners.

Mr Hargreaves: On a point of order, Mrs Dunne has not referred to any existing standing order that requires a minister to answer the question, to the letter, in the way she wants it. There is no standing order which requires this.

MR SPEAKER: On the point of order, let us come to the question, thank you, minister.

MS BURCH: Thank you. We have a number of things that we are doing to support the childcare sector and I have outlined some of them. In regard to providing quality, in supporting the training opportunities we have put in place a professional support coordinator that is working with services and, indeed, is facilitating the training which is required so that by 2014 all workers will have a VET certificate III level or be working towards it. This government, across DET and others, have increased access to CIT for training. All of these things support the maintenance of the services being provided which, in turn, have an effect on the cost of childcare.

Children—kinship carer support program

MRS DUNNE: My question is to the Minister for Children and Young People. Minister, in relation to the request for tender for the kinship carer support program 2010-13, I note from your 17 August release that no contracts have been awarded for two of the components of that tender. Those components were category B—services targeted to the needs of Aboriginal and Torres Strait Islander people, and category C—education, awareness and support programs for kinship carers. In your media release, you stated that "the government was now looking at the best way to fill the other components of the tender as soon as possible". Minister, how many tenders were received in response to the request for tender that addressed these specific categories or the tender as a whole?

MS BURCH: I do not have a definite number for the number of tenders that came in, whether they were components of it or for the whole lot. I do know that it went through an independent, rigorous process of assessment and one component was allocated to Marymead. I congratulate them and I am looking forward to them working with the kinship sector.

On the other two streams, yes, I am disappointed that there was not an awarded tender. It is not my role to award those tenders. That is what the procurement process is about. But in the meantime we are talking with Marymead and other providers within the out-of-home care sector, including the kinship carers, about how we best move forward now and get those things in line. In the meantime, we continue to work with the kinship carers in particular. I understand that, last week, this week or next week, in a very short period of time, a number of them and their families have been supported through this line of funding to attend a conference in Tasmania, at their request. They saw that as a priority, and we were able to support them.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, what assessment has been made of the tender process and whether it was appropriately targeted, particularly in relation to the provision of the needs of Aboriginal and Torres Strait Islander people in the grandparent and kinship arena?

MS BURCH: The procurement process was an open tender, so I do not quite know how you target an open tender; it is for everybody to tender. As to the scoping work that was behind the tender requirements, it is my understanding that that was built up through the department in discussion with a number of providers in the sector, including the kinship carers. So that was a robust process to make sure that the requirements and the scope of the procurement was done in consultation to reflect the needs of the sector, and it was an open tender.

MR SPEAKER: Mr Hargreaves, A supplementary question?

MR HARGREAVES: Thank you very much, Mr Speaker. My supplementary question to the minister is: given Marymead's history of looking after the most devastated children that this community has ever produced, do you have confidence that they can actually deliver on the tender? Would you like to invite the opposition to join you in expressing that confidence in Marymead?

MR SPEAKER: Just stick to the first half of the question, thank you, Minister Burch.

MS BURCH: It is tempting to go to the second one, Mr Speaker, but I will take your advice. I absolutely support Marymead winning this tender. Indeed, I have met with Marymead since they have been awarded this tender and provided my congratulations to them in person. I have expressed my keenness for me and the department to work with them.

I also congratulated them on the other work that they do across foster carers, kinship carers, the various groups that they facilitate and the peer networking that they allow

to happen across this sector. I think it is a very good thing that Marymead won this tender.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, why were the three categories not offered a separate request for tender?

MS BURCH: We approached it because there were three streams of discrete work but, as I said before, all were built into a process of working with the sector about what was the best fit. It was an open tender, so indeed organisations could tender for all or they could tender for one part thereof. The result is that we have one part tendered to a well-regarded organisation.

Environment—climate change

MS PORTER: My question is to the Minister for the Environment, Climate Change and Water. Minister, can you please advise the Assembly what steps the government is taking to meet the challenge of climate change?

MR CORBELL: I thank Ms Porter for the question. Obviously, today the government has taken an important step forward in establishing targets for greenhouse gas reduction in our city to achieve carbon neutrality by 2060 and to achieve a reduction in emissions of 40 per cent by the year 2020.

Of course, our target is based on the scientific evidence; it is based on the advice of groups such as the Intergovernmental Panel on Climate Change, which has clearly stated that, to avoid dangerous climate change, global temperatures must not rise by more than two degrees, and that for developed countries, this means a reduction in our emissions of 40 per cent by the year 2020 to keep total greenhouse gas emissions in the atmosphere to no more than 450 parts per million.

This is the basis on which we make our target. Any other target does not have full regard to the science, and any other target does not have full regard to the findings and the recommendations of the Assembly committee which recommended a 40 per cent reduction by the year 2020.

The government understands that we must take action on this issue. Climate change affects each of us. The legislation that I have tabled today provides for a robust framework for reporting and accountability to this place. It sets out mechanisms whereby we will be able to table each and every year a report that details our emissions profile, how we are tracking in terms of our targets, and what are the reasons for variations in the overall emissions level.

But also and most importantly it establishes a framework for action and cooperation with the broader community, because this is not a target that can be achieved by the government alone. It must be achieved across the economy. The way to do that is to engage with the private sector, to engage with the community sector, to engage with the transport sector, the accommodation sector and the private office accommodation sector and see them enter into voluntary agreements, sectoral agreements, as outlined

in the legislation, to deliver emissions savings in their sectors of the economy. In this regard, we have built on the experience of other jurisdictions, in particular, the South Australian government. Its legislation has already seen success in a whole range of sectoral agreements to drive change across the economy.

Our targets are challenging, but they are also achievable. They are ambitious, but they are achievable. The reports that I have outlined publicly and my comments earlier today, which have been placed on the department's website and made public today, indicate the analysis we have undertaken, the scope for action and the opportunities that that presents.

There are real opportunities in making the transition to a low carbon economy that can create jobs, that can create economic activity and that can place our city as an early adopter of new technologies and of new approaches to attacking climate change. These will be skills, experience and economic opportunities that we can pursue not only here in the city but outside of the city. So Canberra has an opportunity with this legislation and, following consultation with the community, action plan 2 will outline the key steps and measures we will undertake to move towards implementation of these targets.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you, Mr Speaker. Minister, what has been the response of the community to the announcements today about the emissions targets?

MR CORBELL: I thank Ms Porter for the question. The reaction today has been a very positive one. Indeed, at lunchtime today we have seen the reaction from a wide range of people who have a strong interest in this issue. They are supportive of this. But let us recognise—

Mr Hanson: A wide range of people? How wide ranging are they really?

MR CORBELL: I know that the climate sceptics over in the Liberal Party are very dismissive of this target. They do not take this issue seriously. They do not see it as a major issue for our community. Tens of thousands of people in this community do. Tens of thousands of people in this community want to see a government that signs up to targets, that will make a difference, that will position us towards being a low carbon economy. This Labor government is proud to have adopted those targets. We are proud to have adopted those targets; we are proud to demonstrate leadership; and we will continue to demonstrate leadership as we roll out the suite of policies and programs needed to follow through on this commitment.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, can you outline some of the costs and benefits of a 40 per cent target and how will the government assess these?

MR CORBELL: The key way we will assess the risk is a detailed analysis through the development of an action plan. Action plan 2 will outline the specific range of programs and policies that the government will bring to the table to start to achieve these targets. The government will have regard to the findings of the standing committee inquiry, which recommended the deployment of a cost-benefit analysis model, and I know that the inquiry received evidence from the ICRC on how that can be framed. The government will have regard to that recommendation, and indeed to the final report that was tabled earlier today that outlines that.

Least-cost measures are going to be a vital part of the mix, and least-cost measures that deliver efficient and effective reductions in emissions must be part of the overall suite of policies. We know that you do not just start at the least-cost part of the McKinsey cost curve and slowly move towards the higher cost. You need to have a series of measures across that continuum. You will need to have low-cost measures, but there will be other measures that will be increasing in cost. The transition cannot be achieved by low-cost measures alone. We all understand that. We all should be honest about that. Even a 30 per cent target will have low, medium and high-cost measures as part of it.

Let us be very clear about this debate moving forward. There are costs to the community, but there are opportunities as well in terms of economic development, in terms of job creation, in terms of knowledge and in terms of export potential. That is the opportunity that is presented to us by this target. Equally, as a Labor government, we will remain committed to protecting low income earners in our community through appropriate measures, such as concession regimes and payments, to ensure that low income earners do not disproportionately carry a burden that they cannot carry. We are committed to doing that as a Labor government.

MR SPEAKER: Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. I apologise, Ms Le Couteur. I think you jumped, but Ms Hunter jumped before you. My supplementary to the minister—

Members interjecting—

MR HARGREAVES: I'm polite to them; you guys aren't.

Mr Coe: You're patronising, John.

MR SPEAKER: Thank you, Mr Hargreaves.

MR HARGREAVES: If the paper hat fits, wear it.

MR SPEAKER: Your question, Mr Hargreaves.

MR HARGREAVES: Minister, what sort of actions will be necessary for the ACT to meet these emissions targets?

MR CORBELL: The government has commissioned a series of reports already to inform our thinking on this issue. I would draw members' attention to the Kinesis report, which has been made public, and which outlines clearly that it is technically feasible to achieve this target. About half of the reduction, around 25 per cent, can be achieved through energy efficiency measures, broader deployment of solar hot water, broader take-up of green power, broader take-up of renewable energy through feed-in tariff measures, and broader deployment of sustainable transport measures—combined, around 25 per cent through those measures. There is potential for a further 10 per cent through measures such as adoption of trigeneration technologies and through energy from waste technologies. So we know clearly where the broad opportunities are to achieve this reduction.

What the government will now do is that, having set the framework, having set the targets that we want to try and achieve, we will set out, in action plan 2, the specific policies and programs that we will now use to work towards that. We will do detailed costings on each and every one of those policy and program measures and then we will start to roll out action plan 2. So the government has a clear framework for moving forward. We have a strong commitment to an evidence-based policy setting when it comes to targets, and we now have the opportunity and the analysis to demonstrate how this can be achieved on the ground.

Childcare—kinship carer support program

MR SPEAKER: Mr Doszpot, a question without notice.

MR DOSZPOT: Thank you, Mr Speaker. My question is to the minister for children and young people. Minister, the request for tender for the kinship carer support program 2010-13 included a category related to "service targeted to the needs of Aboriginal and Torres Strait Islander people". Minister, what advice was sought from the Indigenous community on the development of the requirement of the tender for the Indigenous component of the kinship carer tender and from whom was it sought? If none was sought, why?

MS BURCH: Thank you. There is a theme here that they seem to not be happy that Marymead has won a component of our tender. I say, what is wrong with Marymead winning a bit of the tender? There is a component for support of Aboriginal and Torres Strait Islander families and rightly so. It needs families of the culture. We are more than prepared—in fact, we are proactive in our support—to support Aboriginal and Torres Strait Islander families who are experiencing an out-of-home-care arrangement. We have a unit within the department that looks at Aboriginal and Torres Strait Islander placements. All Aboriginal and Torres Strait Islander placements are vetted through and discussed through that unit, to make sure the child has its best placement. Through all placements our concern is the child's best interest. Now those opposite—

MR SPEAKER: Do you have a point of order, Mr Doszpot?

Mr Doszpot: Yes. My question was: who was it sought from?

MS BURCH: Well, you know, they jump before anyone has a chance to get to the end. But can I say that I have—

Mrs Dunne: Mr Speaker—

MR SPEAKER: Yes, Mrs Dunne.

Mrs Dunne: On a point of order, Mr Speaker, standing order 118A says that the answer has to be concise and directly relevant to the question. Ms Burch has been going on for the best part of two minutes and has not got to the question.

MR SPEAKER: Minister Burch, come to the question quickly.

MS BURCH: Well, I was. The question was around how we came to the scope of the tender procurement for Aboriginal and Torres Strait Islanders. "How did we get there", I would imagine, is part of "who did we talk to to get to this component?" So I had started saying that we have an Aboriginal and Torres Strait Islander unit within the out-of-home-care sector. That is the first port of call. We have a committee for out-of-home-care placements. This is government and this is non-government providers that come together and have a conversation. They were involved in the procurement process.

Those over there, they want a name that they can come in and pillar and post again. I will go away and find the name, if I can provide it. They are asking me to provide a particular name of what part of the conversation? I could list staff within the department, I could list people on the committee. They are not interested in that. And it seems to me, Mr Speaker, that they are actually not interested in how we develop policies and processes and procurement solutions for those most vulnerable in the out-of-home-care sector.

Mr Doszpot: On a point of order, Mr Speaker.

MR SPEAKER: I think the question has been answered. Would you like a supplementary?

MR DOSZPOT: My supplementary question is: minister, was a representative of the Aboriginal and Torres Strait Islander community on the tender assessment panel? If yes, who was the appointee? If no, why?

MS BURCH: This comes under a question I took on notice yesterday, and I am seeking advice from the department, as I said yesterday, on what advice I can bring back. What advice I can bring back, I will. I think that fits under that response.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Yes. Minister, in relation to the tender for the support programs for 2010-2013, when will you provide the money that was promised by the government in full to a non-government organisation to provide services to grandparent and kinship carers?

MS BURCH: I am doing all I can do. We have had an open tender for that process. It was not successful across the three streams. We are now going back to the sector to work out how we can get that out as quickly as we can. But in the meantime, we are putting money into support, particularly the kinship carers group and the sector.

MS PORTER: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, what are the benefits of the program that has been awarded recently by tender to Marymead?

MS BURCH: The benefit of awarding a tender, a contract and a process such as this to Marymead is that this is a well-established, existing organisation that is well connected through the out-of-home care environment and that is known to families. Families are comfortable with them, and it will build on and add value to their existing services. They have existing relationships with a number of people that are in the kinship carers group, which seems to be a focus of those opposite. And the fact that they are well regarded and have a long history of being involved in this area places them in an incredibly good position to fulfil their requirements under this procurement. For them to be awarded a rigorous, independent bit of procurement shows that their submission clearly outlined how they were best able to do this and best suited for the job.

Domestic Animal Services—dogs

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and concerns the outbreak of the parvovirus at the Domestic Animal Services facility which I understand has been closed since July. Minister, what is the extent of the parvo outbreak? How many dogs are affected and what is the government doing to bring this outbreak under control?

MR STANHOPE: I thank Ms Le Couteur for the question. I am not sure that I have available to me up-to-date information on the current situation in relation to the outbreak at the domestic dog shelter. I beg your pardon in relation to that. I will have to take the question on notice. I am happy to provide you with all the information in relation to the outbreak, the steps that have been taken and, indeed, the issues in relation to the implications for stray dogs or impounded dogs. I do not have the information. I will find it. I am more than happy to provide it to you.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Minister, can you please update the Assembly on the status of the maintenance upgrades and staff upgrades at Domestic Animal Services which were flagged at the estimates hearing in May? Have these upgrades occurred yet? If so, when and what were they?

MR STANHOPE: I thank Ms Le Couteur for the question. Indeed, I visited the domestic animal shelter I think probably six or seven weeks ago to meet with staff and

to meet with volunteers—volunteer dog walkers, most particularly. As you are aware, there is a very significant issue for us in relation to stray and lost dogs and at times other dogs that are required to be taken into care or custody. It is a very significant issue. I was very pleased to view the facilities. Most certainly, there is a crying need for significant upgrades of facilities at the site.

At this stage, I do not believe that the anticipated upgrades have been completed. One of the reasons for that was because of work that is currently in hand in relation to the need to relocate the RSPCA from its existing site at Weston. Consideration is being given to colocating the RSPCA and Domestic Animal Services into a single precinct.

Going to an issue dear to your heart, Ms Le Couteur—that we not expend funds on infrastructure upgrades if there is the potential that those upgrades might perhaps better have been delayed—we are giving serious consideration at the moment to a future location and future arrangements for the RSPCA. That will require a very significant investment by the ACT government to relocate the RSPCA. We anticipate at this stage that in excess of $10 million will be required to provide enhanced and new facilities for the RSPCA. *(Time expired.)*

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Minister, is the Domestic Animal Services facility continuing to accept dogs for rehoming as opposed to strays, even though it is closed to the public and dogs are being euthanised?

MR STANHOPE: I regret that I cannot answer that. I will take on notice questions in relation to dogs that are currently being picked up by the service and exactly what is occurring in relation to dogs that will continue to be taken into care by the service.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Thank you, Mr Speaker. Minister, when was the last time the government reviewed the code of practice for companion animals in pounds to ensure that it reflects best modern practice for housing animals and for dealing with illnesses and diseases?

MR STANHOPE: I do not have a time or a date in relation to that, but I have absolutely no reason to reflect that Domestic Animal Services ever pursue anything other than best practice. In the context of a date, when, I am afraid I do not know the date on which the last reviews were made. I am more than happy to get you that date, Ms Hunter.

Public housing—rent

MR COE: My question is to the Minister for Disability, Housing and Community Services. Minister, with regard to Housing ACT tenancies, what are the roles of CPI and market prices in determining rent?

MS BURCH: For public housing tenants, it is 25 per cent of their income, as I understand it, that they pay in rent. Depending on their income, it will change. We go

right up to about 10 per cent of tenants being market renters. I do not know the details of the formula of the CPI—at what point of the year they would come in and at what point of the year they are assessed. I do not have that detail. I can bring it back to Mr Coe, if that is of interest to him.

MR SPEAKER: A supplementary, Mr Coe?

MR COE: Minister, do you think that the wage price index or male total average weekly earnings would be a more equitable way of determining market rent?

MS BURCH: We have a set process in place at the moment but that is not to say that Housing ACT cannot look at other ways of determining rent that responds to whether it is wage or whether it is the value of the rent of the property. This is something that Housing ACT may consider in the future but it is not currently active, on the table, at the moment.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, in suburbs like Yarralumla where the only two-bedroom units available are ACT Housing units, how do you determine what the market rent is?

MS BURCH: It is my understanding—and certainly I could get the detail wrong here because I am not in the operational side of things; I am sitting here—that the market rent is the market rent for other comparable options. If there are only two-bedroom units in public housing, you could say that is difficult, but I am sure that those who understand the market will be able to get a private market rate out of a one-bedder or a three-bedder and apply the difference.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much. Minister, isn't it true that legislation requires you to get an independent valuation of all of our properties around the ACT and apply those to individual properties and isn't it true that the market rent only really affects 10 per cent of the tenants, because nearly 90 per cent of people have a rebate in any event?

MS BURCH: I thank Mr Hargreaves for the question. Yes, he is absolutely right. He is absolutely spot-on. Ten per cent of our tenants do pay market rent, but I think that reflects the changes we have made to how we allocate our housing as well. We have three tiers. We have priority housing, high-needs housing and general housing. It seems to reflect that we are indeed housing those in most need, which is reflected in the 10 per cent as market renters.

Tourism—Stromlo Forest Park

MR HARGREAVES: My question is to the Minister for Tourism, Sport and Recreation. Are you ready for this? Look how excited they are! They are almost beside themselves.

MR SPEAKER: Ask your question, Mr Hargreaves.

MR HARGREAVES: Can the minister advise the Assembly of the success of the Stromlo Forest Park in delivering for the ACT tourism industry, the economy and the community?

MR BARR: I thank Mr Hargreaves for the question and for his interest in Stromlo Forest Park. Since the ACT Labor government decided to invest in the rejuvenation of Stromlo Forest Park, I think it is fair to say that it has become a much-loved community asset. In fact, it is much loved by ACT tourism operators as well, and the 13,000 Canberrans who work in the tourism industry.

Members will recall that in September last year, Stromlo Forest Park was home to the UCI Mountain Bike and Trials World Championships. These championships were indeed a huge success for Canberra. An independent report by Ernst & Young found that the event injected $7.9 million into the local economy.

A range of other key findings of the reported included that 55 per cent of those who attended were non-ACT residents, 38.7 per cent were ACT residents and 6.3 per cent came from overseas, and 97.8 per cent of interstate visitors and 96.8 per cent of international visitors travelled to Canberra specifically for the event. Just under half of the event's spectators stayed in a hotel or motel whilst in the ACT, and 83 per cent of interstate and 100 per cent of international visitors intended to visit other Canberra attractions during their time in the city.

It is fair to say also that the event provided excellent exposure for Canberra. It was screened to an estimated global TV audience of over 34 million and an online audience of over 100,000. A total of 223 journalists from around the world were accredited to cover the event, which was broadcast in numerous countries throughout Europe, Asia and the United Kingdom. There were 45,000 day visits during the six-day event period. The event attracted 685 participants from 45 nations to compete in the four biking disciplines.

While these statistics speak for themselves, the event has also attracted significant accolades. In February this year, the outstanding success of the event was recognised as part of an award presented to the team at Territory Venues and Events by the ACT Cycling Federation. It was really pleasing to see Canberra's cycling community formally recognise the work of the TVE team, led by general manger Neale Guthrie. And this week we have learned that the TVE team and their partner, Earlybird Marketing and Events, have been named as one of the three finalists for the "best sporting event" in the Australian Event Awards—Australia's premier event awards.

To give the Assembly some idea of the importance of this nomination, the other two finalists are the 2010 Australian Tennis Open, and the 2009 World Masters Games held in Sydney. The awards are judged by an independent panel of judges who are representative of all areas of the industry by sector and by geography. The panel is led by co-chairs John Allen and Sandy Hollway of SOCOG fame.

This is indeed a well-earned award nomination. As is the case with Floriade and many of the events run in the ACT, Mr Guthrie and his team at TVE ran it very much hands on. He and his staff were on site the whole weekend, managing fences, dealing with contractors, helping contestants work out where they needed to be, and the countless other tasks that are needed to make an event like the world mountain bike championships a great success.

This award nomination is further evidence of the excellence of Mr Guthrie and his team at TVE—the team who also run Manuka Oval and Canberra Stadium so successfully. This nomination is also—*(Time expired.)*

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Minister, could you further expand on that little piece of information that you gave us, because I did not get the rest of it, and could you please advise the Assembly what other events—other than a Liberal Party love-in—are due to take place at the Stromlo Forest Park that will benefit the Canberra community?

MR BARR: Again I thank Mr Hargreaves. Members may be aware that a few weeks ago I released a new Access Economics report that shows that the sport sector contributes $245 million a year to the ACT economy. The report finds the industry provides full-time work for nearly 3,000 Canberrans. It finds that around 27,000 Canberrans contribute more than three million hours annually to voluntary roles in the sector. The study shows that participation in sport and recreation saves the community $84.5 million in associated health costs, and the report finds that halving the current rate of physical inactivity across the territory could save nearly an extra $50 million a year.

With that in mind, I think it is fair to say that any time Canberrans use the fantastic facilities at Stromlo Forest Park it is providing a benefit to the ACT community. It is yet another asset delivered for the community by this Labor government to encourage Canberrans of all ages to get into physical activity and to stay active. It is yet another asset delivered by this government to ensure that our community remains the most active community in Australia. On any given weekend, it attracts visitors to the territory to use its world-class facilities.

I am pleased to advise that Stromlo Forest Park has what can only be described as a full dance card of upcoming events in all shapes and sizes, so between today and the end of August, it will host the ACT schools mountain bike championships, a round of the Australian duathlon series and the singletrack mind MTB enduro. Upcoming highlights include the Australian Transplant Games in October, the 24 hours of adrenalin world solo 24-hour mountain bike championships and the Scott 24-hour race.

There are so many upcoming events that within the eight seconds I have left I will not be able to list them all. I could even do a Mr Coe adjournment debate and not quite get through them all! So, if you want to find out more, visit www.stromloforestpark.com.au.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, given the popularity of mountain biking, what is the government doing to support mountain biking in locations other than Stromlo Forest Park, particularly given the threats posed by things like the proposed Majura Parkway expansion?

MR BARR: The government is supporting mountain biking in a variety of forms. The most important one, of course, is having a world-class facility at Stromlo Forest Park. The particular area that Ms Le Couteur refers to is obviously subject to further planning consideration as part of the eastern broadacre planning study and also the consideration around the Majura Parkway.

Of course, as in all things—I find that this is a common response to Ms Le Couteur's questions—there are tradeoffs and there are things that you must balance. The needs of mountain bikers are, of course, important and they are appropriately reflected in a world-class facility at Stromlo Forest Park.

But equally, commuters have needs and their capacity to have an enhanced transport corridor through the Majura Valley is also important. In the context of balancing those two issues, I think appropriate recognition must be given to the significant public investment of funds in Stromlo Forest Park. That investment is testimony to this government's commitment to mountain biking in the territory.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, given the success of these events, has the money expended given any other return on investment?

MR BARR: I thank Ms Porter. These questions are ones that I always find interesting and in fact I entered into a media debate with Mr Smyth over the returns. Unfortunately, Ms Porter, the majority of taxation revenue generated by the economic activity that these events generate goes back to the commonwealth. GST revenue is, of course, derived from that extra economic activity. But that particular revenue was allocated not where the economic activity occurs but to the states and territories based on their proportion of the country's population. A popular but unfortunately misleading view is put out by some—I think Mr Seselja was guilty of this at one point, but Mr Smyth corrected him—that GST revenue is not applied where the economic activity is generated.

However, there are some other spin-offs, most particularly if we are able to charge for parking, where the extra activity generated by tourism events such as Floriade will generate extra revenue for the territory government. And of course, in seeking to get a full return for the ACT government from our significant investments, being able to get some revenue back to the territory government is indeed important and it is a factor that we must consider as we approach investment in major events.

Another example in terms of significant returns, more to the commonwealth than to the territory, would have been the *Masterpieces from Paris* exhibition. Again, it was a commonwealth agency that generated most of the significant return. Obviously money went into the private sector as well, but the return to the ACT government, unfortunately, because of the structure of the tax system, is somewhat limited.

Alexander Maconochie Centre—community organisations

MS BRESNAN: Thank you, Mr Speaker. My question is to the Minister for Corrections and is in regard to communications with community organisations about the AMC. Minister, what steps do you take to ensure you receive a regular flow of information from the community sector about concerns they may have with the AMC?

MR CORBELL: Mr Speaker, I make sure that I am always available to meet with representatives of community-based organisations if they have any views or concerns about the AMC. Indeed, recently I met with representatives of ADFACT in relation to the services of the AMC, so my door is always open, Mr Speaker.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, how often do you personally have meetings with the AMC community reference group?

MR CORBELL: I have not met with the community reference group for some time, but I am certainly—as I have already said—always open to meeting with representative groups should they wish to have a meeting with me. Indeed, as recently as the last couple of weeks I have met with ADFACT to discuss issues around the AMC.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, have you considered establishing a corrections or an AMC-specific ministerial advisory group? If you have, why have not the government proceeded with this idea?

MR CORBELL: No, I have not.

MS HUNTER: A supplementary?

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Minister, have Corrections ACT and the community sector ever provided you with differing advice? If so, what steps have you taken to ensure the advice you have received is correct?

MR CORBELL: It is not surprising that the views of community sector organisations around corrections may differ from the views of Corrections ACT in relation to a range of matters. That is not an unusual set of affairs. It is always the case that I, as minister responsible, have due regard to the view of all stakeholders. I certainly listen to the views and the advice of Corrections ACT but I also listen to the views and advice of the community sector. And that will remain the case. Sometimes I will agree with community sector representatives, sometimes I will agree with the views of Corrections. That is the day-to-day job of being a minister.

Housing ACT—condition reports

MR HANSON: Mr Speaker, my question is to the Minister for Disability, Housing and Community Services. Minister what is the purpose of undertaking condition assessments on all Housing ACT properties?

MS BURCH: Well, Housing ACT is the largest landlord in the ACT, with over eleven and a half thousand properties—going up to 12,000. I would have thought regular assessment of the properties is just good asset management.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Thank you, Mr Speaker. Minister, will the results of any condition audits be made public, and has funding been allocated to complete any repairs identified in these audits?

Government members interjecting—

MS BURCH: I know Housing ACT is going through—

Mr Seselja: We've got a whole cabinet answer now. They don't trust—

MR SPEAKER: Thank you. Let us hear Minister Burch.

Mr Seselja: We're getting answers from across the—

MR SPEAKER: Mr Seselja!

Mr Seselja: I am sorry, Mr Speaker. Is it reasonable for ministers to be calling out answers?

MR SPEAKER: Are you taking a point of order, Mr Seselja?

Mr Seselja: I am. It is just not clear to me who is answering the question, Mr Speaker. We seem to be getting a whole range of ministers answering. We seem to be being called to order on—

Members interjecting—

Mr Seselja: I am seeking clarification on whether it is all right for us to yell back if ministers are able to yell out answers after questions are asked.

Members interjecting—

MR SPEAKER: Order! This is a question for the Speaker, not any minister. Mr Seselja, I am almost speechless. I think that there are regular calls across the chamber as the question comes, from both sides of the chamber. I think that your point of order is not a point of order. Minister Burch, you have the floor.

MS BURCH: The process of doing an audit on our properties is indeed—I have almost forgotten the question after that bit of nonsense. I was wondering who was actually asking the questions. I think the question was: what is the purpose of the audits and will the information be made public? I do not know if the information will be made public. It will certainly inform internal processes within Housing ACT. As a good asset manager, that is what you do with that information. Will it trigger repairs and maintenance? It no doubt will trigger repairs and maintenance. We have a contract with Spotless for a total facilities management program that does reactive and proactive repairs and maintenance as it is, and we are moving increasingly, because of this good, solid system in place, to more proactive remedies and dollars being spent than reactive. I think it goes to improving the quality of Housing ACT stock.

MS LE COUTEUR: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, as a result of the asset maintenance checks, will you be looking at upgrades to houses for solar hot water energy efficiency, particularly given the government's new commitment to 40 per cent reduction of greenhouse gas emissions?

MS BURCH: I thank Ms Le Couteur for her question. Indeed, that is all part of it. We have $20 million all ready just to target energy efficiencies within Housing. That includes double glazing, sealing around windows and insulation, and it also includes replacing heaters as they fail. It also targets hot-water systems, so looking where we can to put gas hot-water systems and heat banks and solar boost systems, but certainly high star ratings for electric water systems. So it is, indeed, absolutely something we do.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, once assets are fully depreciated, what difference will that have for whether the repairs are done or not?

MS BURCH: I leave some of those finetuned decisions to the asset managers. We have a rolling program of repairs. We also have a rolling program as to whether properties are sold and other new properties are bought. This is all part and parcel of a robust process of asset management.

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

Minister for Health
Statement by member

MRS DUNNE (Ginninderra): I seek leave to make a brief statement.

MR SPEAKER: Sorry, Mrs Dunne, I cannot hear you.

MRS DUNNE: I seek leave to make a brief statement.

MR SPEAKER: Yes, Are you seeking leave of the chamber or from—

MRS DUNNE: Yes. Well, from whomever it is appropriate to seek leave from. I think it is the chamber.

MR SPEAKER: Are you seeking a personal explanation under 46?

MRS DUNNE: No, I need to seek leave to make a brief statement.

MR SPEAKER: Is leave granted? I think leave has been denied, Mrs Dunne. Would you like to provide further explanation and to retest it?

MRS DUNNE: I would like to make a statement in relation to comments made in the debate last night.

MR SPEAKER: Is leave granted? Yes, I believe leave is granted.

Leave granted.

MRS DUNNE: Thank you, Mr Speaker, and I thank the members of the Assembly. Last night in debate, Ms Gallagher made a number of comments in relation to my views as a Catholic, which I considered gratuitous and intemperate. They also reflect upon my right to adhere or not to adhere to a religious conviction. I would ask her to withdraw those comments and to apologise for making them.

MR SPEAKER: Ms Gallagher, do you wish to comment? I did not hear it.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): Mr Speaker, I will have a look at the *Hansard* before I withdraw them. I do not think those comments were offensive and, indeed, they were responding to Mrs Dunne's comprehensive ideological attack on my own personal views—

Mr Coe: It is for her to determine whether they are offensive or not.

MS GALLAGHER: I think, if you read the entire debate—her comments about me and then my response to them—you will see them in context.

MR SPEAKER: From the Speaker's point of view, I will have to review the *Hansard*.

Supplementary questions without notice

MR SMYTH (Brindabella): On a different matter, Mr Speaker, I seek your ruling. Last week I raised the issue of Mr Hargreaves asking supplementary questions that are clearly out of order—that you rule out of order—to use up the questions and delay the debate. We had another instance of that yesterday. So there is now a question each week in the last four sitting weeks. I would seek your ruling about the tactic of using clearly out of order questions to not allow other members to take up issues and whether or not you would consider, when you rule a supplementary out of order, that the supplementary might come back into play.

Mr Corbell (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): On the point of order, Mr Speaker. We believe—

Mr Seselja: It is not a point of order.

MR SPEAKER: I am not sure if it is a point of order, but—

Mr Corbell: With your leave, Mr Speaker.

MR SPEAKER: Yes, Mr Corbell.

Mr Corbell: Thank you, Mr Speaker. Mr Speaker, to assist you in relation to this matter there is nothing in the standing orders that prohibits a member from asking a question that may be ironic or, indeed, out of order. There is nothing to prevent a member asking an out of order question. They just simply know that, when they ask an out of order question, it is going to be ruled out of order. There is nothing in relation to questions that prohibits Mr Hargreaves from asking questions in that manner. If Mr Smyth believes—

Mr Seselja: The standing orders say you cannot—

Mr Corbell: Well, you have not been able—

MR SPEAKER: Thank you.

Mr Corbell: Mr Speaker, the opposition have not been able to cite a particular standing order in relation to this matter, because there is none. There is none.

Mr Seselja: He has ruled them out of order.

MR SPEAKER: Order.

Mr Corbell: Questions are not debate. The rules of debate are quite separate from the rules regarding questions, and members should know and understand that. Mr Speaker, if Mr Smyth—

Mr Seselja: You are a little brain, Simon, I mean—

MR SPEAKER: Order! Mr Corbell has the floor, thank you—

Mr Seselja: They are standing orders. He has ruled on the standing orders—

MR SPEAKER: Mr Seselja, thank you.

Mr Corbell: The problem with the Liberal opposition is, if it is not their view of the world, everyone else is an idiot. That is the problem, Mr Speaker. That is the problem with that mob opposite. But we are entitled to a view as well, and we are going to express our view, and Mr Seselja is just going to have to shut up while he lets other people have a say.

Mr Speaker, there is no point of order. There is no breach of the standing orders. I would encourage you to reflect on that as you consider your ruling on the matter. If Mr Smyth wants to change the standing orders in relation to question time, that is a matter for him, but it is not something you can do unilaterally.

Mr Seselja: On the point of order, Mr Speaker.

Mr Hargreaves: There was no point of order.

Mr Seselja: Well, on the discussion, Mr Speaker, Mr Corbell is asking us to accept that there are no rules for questions, when there clearly are. The standing orders set them out. You have ruled, in fact, that the questions from Mr Hargreaves on several occasions have been out of order, and the question that has been put to you is: is using that as a tactic reasonable and will you therefore—as it clearly is a tactic—allow questions to be asked and, effectively, allow that out of order question not to be counted as a question? It is a very legitimate question, and Mr Corbell's logic does not follow, because he is claiming that there are no out of order questions. Well, there are out of order questions. The question is: what is the consequence when you have ruled, as you have on several occasions, in relation to Mr Hargreaves?

Mr Corbell: There is nothing to prohibit a member asking an out of order question. If Mr Hargreaves wants to ask an out of order question he is allowed to.

MR SPEAKER: Order. Thank you.

Mr Coe: Then it is not a question.

Mr Smyth: If I just—

MR SPEAKER: I would like to explain the rule, Mr Smyth.

Mr Corbell: That is a matter for the Speaker.

Mr Seselja: That is what he is asking.

Mr Coe: And that is the point.

MR SPEAKER: Order, members. There is clearly not an explicit rule on the exact question that Mr Smyth has raised. Nonetheless, it is quite clear that I am operating to the system that an out of order question uses up the question, and I intend to continue to operate to that basis. I think we would otherwise open a can of worms. I think that clearly throughout question time a series of tactics are in play across the chamber, of which Mr Hargreaves's approach is clearly one. I also believe there is a limit to that and, under standing order 202, I believe the Speaker has a capacity to make a judgement call on when those tactics become excessive, just as I do on a range of other matters. I am mindful of the point that you have raised, Mr Smyth, and I will continue to make a judgement on that as we proceed through question time.

MR SMYTH: The reason I raised this issue is that you have warned Mr Hargreaves in the past about it, and I was just simply asking: what is the tolerance here? It has happened every week for the last four weeks. You have made statements to Mr Hargreaves not to continue this, and I was just asking what the tolerance is that the chair will accept on this matter?

MR SPEAKER: As I indicated, Mr Smyth, it is a matter of judgement for the chair, and that is my ruling, in the absence of an explicit rule. Mr Stanhope.

Mr Stanhope: A very wise ruling, Mr Speaker. Going forward, now that the Liberal Party have adopted as a tactic either a censure motion or a no confidence motion in every sitting week, I wonder whether you might exercise your judgement about when that particular tactic, that particular spoiling tactic, is also an abuse of the processes of this place. I think, in relation to the confected nonsense of the Liberal Party in relation to questions asked by Mr Hargreaves, it needs too to be applied to the fact that we now have to endure a censure motion or a no confidence motion every week as a deliberate tactic of the Liberal Party to disrupt this place.

MR SPEAKER: Thank you, Mr Stanhope.

Mr Coe: Joy admitted the mislead.

MR SPEAKER: Order, members!

Mr Seselja: Start telling the truth.

MR SPEAKER: Order, members! The administration and procedure committee is perhaps the best forum to debate the standing orders and any changes that need to be made. I invite members to either operate through their member office or members can come to me at any time they wish outside of the chamber. This is not the forum to debate the standing orders.

Supplementary answer to question without notice
Canberra Hospital—pay parking

MS GALLAGHER: Thank you. Mr Speaker, last week in question time—

Members interjecting—

MR SPEAKER: Ms Gallagher, one moment. I am trying to give Ms Gallagher the floor. The next member who intervenes will be warned. Ms Gallagher.

MS GALLAGHER: Last week in question time I was asked a question, I think from Mr Coe perhaps, around parking at the Canberra Hospital. It might have been a supplementary question. I said I had not received any complaints from the public around the public parking arrangements. I have gone back and checked, and I have received eight written complaints specifically around public parking.

Papers

Mr Speaker presented the following paper:

> Auditor-General Act—Auditor-General's Report No 5/2010—Delivery of ACTION Bus Services, dated 26 August 2010.

Mr Stanhope presented the following papers:

> ACT Government—Overseas visit report—ACT Trade Mission to China, 5 to 9 July 2010 and ACT Cultural Visit to Japan, 10-14 July 2010.
>
> Public Accounts—Standing Committee—Inquiry—Auditor-General's Report No 6/2009—Government Office Accommodation—Government submission.

Mr Corbell presented the following paper:

> ACT Criminal Justice—Statistical Profile 2010—June quarter.

Alexander Maconochie Centre—progress report
Paper and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): For the information of members, I present the following paper:

> Alexander Maconochie Centre—Review of the operations—Progress report, dated August 2010.

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

Leave granted.

MR CORBELL: I thank members. In February this year the Assembly passed a motion calling on the government to conduct a review of the first 12 months of operation of the Alexander Maconochie Centre. The government has moved quickly to engage a respected corrections expert, Mr Keith Hamburger AM, to head the review and provide his Knowledge Consulting review team with extensive terms of reference.

The Assembly motion called on the government to provide a progress report to the Assembly in August 2010. At the end of July, Knowledge Consulting provided advice on progress to inform the preparation of the interim report, which I have tabled today. This report explains that the review is proceeding well, that the review team has consulted widely, that the relevant government agencies have been cooperating with the review team and that the review team is on track to provide its final report later in the year. I table this progress report in response to the Assembly motion and commend it to the members of the Assembly.

Papers

Mr Barr presented the following paper:

> Change of use charge—Internal audit—Final report prepared by Oakton for the ACT Planning and Land Authority, dated August 2010.

Childcare—affordability and accessibility
Discussion of matter of public importance

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

> Affordable and accessible childcare in the ACT.

MRS DUNNE (Ginninderra) (3.16): Mr Speaker, I would like to thank you for the opportunity to raise this matter of public importance today because it relates to probably the most important financial issue facing young families, aside from how they pay their rent or their mortgage—that is, the importance of affordable and accessible childcare. This is an issue that goes to the heart of some of the cost of living pressures that young, hardworking families face today.

Affordable and accessible childcare is particularly important in the ACT. There are several unique aspects of the ACT economy which make affordable and accessible childcare in the ACT very important. The ACT has the highest workforce participation rate of women in any jurisdiction in the country. The ACT also has a large transient population, particularly with defence families who move to the ACT, who do not have family support networks to assist them with childcare.

These two important factors about our economy mean that there is a high demand for quality childcare in Canberra. I often wonder, given some of the responses I have

heard from Ms Burch in relation to this since she has become the minister responsible for childcare, whether this is apparent to her. So for the benefit of Ms Burch I will quickly outline why affordable and accessible childcare is important.

Apart from owning a home and paying for it, childcare for some families is the biggest financial commitment that they have when their children are young. I have had people comment to me when I talk to them about childcare that the childcare fees they had to pay "financially crippled" them when their children were young. From my own experience, I recall a time when I was paying various things for my two sons. One of them was in family day care and the other one was in senior high school at a Canberra boys school. I noted that at the time I was paying more per month for family day care than I was paying in school fees per term at a Canberra boys school. That is an indication of the cost of childcare that people bear in the ACT.

So it is no surprise that the lack of affordable childcare in the ACT creates a particular barrier for women who want to re-enter the workforce. Recent research by the commonwealth Treasury shows that the cost of childcare has a significant negative effect on workforce participation by mothers of young children. This is reaffirmed by stories that I hear from my concerned constituents and friends.

I am aware of just one family, to take an example, who are on a good income—not a high income but a good income—where the mother works a couple of days a week to keep her skills up while she has three young children in care. She is effectively working for nothing because what she earns pays her childcare fees because they are so high. But this is a young, go-ahead sort of woman who has made choices because she wants to have the certainty of a career when her children are older.

Mothers of young children participate in the workforce for a variety of reasons—for career considerations, for personal choice, for intellectual stimulation and networking and out of economic necessity. The particular mother that I have spoken of persists in the workforce on a part-time basis because she is motivated and a hard worker and she wants to maintain her skills. She wants to ensure that she remains competitive in the workforce for when she re-enters on a more full-time basis when her children get older.

I have also heard of several stories where mothers have been unable to return to the workforce because suitable childcare for their children cannot be found within reasonable access to their home or to their workplace. But if you listen to the government and you listen to Ms Burch, they will tell you—and I am sure she will tell us later today—that everything in ACT childcare is just hunky-dory. Well, Ms Burch, it is time that you took responsibility for your portfolio area and had a good, hard look at what is happening in childcare in the ACT.

To assist the minister, I would like to provide the Assembly with a few facts and figures. The provision of childcare in the ACT is somewhat unique. About 80 per cent of childcare is provided by not-for-profit community organisations. Twenty-two of these are community organisations which are run directly by parents. According to the report on government services in 2010, there were 10,008 children aged five and under and 5,430 children aged between six and 12 attending Australian government approved childcare services in the ACT in 2008. This represents 37 per cent of

children under five and 18.8 per cent of children aged six to 12. However, this only represents about half of all childcare in the ACT. The Australian Bureau of Statistics data suggest that as many children again are looked after by grandparents, other relatives and friends on an informal basis.

We know that commercial childcare in the ACT is provided by both for-profit private organisations and not-for-profit community organisations. As I have said, around 80 per cent of the childcare is provided by the not-for-profits. In other states, this figure is between 20 and 50 per cent. So the ACT is unique. Families in the ACT are thus more heavily reliant on the not-for-profit community sector to provide their childcare services. These organisations are hardworking organisations which are run for the most part in people's spare time and with very minimal overheads. It is hard work for the organisations, and they do work hard. I commend them for the work that they do in running high-quality childcare and in keeping their costs down as much as possible.

Canberrans rely more heavily on childcare services than people in other states due to the relatively high workforce participation of both males and females compared to the rest of the Australia. This demand is reflected in childcare fees. According to the report on government services in 2010, the ACT has the highest median cost of centre-based long day care at $315 per week and the highest median cost of family day care at $312 per week. This compares to median costs across Australia of $285 and $267 respectively. It is also worth noting that Ms Burch says that this is not a fair comparison and that we should look at how we compare to places in regional New South Wales. But if you look at the RoGS data and other data, you will see that childcare in the ACT is more expensive than it is in places like Wollongong and Newcastle.

We know that people in the ACT are already facing fees which are at the upper end of the scale. In 2012, the industry will face further regulation. The Canberra Liberals are certainly supportive of any moves to improve the quality of childcare. However, there needs to be a balance in achieving this. The demand for childcare is relatively inelastic. Simply put, for the benefit of Ms Burch, the change in the demand for childcare will be relatively unresponsive to price. So to put it like this: any regulation that imposes a cost to the provision of childcare will be passed on to parents.

Ms Burch may be interested to know that there is also an economic impact due to the opportunity costs. If parents are forced to spend more on childcare, they spend less on other important things that they need for themselves and their children. Perhaps it is apparent that the minister is dictating to parents how they should raise their children, but that is not what the Canberra Liberals think is appropriate.

In 2012, the childcare industry will face further regulations that will add to the cost of childcare for parents. Ms Burch has made a great virtue of the fact that in relation to the over-twos to fives, the ACT is already compliant with the regulations on ratios. That is true, but we have seen from the data provided in the Access Economics report, which Ms Burch is very keen to quote from, and from her answers in question time today, that in relation to the nought to twos we perform very badly compared with the rest of the country. In fact, according to Access Economics, at 28 per cent, we are the worst performer, with Tasmania. If we are to believe Ms Burch today, it is in fact 25 per cent and we perform worse than Tasmania.

What this means is that, beginning in 2012, there will be substantial changes to childcare in relation to the nought to twos in particular. We will have to work to change the ratios. That is not a simple thing. You do not just put another person in a room. In addition to staff ratios, there are floor space requirements. If you put another person in the room and put in more children then you will need more floor space. Lots of childcare centres are currently being confronted with the issue of whether to upsize and build to put in more childcare places or downsize to meet the ratio requirements. These are important financial and planning decisions that need to be addressed. There are lots of community organisations who are struggling with how to best make that decision.

It is the best part of six months since I asked Ms Burch to have a conversation with me about strategies for the ACT government to address, especially the needs of the parent-run, not-for-profit childcare centres which were making these decisions. We did have one meeting. We got to the end of that meeting and we had not got on to this subject. Ms Burch said, "I'll get back to you." I have been in touch with Ms Burch's office on at least one occasion since then to follow up, but there has been no discussion. I believe Ms Burch either thinks it is not important or she does not know how to address the issue.

These are important issues, but Ms Burch is not across them. It is obvious from the answers to the questions today that she does not comprehend the impact that these changes will have on the day-to-day lives and the day-to-day incomes of average people. The RoGS data that we saw earlier this year showed that people on low incomes pay up to 20 per cent of their disposable, after-tax income on childcare. It is a huge imposition for lower income earners in the ACT and elsewhere, but particularly in the ACT where it is a much higher proportion.

This issue is not being addressed by the minister. The minister keeps saying, "The setting of childcare fees is not a matter for me. The setting of childcare fees is a commercial arrangement between parents and the childcare provider." But the minister is the person who provides the regulatory framework and is the first port of call for most people who have issues in relation to childcare.

If we are going to continue to provide employment for Canberra, especially Canberra women who want to return to the workforce and who are finding it hard to do so because of the lack of childcare, it is important that this minister, along with the whole community, is responsive. We have seen that the minister is not responsive. We can look at the instance of the Gumnut childcare centre which was in limbo for many months. At one stage, the minister was just saying, "We're going to close you down. We're going to move you. We're going to close you down from this place and good luck finding a new spot."

It was only when the matter was brought to this Assembly that the minister started to take an interest in it. After many months and many false starts, we now have a solution for the Gumnut childcare centre. But it is a solution which does not provide, despite the stated policy—

Ms Burch: They're very pleased with it.

MRS DUNNE: You can have your go in a minute. Despite the government's stated policy of providing new childcare places in areas of need, this does not provide any new—or very few—childcare places. The solution for Gumnut and Alkira means that, although the minister said that she would spend $4 million to provide 200 new places, in fact she spent $4 million to provide 10 new places. The people of the ACT will still be very badly off when it comes to childcare.

The provision of childcare is very important. It is important for families because they need certainty. They need to place their children in a place that they feel comfortable with, where they feel assured that their children will be well looked after and where they have confidence in the staff and management of the childcare centre. The debacle over at Gumnut is a case in point. They lost key staff, and they lost children through that process. That is an issue which will have long-term impacts on the stability of people's childcare arrangements and on the development of their children. The minister has also failed to deliver on the party's promise for two new childcare centres with new places. As with all of these matters, the minister is entirely unaware of the importance of affordable and accessible childcare in the ACT.

MR ASSISTANT SPEAKER (Mr Hargreaves): On the matter of public importance, Minister Burch. I am sorry about that, Ms Hunter, your arms were not waving around enough. Before you commence, Ms Burch, for the benefit of Ms Hunter, since I have been here, for a dozen years, the convention has been that, if a government member raises an MPI, another member will get the second call; whereas if a non-executive member raises an MPI, the responding minister gets the second call. Hence the call. Thank you. Ms Burch.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.31): Thank you, Mr Assistant Speaker. The ACT Labor government is indeed committed to improving the quality, accessibility and affordability of childcare; so I thank Mrs Dunne for bringing this matter to the Assembly today. We want to ensure that all children get the best possible start to life.

We know that having a childcare system that is accessible and affordable has major benefits for families. We know that it increases workforce participation, increases productivity and contributes to economic growth. We also know that accessible and affordable childcare provides better opportunities for mothers to re-enter the workforce. From my first month as the Minister for Children and Young People, I have been working with the childcare sector to deliver outcomes for families, women and children across the ACT.

But let us be clear: affordability is indeed a very important issue. The affordability of childcare in the territory received a massive boost when the federal Labor government in 2008 increased the childcare rebate to 50 per cent and increased the rebate cap from $4,354 to $7,500. According to the Australian Bureau of Statistics, this increased the affordability of childcare by 20 per cent. In other words, a family earning $80,000 now receive $2,239 a year more in childcare rebate than they did under the former Liberal government. Families currently receive a rebate quarterly rather than each

year and if the Gillard Labor government is able to form government, which would be terrific, families will receive the rebate fortnightly.

Let us compare this with what I have heard from the federal Liberal Party. Tony Abbott and the federal Liberal Party are on record that they will not proceed with the quality rating system introduced by Labor governments. What a backward-looking position. What a shocker of a position for families and kids in childcare across Australia. It is no surprise that when the former coalition government was in office Australia was 13th out of 14 OECD countries in terms of public expenditure on early childhood education.

The other thing on affordability is that Mrs Dunne referred to the ROGS data. It is quite clear that the ROGS data measures the ACT, which is a city-state, against states and territories, which have regional areas. Mrs Dunne did, I think, go to this. If we are compared to other urban areas, it provides a more accurate comparison. The commonwealth government's mychild website indicates that the most recent weekly rates for centre-based care for children in inner city Sydney ranged from $370 to $520 per week, and in Wollongong and Newcastle they ranged from $300 to $375. This compares to the cost in the ACT of $325 per week, as reported in the *Report on government services*.

Her other comment was—and I have the comment here—that fee setting is a matter for individual centres. I am wondering now whether she is proposing that government policy comes into actually setting fees for childcare centres. I am not quite sure, and I would ask her to qualify or to explain that.

But this government knows that accessibility and affordability of childcare is very important for families. Of course, this government also understands that families value the quality of care being provided to their children.

A recent study by Early Childhood Australia about the concerns of pregnant mothers found that childcare quality was the most important issue for them when they considered which childcare centre to send their children to. It is unfortunate that the public debate from the Liberals in this place has focused solely on the availability and affordability of childcare while totally ignoring quality.

On quality, I share with those opposite the fact that the ACT received the highest result across Australia for quality in long-day care services. This was received from the National Childcare Accreditation Council. This was in relation to health, nutrition and wellbeing of children indicators. I think that is something that our services in the ACT should be very proud of.

But the fact is that research shows that quality childcare leads to better developmental and cognitive outcomes for our children. According to a European Commission report in 2009, in economic terms investment in early childhood brings greater returns than investing in any other stage of education, although the size of the effect and its continuity into later schooling may vary considerably. Early childhood education and care services can enhance children's subsequent school performance and development only if the care is of high quality. The report concludes that poor quality childcare can do more harm than good, especially to children from poorer backgrounds.

According to the OECD, qualifications and training of carers, as well as low staff-child ratios, are the main indicators of quality in childcare. Lower staff-child ratios are associated with better carer-child interaction and improved childcare interaction, particularly among younger children. This is particularly beneficial for younger children in care. Lower ratios are also associated with better child outcomes, including better language and cognitive development, maths readiness, better cooperation and compliance and fewer behavioural problems.

Carers with high levels of educational attainment and standards of training are better able to provide improved learning environments and more sensitive care. The literature finds a positive association between carer qualifications and cognitive and educational outcomes of children. This strong body of research led to the development of the national quality agenda which was agreed by the Council of Australian Governments in December last year.

In case Mrs Dunne does not quite know how to go to research and quality, what I will do is provide Mrs Dunne with an extensive list of quality research that will show her that quality childcare is indeed the critical factor. But it is something that Mrs Dunne and those opposite just seem to ignore and they continue to really downplay the services that we provide to our children in the ACT.

The national quality agenda will raise the quality of childcare by improving staff-child ratios so that each child gets more individual care and attention and by improving staff qualifications so that staff are better able to lead activities to help children learn and develop. Under the Labor government's reforms, parents can be satisfied that their child will access quality care in their childcare centre. The national quality agenda establishes a quality ratings system so that parents will know the quality on offer at each and every childcare centre in their area. This information will be freely available on the federal government's mychild website and at each childcare centre.

By committing to these quality reforms, the ACT Labor government is committed to making childcare accessible to parents. However, there are alternative views. I find it very curious that this MPI has excluded the word "quality". It goes to accessibility and affordability and it seems that there is no interest from those opposite in quality childcare. Perhaps it could be that over the last six months we have witnessed a baseless and quite inept attack by the opposition on quality childcare in the territory. This government stands in stark contrast to those opposite. We stand for quality childcare for all.

The ACT is indeed well placed to meet the standards compared to other jurisdictions. Except for the under-twos, the ACT has had the same child-worker ratios as the new national standards since 1996. So that is a number of years where we have met the proposed standard. I am not quite sure how that factors in to Mrs Dunne's fearmongering about the exorbitant cost. We have outlined the cost increases expected but Mrs Dunne seems to want to continue to put fear into Canberra families.

For the under-twos in the ACT, we know that 25 per cent of childcare centres already meet the ratios and will be able to meet the new standards by 2012. We, as a department, will certainly work with those that find that a tad challenging to ensure

that they meet the standards. Our current ratio is one to five for the two to three-year-olds. In contrast, the ratio in New South Wales is one to eight.

Last week, in the Assembly, the opposition began to misinform the Assembly by relying on a Childcare New South Wales report in relation to childcare costs. However, the government expects that the quality agenda will increase the average out-of-pocket increase for families on a family income of $80,000 per annum by 57c per week in 2010-11 for one child who attends full-time care, that is, 50 hours per week.

New childcare centres are planned in Molonglo and Holt. ACTPLA will continue to accept development applications for new childcare centres and will assess them on the basis of demand, community need and a range of other factors.

The Department of Land and Property Services is currently looking at all community facilities to work out how they might be better utilised to support community organisations such as childcare centres. This work is already being done in collaboration with the DHCS child, policy and regulation unit and ACTPLA.

This government has been listening to the childcare sector as well as regularly visiting childcare centres. I chair the Children's Services Forum. The forum has representation from community and private-based childcare providers, training centres, childcare workers and government agencies.

The national quality agenda is the most significant reform to the early childhood sector in decades and the government is working, through the forum and with childcare providers, to ensure that the transition is as smooth as possible. Field testing on the national quality standard assessment tool was completed in June in one private and one community-based centre. Eight other centres will be involved in September.

Today I can inform the Assembly that I have written to every childcare centre in the ACT, sharing my understanding that the national quality standards are going to be a challenge to implement and that this government will work with them to try to make the transition as smooth as possible. I have also let them know that my door is open for discussion and as we make this transition I would like to visit their centres and to see their operations on the ground.

The ACT Labor government is addressing the accessibility of childcare. We also support equality for all our children. Labor's national quality reforms are vital for our children's future. Families in the ACT fear that the opposition are threatening to scrap the childcare quality standards. In doing this, the opposition will be rejecting the research. Mrs Dunne, I am quite happy to hand this to you. It is quite a list of extensive research that talks to quality and indeed debunks most of the arguments you put forward here. This recognises that quality childcare reforms, which we are about to implement, will lead to better developmental outcomes for children.

In terms of childcare policy, the silence is almost deafening. I wish there was deafening silence from those opposite. But let us consider the policies of those opposite. In the election period, their policy paper—not their costing paper, because their costing paper was devoid of anything—did not have any mention of childcare.

The day before the election they whipped out our policy almost word from word. They did not cost it; so I do not quite know what rabbit they were pulling out of the hat for that.

More recently, Vicki Dunne has made comment on an audit—no income, no benefit to the community—and a centralised intake system, almost, for childcare. I can tell Mrs Dunne that those families, those providers and those in the sector that I have raised the centralised system with do not agree with it, do not want it, and would much prefer to have the conversation directly with families so that they can assure their families that the centre is matched to the needs, the requirements and the aspirations the families have for their child.

So I am not quite sure where Mrs Dunne stands. Yes, we do recognise there would be some increases. Given that this is underpinned by quality, which is all about providing the best and improved outcomes for our children, I do not know how those opposite could not support a quality agenda reform that these national reforms will bring in. Every state, even their counterparts in WA, has implemented it, has signed on for these COAG reforms, because they are the right thing to do. Every society, every community, should be doing the best they can for our children.

MR ASSISTANT SPEAKER: On the matter of public importance, Ms Hunter. Before you do, Ms Hunter, when I advised the reason for the call last time—and I apologise to Hansard—I had my finger on the mute button. With your indulgence, I will put the same explanation. I did indicate that it was a convention that, where a non-executive member raised an MPI, the second speaker to get the call would be the minister of the day and, where a government member actually put forward the MPI, then any other member. Thank you very much for your patience.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.47): Thank you, Mr Assistant Speaker. It is unusual for you to have a mute button on, and I say that in a kind, caring way. I thank Mrs Dunne for bringing this matter of public importance forward today. The ACT Greens recognise the importance of helping families meet their expectations and needs in relation to their choices about work and, in particular, affordable and accessible childcare services.

Securing some form of childcare arrangements has been an issue for a long time. Before the ACT even existed, the first day care nursery in Sydney opened in 1905, when matrons at a Sydney hospital formed the Sydney Day Nurseries Association following concerns that washer women were bringing their infants to work while they did the laundry. Over a century later, it is still an important family issue, and it is vital in the ACT that we have a well developed policy on improving access to care for children through the day and during school vacations. This is essential not only for the parents or carers of these children but for the grandparents and other friends who are responsible for providing alternative care.

The ACT Greens have as one of our important aims to enhance the availability of a mix of adequate and affordable high quality childcare services for ACT families through initiatives to support social inclusion and culturally appropriate care. In addition, we seek to work to improve conditions, remuneration, training and career opportunities for childcare workers.

Childcare is expensive and it requires a significant portion of families' budgets. Being a working mother myself over many, many years, I have probably spent on childcare an amount where I could have bought an investment property by this stage. Unfortunately that is the nature of it. We do have advice from the 2008-09 review of government services, the RoGS data that Mrs Dunne referred to, that the ACT has the highest rates of childcare costs in Australia.

I mentioned in this place in February this year when I spoke to a motion on childcare services moved by Mrs Dunne that it is important that we understand that, while childcare in the ACT is expensive, it has to do with the market and the market setting costs. There is significant demand for childcare services in the ACT from families with an average income which is relatively high compared to other jurisdictions. The problem, of course, is that those on the lower incomes are faced with even a higher proportion of costs.

A large proportion, around 80 per cent, of our childcare providers are community based, with many of them operating on a not-for-profit basis. Attracting and retaining a strong childcare workforce for this sector is naturally a priority, and it means wages are often paid above the award level. The domino effect of that is that other childcare providers need to do the same in order to attract and retain staff.

All parents want the best quality childcare for their children, but this quality childcare does cost if a proper wage is paid, as I said, to attract and retain that qualified staff. You cannot allocate a low level wage to those with the responsibility of looking after children. New research has been commissioned by the Liquor, Hospitality and Miscellaneous Union, the childcare union, and it shows that over 90 per cent of parents support childcare reform and 84 per cent support a small increase in fees if it leads to better educational training and care and also child development programs.

In a survey commissioned by the LHMU, more than 1,500 parents were surveyed. Sue Lyons, who is the assistant national secretary of the union, has said that this survey proves parents see quality childcare as an important issue and are willing to pay a small amount more to get the best start in life for their children.

The research found 90 per cent of parents support the proposed changes to childcare, which will be gradually phased in over coming years. The changes will bring standardised qualifications for professionals in the sector and increase the number of childcare professionals for each child, ensuring children have better access to qualified professionals. Improved staffing begins in 2012, with the certificate III qualification becoming the entry level required for the profession by 2014. We have heard that from the minister and Mrs Dunne this afternoon.

When asked to give an exact figure, 41.8 per cent said they would be willing to pay somewhere in the region of $1 to $5 a day extra, with 37.8 per cent of respondents willing to spend more than $5. According to figures from the federal government, the national average increase will be $3.10 a day, after subsidies like the childcare rebate. In meeting the demand for childcare, we need to recognise that investment in our childcare workers is vital and that workforce shortages are addressed through a commitment of assisting with professional development and training of childcare

workers so this strong industry remains that way and a career path is clear for that workforce.

I bring up the fact that we know that, in the last few years, fees have been waived so that childcare workers here in the ACT can go to the CIT to get that qualification. It is in recognition that we do need to be encouraging more people to see that as an option as a career. I understand that that has been well attended. We still have an issue, though, that there are people who are going into that course and then, within a year or so, switching over to doing a teaching or early childhood teaching qualification at the University of Canberra. So we do need to keep an eye on how we can continue to make the childcare work valued and attractive so that we do have workers in that industry.

We know that it is not always possible to control childcare costs, as these operate on a business basis. The government is limited in what it can do in this regard. It can work, however, to ensure that the regulatory burden for childcare providers, which is imposed to ensure that standards such as health and safety are addressed, is not too severe and does not result in higher costs and charges to families. There should not be too much compliance put in place, but, at the same time, we do need to ensure that these are safe and healthy places for children.

The ACT government do have a role in working with their federal counterparts to do whatever is possible to bring costs associated with the high demand of the childcare industry down. We really need to ensure that the federal government are keeping a good eye on this area and ensuring that rebates to parents keep up with the costs.

Access to childcare in locations across Canberra which enable families to drop off and pick up their children in line with their work and family demands is essential. In turn, it is important that the ACT government ensures these childcare centres are afforded some security of accommodation so that childcare providers can offer security to their staff and parents can be assured of the service. Besides quality, one thing I do know as a mother of children who have been in childcare over the years is that consistency of staff also ensures a quality experience for your children.

I know that in the parliamentary agreement item 9.2 was about ensuring that we have space for playgroups and playschools. I am very pleased that that was an item that was fulfilled, with playschools such as the inner north playschool finding a permanent home. We know that earlier this year Gumnut out at Evatt found that it its home was under threat and it needed new accommodation. I do welcome the government's announcement that they will be investing $4 million over two years to open a childcare centre on the former Flynn site that will accommodate a merged childcare centre. It will be a merging of Gumnut and Alkira. Having lobbied the minister hard on Gumnut having a home after a motion was passed earlier this year, I am pleased that that has been the outcome for them. I have had contact with them, and they are extremely pleased that they will have a future at that site at Flynn.

The ACT Greens are committed to working hard to ensure that there is access to quality childcare in the ACT and that conditions for childcare workers are appropriate. There is still work to be done, particularly to assist low income families in relation to childcare costs, and we ask the ACT government to continue to work with their

federal colleagues to seek relief for these parents. Again, more needs to be done to provide the proper number of childcare places in the ACT. This is an ongoing challenge, and it is one that does need to be addressed if we are going to ensure that we are providing support for all families.

MR HANSON (Molonglo) (3.57): I would like to thank Mrs Dunne for bringing this matter of public importance before the chamber today. There is no doubt that this is a significant issue for Canberra's families. For those of us with young children and those who are planning to have children, affordable and accessible childcare is one of the biggest issues, aside from perhaps housing and employment, that families face.

Let me just turn to the issue of housing, firstly. That is one of the significant reasons why we need to have such good access to affordable childcare here in the ACT. Most families now need to have two incomes to pay either the rent or their mortgage. For many families out there, it is not a matter of choice whether they send their children to childcare or not; it is a matter of necessity if they actually want to be able to put a roof over the heads of their families.

Another reason is that we want to encourage women to participate in our workforce. We have a high proportion of women in the workforce here in Canberra. We want to encourage them. Obviously, from a personal point of view, we want to see as many women succeed in their careers as possible. We want to make sure that women can break the glass ceiling. We want to increase participation rates in our workforce at the more senior levels. The break that women often have while they are raising children in the earlier part of their careers is perhaps partly the reason why we have not seen as many women aspire to senior levels and executive levels either in the public service or in industry. We would like to see that change.

But also, from a policy point of view, we need to recognise that, with an ageing work force and ageing demographic, if we do not get maximum participation by women in our workplace, we are going to struggle. We see that in some areas of the public service. And a great area for that is GPs. A lot of doctors graduating now—a high proportion—are women rather than men. At medical school, about 60 per cent of graduating doctors are women. What happens is that they graduate, they go through so much training—as a GP, for example—and then they have young families. We have got to give people in careers like doctors and a multitude of others access for women to have affordable and accessible childcare.

I do speak with some experience in this regard. My son Will, who is now at school, went to what was then the Leap Frog centre in Jerrabomberra—I think it is now an ABC centre—and to the Fyshwick early childhood centre. My son Robbie has only recently left the Weston Creek children's centre. Given the opportunity, it would be remiss of me not to say what an outstanding centre that is—a real shining light in our community, an example of what it is to have a good childcare centre in the suburbs. I would like to mention—I beg your indulgence—the people that run that and have been such good carers of young children there. It is run by Emma; she is a very efficient manager of the place. And I would like to pass on my regards to the excellent childcare provided by workers such as Kylie, Jo, Kelly, Lynne, Karen, Bec and Mary, all of whom provide the most outstanding care. I thank them and I think that there are countless others in our community doing equally good work.

On the issue of affordability, there are various ranges for various centres, but it is extremely expensive to send a child to childcare. Those of us that do it would know that only too well. It gets to a point where, if you have two or more children, you have really got to count the cost, particularly if you are on a lower income, and whether it is worth while or not. It becomes a balance whereby the cost of childcare almost outweighs the wage that you are earning.

The issue of accessibility is also important. Those of us who have tried to find childcare in the ACT know that it is a difficult thing to find a placement for a child and to find the right sort of childcare that you are looking for in the right location. And location certainly is an issue.

I agree that childcare needs to be of the highest quality. We do want to make sure that we have quality childcare here in the ACT. When I was looking for childcare centres for both of my sons, my research showed me that, regardless of the policy settings at a government level, there is a wide difference in the quality of a number of centres. There are some that I saw where I would not place my children. There are some—as I have said, the Weston Creek centre—where I am very happy to have done so. We do have to recognise that it is not just the policy settings that we set in this place; it is also the regulation and making sure that those regulations are enforced on the ground; that inspections, where appropriate, are carried out, to make sure that childcare meets the requirements of the parents and, more importantly, of the children that people are looking after.

I just make a point more broadly on childcare, because it is a broader debate on whether childcare is good for children or not—and that is an ongoing debate within society. The research that I have done indicates that good childcare is good for children and bad childcare is bad for children. It is as simple that. We should recognise that we should do everything we can to make our childcare as positive as possible.

In terms of some of the facts—and Mrs Dunne certainly touched on a number of these—there about 10,000 children under five and about 5,500 in the age group six to 12 who are currently attending government approved childcare. Those statistics come from 2008. That equates to 37 per cent of children under the age of five and 18.8 per cent in the six to 12 age bracket. And 80 per cent of childcare in the ACT is not for profit.

I note that in real terms support for childcare in the Canberra community from the ACT government has reduced by approximately 20 per cent over the last four years. As I discussed before, cost is one of the key issues that drives the participation rates that are so important. We have in the ACT the highest median cost of centre-based long day care, at approximately $315 a week, and the highest median cost of family day care, at $312 a week. This compares to median costs across Australia of $285 and $267 respectively. That is a significant cost to families that is being borne here in the ACT—far more expensive than it appears in other jurisdictions.

I turn to some of the government policy and the failure in some of their areas. Thus far, we have seen a failure to deliver on the two early childhood centres which were

promised by the government. I note that they will spend $4 million on Flynn primary, but we need to be clear that that is not increasing the number of places in any substantive way; that is simply a replacement of existing places, I think in Gumnut, if that is correct—

Mrs Dunne: And Alkira.

MR HANSON: And Alkira. It does not increase any positions. The minister said in her statement today that we will be seeing new places in Molonglo and Holt, but my understanding is that the election promise was that this would be delivered in this term of government. I would be very interested to see whether the new childcare in Molonglo will be delivered within this term of government, given that there is no-one living in Molonglo, and there will not be for a period of time. We will certainly keep our eyes on that. We will make sure that the government are held to account and make sure that they deliver on what they promised and that we do not see any spin, as this government attempted in terms of the Flynn site, where the numbers were being twisted to try and indicate that they were delivering on a promise when that was not actually the case.

Obviously it is a complex area. There is a need to improve the way that we do business. One of the areas is about keeping data on waiting lists, modelling fees and basically keeping an eye on how the industry is performing and where it is at.

The Canberra Liberals do have a solution to this. Mr Seselja announced in his budget reply speech that the Canberra Liberals are calling on the government to immediately develop a master plan for childcare in the ACT. We believe that this is necessary, as the industry in the ACT is in for some dramatic changes at the end of 2011, especially around ratio changes. The full effects of that are yet to be mapped out and fully understood, but the impact, particularly on the smaller centres, is likely to be quite dramatic.

I reiterate my support for an affordable and accessible childcare system in the ACT and I again thank Mrs Dunne for bringing this important matter forward to the Legislative Assembly.

MS PORTER (Ginninderra) (4.07): I am pleased to be able to speak on this important topic today that Mrs Dunne has raised—that is, affordable, accessible childcare in the ACT being a the matter of public importance, and indeed it is. The ACT government is always committed to ensuring the ACT delivers quality childcare, and the work this government does in the regulation of childcare services and our commitment to the implementation of the national quality childcare agenda confirms this.

The national quality agenda childcare reforms were agreed to by the Council of Australian Governments in December 2009 and will involve the introduction of a number of improvements to childcare, including new staff to child ratios and new qualification requirements. These are positive changes that will commence in 2012 and 2014. What this means on the ground is that the baseline standards of qualified staff will improve across the ACT and staff to children ratios will be improved, particularly in the zero to two-year-old population.

As Ms Burch said, when discussing childcare, Mrs Dunne's focus appears to be predominantly on the costs of childcare. She does not talk about the children in childcare centres or what their needs are. She constantly misses the point or does not care that improving quality in early childcare education and care means better outcomes for children. As Ms Hunter and Ms Burch have said, we are outlining the value of quality childcare. Even Mr Hanson noted the importance of quality childcare to him.

Childcare is not babysitting but, rather, a vital early intervention program that provides an alternative to the home environment in an environment that can be and should be both stimulating and educational. Quality childcare is a critical factor to enable workforce participation, as Mr Hanson pointed out, particularly in the ACT where we have the highest number of women participating in the workforce.

The scientific evidence and research on the importance of providing quality learning environments for children, particularly in their first three years of life, are now undeniable and beyond dispute. As a society, we demand quality in our teachers and schools, so why should we not demand the same high standards for our children aged less than five years? That is especially so when we know their brains are so amenable to respond positively to environments and relationships that foster their healthy growth and development.

Ms Hunter has outlined support from parents for the provision of quality childcare, even though it could mean a modest increase in fees. What this all means is that quality childcare, such as lower child-staff ratios and improved staff qualifications, means improved quality outcomes for children, particularly for those who are vulnerable or disadvantaged.

I draw the Assembly's attention to the fact that there are currently 247 licensed childcare services providing 15,561 childcare places across the territory. This covers childcare places and long day care, family day care, independent preschools, playschools and school-age care. During 2010, we have seen an increase of 436 places becoming available in long day care on top of an increase of 666 in 2009. This means an approximate increase of 1,000 places over the last two years.

It is difficult to determine the true demand for childcare places, as many parents place their names on more than one waiting list. They do so for many reasons: to keep their options open, to develop a rapport with individual services, to assess the nature and the feel of the different centres and also to ensure there is flexibility for them when they may actually require the care when they return to work. I believe that is why Mrs Dunne's only suggestion for improving child care—being the creation of a centralised waiting list database—will not work, and you heard Ms Burch refer to that earlier.

Families are assisted, however, by information that is available through a childcare management system website on vacancy data, which is collected by the Australian government. A recent report published by the Department of Education, Employment and Workplace Relations reported 890 vacancies across 105 centre-based long day care services in the ACT in the September quarter 2009. It has not been the role of

children's policy and regulation units in DHCS to maintain vacancy data. It is their role to regulate compliance with standards and licensing conditions, which is a very important role.

However, in recognition of the ongoing demand and the need to consider the supply of childcare for the ACT, a childcare planning interdepartmental committee has been established, bringing together those areas across government that have responsibility for planning and facilities to enable an adequate supply of childcare places across our growing territory.

The ACT Labor government has also planned for vital childcare infrastructure in the territory. We have announced in the 2010-11 budget that childcare facilities are to be built at the former Flynn primary school in my electorate at a cost of $4 million over two years, catering to around 110 childcare places. This was not supported by the Liberal opposition, despite the fact that it provided a home for two childcare centres in Belconnen—Gumnut and Alkira from Evatt and Charnwood—that were in need of alternative accommodation.

The ACT Labor government is also spending $5 million on expanding Red Hill primary to allow the French-Australian childcare centre and preschool to remain in its current location. DHCS is currently assisting Baringa childcare centre to expand its centre at Spence to cater for demand for childcare for babies from zero to two years old. The ACT government has also planned new centres in developing areas like Molonglo and is identifying areas where community land can be used for childcare purposes in the future.

The ACT government is committed to continuing to deliver high quality education and childcare services for children in the ACT. To this end we are committed to the development of quality improvements in childcare services. Childcare is a matter of public importance, and the government's focus is on ensuring quality, affordable childcare which helps children achieve the best outcomes now and into the future.

Public Accounts—Standing Committee
Report 9

Debate resumed.

MR SMYTH (Brindabella) (4.14): It is an interesting report that the committee has tabled today. I start by thanking the members involved and, particularly, the secretary, Andrea Cullen, for the work that she has done. The report looks at what was a very contentious report from the government's point of view when it was tabled. We saw the amazing attacks by the minister and by the Chief Minister on the Auditor-General over her frank report. The committee report describes how the Minister for Police and Emergency Services, Simon Corbell, made certain comments to the committee about the approach adopted by the Auditor-General in compiling the report into the delivery of ambulance services in the ACT. At paragraph 2.19, the report states:

> … the Auditor-General commented that the Minister's statement was misleading and misrepresented the views … in the Audit report …

That is a very important concern. The report goes on:

> The Committee is most concerned that the response from the Minister was described as misleading by the Auditor-General.

On page 3 of a letter, the Auditor-General says:

> The Minister's statement is misleading as it seeks to attribute views not expressed or inferred in the audit report. Indeed, this statement mis-represents the following Audit views as stated in the audit report …

It is very serious for the auditor to write that. In my time here, I have never seen such comments made by the auditor. You only have to go to the report on the independent performance audit of the operations of the ACT Auditor-General and the ACT Audit Office. In para 2.21 of the report, the committee noted:

> … the robustness of the Office's procedures and methodologies for performance audits, and (ii) that performance audit reports, audit findings and conclusions have substantive and appropriate evidence.

Quite clearly Mr Corbell is out of sync with what the auditor sees in this review. Indeed, the committee goes on to back up the auditor in paragraph 2.23:

> … the Committee is of the view that the analytic approach used was sound and the subsequent findings were supported by appropriate evidence and documentation.

It is important that the minister hears this:

> … the Committee is of the view that the analytic approach used was sound and the subsequent findings were supported by appropriate evidence and documentation.

The report goes on. In paragraph 4.8, it says:

> As mentioned in chapter two, in relation to the integrity of the methodology used to substantiate the Audit key findings concerning response times to emergency incidents having decreased over recent years, together with not meeting targets set by the Government, the responsible Minister stated:
>
> > The auditor invented her own methodology, which is not used by anybody except her, and which is not recognised as a credible way of managing risk and delivering emergency services in an urban environment.

Paragraph 4.9 states:

> In evidence, when asked to comment on the Minister's statement, the Auditor-General responded:
>
> > There is nothing to agree or not agree with because it is factual data. They may not like the result shown to them and they may say it is something that no other agency has done. In reality, it is a very fundamental, basic analysis ...

In paragraph 4.11, the report goes on to say:

> The Committee sought assurance that there had been no manipulation to the data provided by ACTAS and the Auditor-General confirmed that this was correct and that the methodology had not been 'invented'.

And in paragraph 4.12, the committee goes on to say:

> Whilst some stakeholders may disagree with the findings of an Audit report, on the basis of a difference of opinion, and may publicly express their concerns, the Committee believes that unjustified criticism of the Office of the Auditor-General is not appropriate.

Mr Corbell's behaviour was not appropriate. Indeed, paragraph 4.14 states:

> The Committee is of the view that the issues surrounding the integrity of the methodology … as recorded in ACTAS systems, are a vindication of the important role that the Auditor-General plays in promoting public accountability in the administration of the Territory.

It is a very sound report. It does draw some links to the GP shortage and the effect that the GP shortage is having upon ambulance services. Indeed, para 4.58 says:

> In evidence, the TWU told the Committee that paramedics are frequently seeing people because they cannot get to the local doctor or because they don't want to wait in the emergency department.

There is another damning indictment of how the government has failed the people of the ACT. I go to paragraph 4.84 now:

> During the course of the inquiry the Committee became aware that the ESA had conducted a station feasibility study to examine the practicality of the geographical location of all emergency services facilities.

On this, while I agreed with what I was able to get into the report, I have contributed some additional comments because I believe that the committee fell a little bit short of what it should have said in regard to the behaviour of Mr Corbell and, in addition, what we found out while the committee inquiry was on. It appears that there are some quite clear contradictions in things that Mr Corbell has said to various committees over various times. Of course, committees represent the Assembly.

We did find out a little bit about the station relocation. We had comments from the TWU—that they thought that the station relocation was fine and that the minister should simply get on with it. And it is important that we do get these locations right. But when researching the whole issue—indeed, during some of the public discussion that often follows such an inquiry—we found that on the ABC morning radio program with Ross Solly on 31 May we had the minister saying, "Well, I was briefed on the station relocation feasibility study final report." They are my words. His full quote was:

> … I was briefed on the Report around the beginning of 2009 and that was then something I looked at very closely.

Mr Corbell went on to say:

> One of the main problems that emerged once we received the report was the concerns from fire fighters in particular that the analysis used didn't properly take account of how quickly fire brigades respond to fires.

Later on, Mr Sweeney from the TWU said:

> … we should be acting on the report's recommendation and looking at ambulance stations where they are best placed for the future and now.

Here is Mr Corbell on 31 May saying "Well, I was briefed on the report," and, "Once we received the report we started working on it." That is quite different from what Mr Corbell told the estimates hearing on 25 May. I quote:

> **MR SMYTH**: Just further to sheds, if I may, during the inquiry into the Auditor-General's report on the Ambulance Service, the ambulance officers that appeared identified that there had been a report done on the relocation of—initially we thought it was just ambulance stations, but apparently it is all emergency services facilities. What is the status of that report, minister?
>
> **Mr Corbell**: That report is subject to cabinet consideration.
>
> **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.

Yet on 31 May Mr Corbell has the report before him. He says, "Once we received the report we took it into account." So there you go. We have got conflicting evidence there. But it is interesting to use that wonderful thing the web—the Assembly *Hansard* part of the web—and look at a report or a transcript of a conversation Mr Corbell had in the JACS committee back in March 2009. Again I will just read the paragraph:

> **Mr Corbell**: Yes, the future of that site is subject to the ESA station relocation study. It is one of the sites that are in consideration in that study for possible relocation of fire and ambulance services across the territory to provide better response times across the territory, but no decision has been taken in relation to that site at this time. The station relocation study is currently before me for consideration. I will need to make some recommendations to cabinet and then commence a public consultation process in relation to options for the future possible locations of fire and ambulance services.

For those who do not know the chronology, my understanding is that the final copy of the report was finalised in about August 2008. The minister said that he received it late that year or early in 2009. On 12 March 2009, Minister Corbell said:

> The station relocation study is currently before me for consideration.

However, on 25 May 2010, a year later, Mr Corbell said:

> I have not yet received the final copy of that report.

And then, a week later, on ABC radio, he said:

> … once we received the report …

It is important that ministers are accurate in what they tell the Assembly. Indeed, when Mr Stanhope tabled the ill-fated "infastucture report", if you go to page 23 of the "infastucture report", it says, under the heading "Emergency Services Infrastructure":

> Construction projects under way include a fit-for-purpose headquarters for Emergency Services and a new ESA training centre. The station relocation feasibility study—

which Mr Corbell may or may not have received, depending on which committee you are in—

> will inform other future decision-making.

Apparently the government had it in 2009; they did not have it in 2010, but by the time we got to putting the "infastucture report" together they had it and were using it.

I have made some recommendations in my additional comments in the report. They are:

1. The Minister for Police and Emergency Services, Mr Corbell, be held to account against the *Code of Conduct for Ministers* for misleading various committees of the Legislative Assembly and, hence, the ACT Legislative Assembly.

2. The Minister for Police and Emergency Services, Mr Corbell, be requested to apologise to the Auditor-General, and to her staff, for making the derogatory comments that he did in evidence given to this Committee on 3 March 2010.

3. The Minister for Police and Emergency Services, Mr Corbell, be requested to correct the public record of the evidence that was the subject of matters raised by the Auditor-General in her letter to this Committee, of 18 March 2010.

These are important issues. The committees are representatives of the Assembly. They are established by the Assembly and they should be taken seriously by the minister.

The saga of the station relocation was interesting as well. The committee initially asked for the report and we were told that we could not have it because either it was or it was going to be cabinet in confidence. Then we requested it again. The chair wrote on behalf of the committee and we received a copy of the report. Then we asked whether the report is a private document for the committee or whether it is for publication. I do not believe we have got an answer to that letter yet. I have not seen the copy that the committee has received. I have seen bits of it from other sources.

But the point is that again what is in the station relocation report really does back up, I believe, from the pieces that I have seen, what the Auditor-General said in her report. There are some interesting statements in the letter from the Auditor-General to the committee. It says:

> The Minister refers to a fundamental and robust analysis of information on ambulance incidents to inform Audit's assessment of ACTAS performance as—

and then she quotes him—

> "the Auditor invented her own methodology, which is not used by anybody, except her".

The Auditor responds by saying:

> This statement is of particular concern as it could undermine the credibility of the report by misinterpreting a sound and valid analysis used to support the audit findings. The statement effectively dismisses the importance of using properly analysed evidence-based data to identify risks and weaknesses in the delivery of services and to improve services.

Then the auditor goes on to say:

> I note that other evidence provided at the same public hearing by the Minister and ACTAS staff seems to contradict the statements by the Minister about the analysis done by Audit.

And I will just read on a little bit:

> The Minister and ACTAS staff indicated that, following the audit, ACTAS commenced data analysis, similar to that undertaken by Audit, of the incidents to better inform its decisions on service delivery. For example:
>
> - the Chief Officer of the ACT Ambulance Services, Mr Foot stated:
>
> *We have also undertaken recently modelling where we are looking at ambulance deployments from Priority 1 point of view <u>on a suburb basis</u> …*

That is exactly what the auditor did. She then quotes the minister:

> - The Minister for Emergency Services, Mr Simon Corbell MLA stated that:
>
> *We are doing a detailed analysis of all emergency incidents for the 2009 calendar year <u>by time of day and location</u> …*

That is what the auditor did. Then she says:

> - The Deputy Chief Officer of the Ambulance Services, Mr Dutton stated:
>
> *The work that we are currently doing, looking at the 2009 calendar year, looks at both the time of day and the geographic distribution of all our emergency incidents.*

The auditor goes on to say:

> The Audit Office maintains its strong view that on-going proper analysis of the actual incident data, together with other information, is essential to inform decisions …

And this is when she comes to the conclusion:

> The Minister's statement is misleading as it seeks to attribute views not expressed or inferred in the audit report.

Not only did she do the work, but then ACTAS is doing the work, and that work that looks at the suburban effect of the response times is actually then quoted by the minister, by the head of ambulance and the deputy head of ambulance to affirm that they are doing the right thing. It would appear that the auditor did the right thing, according to those three gentlemen, by getting there first. But that is unacceptable to the minister, because it led to criticism of the delivery of his service.

Ms Le Couteur, as chair, said that we all endorse the work done by the intensive care paramedics—as we do. What we do not endorse is the approach taken by the minister. He should apologise to the Assembly and withdraw the remarks that he has made.

Question resolved in the affirmative.

Report 10

MS LE COUTEUR (Molonglo) (4.30): I present the following report:

> Public Accounts—Standing Committee—Report 10—*Review of Auditor-General's Report No. 3 of 2008: Records Management in ACT Government Agencies*, dated 18 August 2010, together with a copy of the extracts of the relevant minutes of proceedings

I move:

> That the report be noted.

I will speak very briefly on this. The committee did a summary report on this issue, the Auditor-General made a total of 11 recommendations and the government agreed with 10 of them and agreed in principle with one of them, so that there were not in fact a huge number of issues here.

We did ask for public submissions but, unfortunately, received none. We did not receive the government's submission until 16 months after the tabling of the audit report. The reason, I believe, for such a small number of public submissions was that at the same time the government was undertaking a review of the territory's record keeping legislation. In fact, I attended some of the public hearings that were held as part of that process, because obviously what was happening was it was having two parallel processes on the same subject matter. I understand that some time, possibly in the spring sitting, the government is likely to introduce amendments to the Territory Records Act 2002, as a result of the public consultation that it has been undertaking.

The committee did, however, make three recommendations, basically along the lines of requiring the Minister for Territory and Municipal Services to report back to the Assembly: firstly, by December 2010 on the progress and effectiveness of the Department of Territory and Municipal Services' implementation of the Auditor-General's recommendations that have been accepted; then, secondly, that the minister report back by the last sitting day of June 2011 on the implementation of the recommendations of the review of the operations of the Territory Records Act 2002, which had been accepted; and, thirdly, that the minister report back to the Assembly by the last sitting day of February 2012 on the effectiveness of the amendments made to the Territory Records Act as a result of the review and the legislative changes.

So in summary, record keeping is an incredibly important issue for any government, and this government is no exception, and I look forward to the changes that the government will be introducing into the relevant legislation.

MR SMYTH (Brindabella) (4.33): Thank you, Mr Speaker. Just to agree with the chair, it seems the sensible approach. The government have done their own review concurrent with ours. They have got some legislation and what seems like a reasonable path forward. So the three recommendations basically ask the government to keep the Assembly informed of their progress. In that regard, I thank my colleagues for all their hard work—and, of course, the hardworking secretary of the committee, Andrea Cullen, for her excellent work in putting this report together.

Question resolved in the affirmative.

Liquor Bill 2010

Debate resumed from 24 August 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.34): Mr Speaker, I had flagged with both you and the attorney that I would be seeking an adjournment today, but I understand that I will not have sufficient support to do that, so I will put on the record why I think it is appropriate that this matter should be adjourned, but then I will go on to speak on the bill.

The Attorney-General has told us for a long time, and we have been waiting for this since February 2008, that we would have widespread liquor reform. He has told us that we would face a brave new world in the liquor and hospitality industries in the ACT on the passage of this new legislation, and we will have in place new laws that will achieve the laudable objective of harm minimisation and public safety. On Tuesday, Mr Corbell engaged in a shameful rant against the Greens and the Canberra Liberals, because we wanted to adjourn the debate. Mr Corbell inferred that we were not ready to debate the bill. Well, he was right. The Canberra Liberals are still not happy about debating this bill, but it is not because we are not ready.

The Greens have their own reasons as to why they did not want to debate the bill on Tuesday. The reason that we are not happy about it is that Mr Corbell is not ready to

debate this bill. Mr Corbell is not ready to debate this bill, because he has failed to present the complete reform package. In this complete brave new world, this new reform package, there are no final regulations and there is no fee schedule to support it. Mr Corbell has argued that it is not necessary to have the regulations or the fee schedule available to enable the debate on the bill to proceed. In ordinary circumstances that may be so but, when there is substantial law reform on the table, it has been the practice of the Canberra Liberals—when we were in government—to provide all the material at once. Mr Corbell himself will recall, because I think he was the shadow at the time, that when the environment protection legislation was introduced into this place in, I think, 1997, every code of practice, every regulation, everything was introduced at the same time. It was scrutinised at the same time.

In addition to there having been substantial community consultation over at least 18 months before that, all of those things were tabled at the one time, and then they were reviewed by an Assembly committee. There was a roundtable to agree on things that could be agreed upon, and things that could not be agreed upon were dealt with on the floor of the Assembly. That is how civilised law reform should happen, and that is how things happened, and that is the way I am used to doing it.

The attorney said that these regulations would be available, but they have not been made available. I wrote to the attorney last week reminding him of his commitment but he was basically saying, "No, we are going to do it this way," because he is not ready. And the people of the ACT are not ready, because they do not know finally what the regulations will mean and, most importantly, they do not know how much this will cost.

That is why we sought to adjourn this matter on Tuesday, and that is why we would prefer that this matter were not debated today. Now, the Greens had their own reasons for adjourning on Tuesday, and they have their own reasons for capitulating today, and they are different, for the most part. But there was agreement between us that we should see the fee schedule before we agree to this bill, because it has substantial implications for the people of the ACT.

The minister has talked—I do apologise to members for my croaky voice; I suspect it is going to get a lot croakier before this evening is concluded—a lot about reform, but what he has given is not really reform. Reform suggests starting afresh, with a blank sheet of paper, and this bill does not do that. Rather than reform, it merely makes some changes at the margins, and it seems to be the case that it will jack up the price for people to do business in this town, if they are in the hospitality business.

The front page of the *Canberra Times* this week, on 24 August, carried a story about a 40-person melee in Civic on the previous Saturday night. It reports that six police were injured and that six paddy wagons were in attendance. Mr Corbell would have us believe that his liquor reforms, as they currently stand, will address that kind of problem in our community, but, apart from creating a whole lot of bureaucratic processes for liquor licensees and a few offences and significantly increased licence fees, this bill will not achieve its stated and wished for end.

There are a few reasons for this, Madam Assistant Speaker. One of the major reasons is that the bill really fails to place much onus on consumers to take responsibility for

their own actions and behaviours. It talks about harm minimisation and public safety being the primary objectives of the new law. These are very laudable aims, but where is the objective to place some of the responsibility on the consumer who gets into a fight or acts irresponsibly?

Another reason it fails is because it takes a one-size-fits-all approach, which is typical of Mr Corbell's approach to any policy. But in liquor and hospitality one size does not fit all. What works for Civic and Manuka nightclubs does not work for small suburban taverns and restaurants. What works for a Civic off-licence does not work for a Civic on-licence. A risk management plan and even an incident report may be fine for a Civic nightclub but may be not only onerous but impracticable for a small suburban restaurant or a small suburban tavern.

Another reason this bill fails is that it does not reward industry initiatives and improvement. Its approach is more one of penalty than reward. This bill fails because it failed to deliver all that was promised, or at least what we thought was worth considering. For example, the Australian Hotels Association, in the latest edition of its *Active Hospitality* magazine, tells its members that one of the reforms they can look forward to is:

> A commitment that bars at the Australian National University and the University of Canberra are held to the same standards as other venues.

This commitment has not materialised. I understand another example is that the industry representatives called for the establishment of a liquor advisory board, and Mr Corbell was amenable to that proposal, but it did not materialise in this bill. It will materialise because of my work on the amendments that I will move later in the day.

Most importantly of all, Mr Corbell has failed to put before this Assembly, the industry and the people of Canberra the whole story about his liquor reforms. He has presented one chapter—the bill—but has failed to present chapters 2 and 3—the regulations and the all important schedule of fees. So the story remains incomplete. There are elements in the bill that underpin the regulations that are generic in nature, requiring clarification and regulation, but there is no finalised regulation to provide that clarification. There is not any idea of what is in Mr Corbell's head in terms of the quantum and methodology of calculation of licence fees and permit fees, except that we know that they will be considerably higher.

We do not know how equitably the fees will be calculated across the industry. Will it be on the volume of liquor purchased or will it be based on the record of the venue? Will small suburban restaurants pay the same as busy city nightclubs? How will fees for off-licences be calculated? None of these questions has been answered, yet they are of critical importance to the industry. It could even go to the potential liability of many businesses and operators in this city. Does the government want to see businesses closed? Does the government want to reduce the choice of entertainment venues in our community? Does the government want to put even more pressure on the venues in our city's hot spots? None of these questions have been answered yet.

All of this goes to the very heart of how the industry will review the fairness of the structure of the new laws, and this Attorney-General wants us to ignore those matters

and debate the bill in isolation from those elements of his law reform. Any reform which this bill by itself does not achieve must be considered as a whole. For this Assembly and the liquor and hospitality industries and the public in general to be able to consider the reforms and, indeed, whether they are reforms at all, we must be allowed to consider the whole package of reforms, not just one element of them.

But, Madam Assistant Speaker, my concerns do not stop here. I am advised that the Office of Regulatory Services failed to tell all licensees of the new proposed legislation. The ORS really only spoke to the big end of town. Many small business operators—the suburban bars, taverns and restaurants—only heard about the exposure draft of the bill in the last week before the submissions were due. Madam Assistant Speaker, I was invited to a meeting of small tavern owners a number of months ago—in May—and, for many of those people, they had not previously had any opportunity to discuss these matters with anyone in this Assembly. Following that, at my suggestion, they approached both the minister and the Greens to discuss their concerns. I understand that they spoke with Mr Rattenbury, who gave them a hearing, but to this day they have not had their request for a meeting with the minister even acknowledged, let alone been given a chance to see the minister on their concerns.

The Office of Regulatory Services really only communicated with the peak industries. This is not to in any way denigrate the work done by the peak industry bodies; they do a good job. I have had excellent relationships and excellent discussions with both the AHA and the licensed clubs in relation to the implementation of this legislation. But not everybody is picked up by the AHA and the licensed clubs. The Restaurant and Catering Association seems to have gone completely unconsulted on this legislation.

It is also worth noting some of the elements of this bill in detail. The attorney in his presentation speech identified eight key elements of the bill: new harm minimisation and community safety principles; new regulatory powers for the Commissioner for Fair Trading; new liquor licensing networks; strengthening the integrity of liquor licenses; stronger protection for children and young people; new police powers and offences—I also note that an additional 10 police were funded in the 2010-11 budget, to be known as the liquor licensing team—new liquor licensing fees; and there will be a review of the whole legislation in two years time.

Compliance with the act will be a licence or permit condition, carrying a sanction of occupational discipline through ACAT. Community consultation will be required for all licence applications, including on the suitability of the premises, location and the person managing the premises. The Commissioner for Fair Trading will determine occupancy loadings based on, but not exceeding, recommendations from the chief fire officer. There will be two classes of permit—commercial and non-commercial. The commissioner will have discretion to decide occupancy loadings. There will be a range of licence or permit integrity measures, including information sharing requirements and preparation of and amendments to risk assessment management plans—called RAMPs—by licensees and commercial permit holders. Licensees and commercial permit holders and staff who serve liquor, including crowd control staff, will be required to undertake responsible service of alcohol training and obtain an RSA certificate. The commissioner will approve RSA courses and trainers.

There will be strict liability offences for licensees, permit holders, employees and members of the public who serve alcohol to intoxicated persons, together with a strict liability offence for anyone who abuses, threatens or intimidates staff who refuse to supply liquor to an intoxicated person.

Record-keeping requirements include keeping copies of RSA certificates and maintaining an incident register. A range of criminal offences are introduced. The commissioner will be able to issue binding written directions to a licensee or permit holder. The police will be able to close premises in an emergency for up to 24 hours. There will be new enforcement powers for police and investigators. There will be a range of provisions relating to children and young people, including dealing with underage drinking and attendance in licensed premises.

Many of the provisions carry offences or strict liability offences and there is an offence caution provision. There will be exemptions for young people who are employed or being trained. The commissioner will be able to declare public places as temporary alcohol-free zones.

Finally, the executive will be able to make regulations on a range of matters, including opening times, marketing activities, licence and permit conditions, permanent alcohol-free zones, the content of risk assessment management plans, conditions for young person's events, licence forms and matters for the commissioner to consider when deciding new licence or permit applications.

I have already mentioned a number of the failings of the bill in its attempt to reform the liquor laws in the ACT, but I want to elaborate on those a bit more. Firstly, there is considerable subjectivity brought into play in the decision-making process under the proposed law. For example, clause 10 of the bill sets out the principles that a decision maker must consider when making a decision under the act. The principles are fundamental to achieving the aims of the new legislation, but they are very subjective. For example, the language includes phrases such as "responsible attitudes and practices", "responsible development", "likely to continue", "noise should not be excessive" and premises should not be located where they would "be likely to cause undue disturbance" and so on.

There is subjectivity, too, in the process the commissioner must follow in deciding on licence applications. Again, the language is subjective, like "satisfied" that the premises are suitable and that the applicant and premises comply and are "likely to comply" with the act. The subjectivity continues in other elements such as the assessment of the suitability of premises. The subjectivity could discriminate against current or proposed licensees or permit holders. Even the definition of whether a person is judged to be intoxicated is subjective. The bill says a person can be considered intoxicated if the person's speech, balance, coordination or behaviour are noticeably affected. It is reasonable to believe that these conditions are as a result of the consumption of liquor.

The subjectivity in decision making fails to provide certainty to the industry and/or patrons and members of the public. The bill also shows a lack of understanding of cultures. Division 7.2 allows the commissioner to approve an application to use an

adults-only area for young people's events. It allows 90 days for the approval process, but the approval expires at the earlier time stated in the approval or 24 hours after the approval comes into force. This requires considerable, very accurate and long lead times, which is quite at odds with the culture of young people.

Mr Corbell's liquor bill even carries elements of nonsense. Division 8.6 requires licensees and permit holders to maintain a register of incidents that occur in certain defined circumstances. The register has to record certain information, including the name, address and contact details of each person connected with an incident. A strict liability offence occurs if the record is not maintained.

What happens if the people involved in the incident do a runner before the bar owner gets a chance to ask them for their names and addresses? Will he be subject to a strict liability offence if he does not run down the street after them with pen and paper in hand? This is clearly nonsensical. Then, of course, there is the issue of what happens if the police become involved. In that instance, the police also have to create a record of the incident. Will it be necessary for the bar owner to continue to maintain an incident record and therefore maintain two records of the same incident? What happens if there is conflict? And when does responsibility for maintaining and keeping the record of the incidents stop? Is it when the matter goes to court? Is it when the people involved leave the premises? Is it when the police get involved? Is it when an ambulance arrives? We do not know, and the bill does not tell us.

Another potential nonsense relates to the risk assessment management plans. The bill would require RAMPs to be available for public inspection. However, elements of RAMPs may go to matters of security and other information which, if they became known to the public, may adversely impact on the very objectives of the bill to achieve harm minimisation and public safety. This would be a nonsense.

The bill also fails to take the bureaucratic process through to the end. Division 9.3 deals with caution notices to children and young people and provides that the chief police officer can revoke a caution notice. In so doing, the CPO must destroy the caution notice held by the police and must tell the Children and Young People's chief executive and the commissioner. However, there is nothing in the bill that requires the chief executive or the commissioner to destroy their copies of the caution notice. This may stand against the child or young person at a future time and there is almost the certainty that there will be conflicting records.

As I mentioned earlier, this bill carries insufficient onus on the consumer to be responsible for their actions and behaviour. The bill carries a number of consumer onus offence provisions and penalties but could go a lot further to encourage and support our society in education programs and in the promotion of responsible consumption of alcohol. For example, there could be more community education programs about liquor, the consumption of liquor and the effect that it will have on the broader community. Or there could be a requirement that an offender either charged with an offence or given a caution be directed to undertake an education program about the responsible consumption of alcohol. This certainly would support the approach of liquor companies in the promotion of their key products these days in which there generally is an underlying call on drinkers to consume alcohol in moderation. *(Extension of time granted.)*

I thank members for their courtesy. I did raise this with members earlier. It is an important bill and an important reform and I think that it is worthy of extending the time a little. The bill has plenty of offence provisions and penalties, but where are the proactive elements to support our society? Another element in the bill which is deficient is that too much power rests in the Commissioner for Fair Trading, notwithstanding that many of these decisions are able to be challenged in the ACAT.

In addition, there is no mechanism for the minister to take advice on matters relating to the liquor industry or alcohol consumption in the ACT. I mentioned earlier that the industry had proposed the establishment of a liquor advisory board and that Mr Corbell had apparently indicated some support for the proposal, but it did not materialise in the bill. A board could allow the advisory function to operate and would provide some process for scrutiny and support of the commissioner.

One of the measures the government introduced in its 2010-11 budget was to fund 10 more police officers to enforce the provisions of the new laws and, in doing so, to address those two primary objectives of the harm minimisation and public safety. This is to be applauded and goes to a matter which the Canberra Liberals have been calling for for a long time. But in doing so, Mr Corbell has flagged that his new licence fees will be designed to recover the full cost of that measure as well as the cost of the rest of the licensing regime. On top of what will be significant increases in licence fees, there are considerable other financial implications for business in the ACT.

There will be significant increases in compliance costs for matters such as RSA training, RAMP preparation and record keeping. The industry questions, as do I, whether it is appropriate for a regulatory regime that is designed to provide protection to the public, often from themselves, to be funded entirely by industry. I raise this as a matter that the Canberra Liberals will be monitoring and which we believe should be considered in the context of the review of the operation of the new legislation in two years time.

As I have said before, this bill fails on many fronts but, most importantly, it fails, on its own, to achieve Mr Corbell's liquor reform. As I have said, this is the first volume of a three-volume novel. So far we have not seen volumes 2 and 3. It cannot succeed by itself. I think that it is insulting to this Assembly to expect it to consider only one part of it today.

Under the circumstances, we will not be supporting this legislation. We are also not supporting this legislation for all the reasons outlined in my remarks today. One of the things I want to highlight is that we have had a lengthy process, going back to February 2008, where the minister has been talking about he is going to do. It is interesting to note that the small people of Canberra have not been involved in that conversation.

For whatever reason, the hardworking owner of an Indian restaurant or a Chinese restaurant or a small tavern in the suburbs was not engaged in this conversation. I have met with many of the smallholders. They are concerned about the impact that this will have on their community and their business and what it will do to the fabric

of suburbs in my electorate and your electorate, Madam Deputy Speaker. I think it is very unfortunate that we get to this stage 2½ years down the track through this consultation process.

To this day, representatives of small venues have not been able to meet with the minister and express their concerns. I am concerned also that the consultation over the draft regulations has not been as open as it could be. There has been a consultation period which has been closed since 6 August, and to this day the comments from those people who were consulted, who made comments on the regulations, are not available for public scrutiny.

At the weekend one member of the public who had made comment said to me that he was deeply distressed and disillusioned by the public consultation process. He thought that his comments would have been at least acknowledged and read. I do not have an opportunity to do that because the minister and the department will not put them up on the webpage and there has been no satisfactory explanation as to why.

All in all, Madam Assistant Speaker, this is a very disappointing day for Mr Corbell. Mr Corbell has had a very long opportunity. He made this an election issue in the run-up to the 2008 election—that he was going to play hell with a stick; there was going to be reform after reform. There is so much that is missing from this. Look at the submission from the Australian Federal Police Association where they specifically ask the minister to put in extra penalties that would go towards encouraging the responsible consumption of alcohol.

As things currently stand in the ACT, if a young person, or an old person, goes out on Saturday night and gets really, really, really drunk, what happens is that he is taken to the watch-house or to the drying-out facility. He is given a warm bed; he is tucked up in bed. In the morning when he wakes up he is given breakfast and he is given a cab ride home. He pays nothing for that. There is no fine. There is no charge.

The Australian Federal Police Association and policemen on the beat tell me that that is the single biggest reform that they want, because many people think, "It doesn't matter. I don't have to have a plan to get home because, if the worse comes to the worst, I'll go to the drying out facility and I'll sleep it off. Then I'll get a taxi ride home after I've had bacon and eggs for breakfast." This does not encourage the responsible consumption of alcohol. This minister has failed in many ways in his reform. That is why the Canberra Liberals are opposing this bill today.

MR RATTENBURY (Molonglo) (5.01): The Greens will be supporting this Liquor Bill today. The ACT government started work on this reform back in February 2008, so it has now been two years and five months of work leading up to today. That is certainly a long time—longer than I have even been a Greens member of this Assembly. The process has been thorough and robust up until now, and there is a series of good reforms contained in the bill.

The Greens want a safe and vibrant Canberra nightlife. We want people to be able to go out, hit the town and have a great time. We were concerned that this is not the case and that some people are fearful of going out in public at night. It was for this reason that in September last year we released our discussion paper on alcohol-related

violence. We proposed a series of reforms and asked for the community to provide their feedback on our ideas. I am pleased to see that four out of seven of our proposals have been included in the government's Liquor Bill.

Those proposals that are reflected in the bill today are, firstly, the introduction of a new regulatory framework based on risk; secondly, the mandating of staff training in responsible service of alcohol; thirdly, the restriction of irresponsible discounts and promotions of alcohol; and, finally, the improvement of the definition of "intoxicated". These are four important evidence-based reforms that the Greens included in our discussion paper, and we are fully supportive of them in this bill.

Turning to the government bill itself, the objects and principles division is an important section that sets the overall direction for the rest of the Liquor Act. Clause 9 of the bill sets out the objects of the act, and I believe they are illustrative of the intent of the bill at its absolute core. There are two objects listed: firstly, to minimise the harm associated with the consumption of alcohol; and, secondly, to facilitate the responsible development of the liquor and hospitality industries in a way that takes account of community safety. What the Greens refer to as a safe and vibrant Canberra nightlife is equally encapsulated in those two objects.

Put simply, the bill aims to regulate pubs and clubs in such a way as to allow the industry to develop, but only in a responsible and safe way that allows all people to feel safe when they head out at night. There are numerous examples of where the bill puts that perspective into practice, too many to mention really in this in-principle debate. But I would like to discuss one detailed example to illustrate the balance that will be struck between the business interests of pubs and clubs and the interests of community safety.

The example is the restriction of irresponsible drink pricing and promotion. This was a reform the Greens proposed in our discussion paper, and it would be fair to say that there are people who like their cheap drinks and do not want them taken away. The Facebook page that sprung up, sponsored by a student at the ANU, certainly was evidence of that. However, there is a balance that needs to be struck between responsible service of alcohol and offering cheap drinks to entice patrons into your venue. I think this bill strikes this balance well on what is a challenging question.

Clause 136 creates the offence of conducting a prohibited promotional activity. Regulation 28 in the draft exposure regulations then goes on to prescribe certain activities for the purposes of clause 136. This is a vitally important part of the reforms, because it is one very practical way in which the policy intent reaches out into our pubs and clubs and regulates how drinks are served and how they are consumed. It is where the rubber meets the road or, as perhaps is the case today, where the legislation meets the liquor.

It sets out clearly what promotional activities are deemed inappropriate, and some examples demonstrate the point. Regulation 28(c) prohibits the selling of liquor at reduced prices for more than two hours continuously or between midnight and 5 am. This regulation caters for happy hours, but, at the same time, it prohibits pubs from offering discounted drinks for the entire evening. That is an appropriate balance between offering a good night out and just offering a really cheap way to get very

drunk very quickly. Another example is regulation 28(e), which prohibits supplying liquor free of charge. It only makes sense that, if you are to prohibit irresponsible drink promotions, you also need to stop people simply giving away drinks for free. Clearly, that is irresponsible behaviour.

The Greens are committed to evidence-based policies in all areas of government, and this is especially the case with the liquor reforms today. The vast majority of today's reforms are backed by evidence. In this context of evidence, however, there has been quite a lot of discussion about lockouts and whether or not they will help to reduce alcohol-related violence. There has also been confusion about whether or not lockouts were included in this set of reforms. With the assistance of the attorney and his department, my office has been able to pinpoint the lockout issue to one specific section of the bill. Clause 31(2)(b) states that the Commissioner for Fair Trading may impose a licence condition, and one of the examples given, example 5, states:

> … that the licensee must not allow people to enter the licensed premises after a stated time—

otherwise known as a lockout. I would like to put on the record the Greens' mistrust in the ability of lockouts to reduce alcohol-related violence unless combined with large scale increases in late night police and late night transport options. We believe this is what the available evidence indicates. I would like to encourage the commissioner and the attorney to have a public debate before considering using the power to impose a lockout. I think I am backed in this call by the government's own final report into the Liquor Act, which says at page 67:

> It is recommended that the Territory should await the outcomes of the evaluation of lockouts commissioned by COAG in response to the Ministerial Council on Drugs Strategy report which is expected to report mid 2009.

When my office last checked with the attorney's office earlier this year, that research cited had not been finalised. We are left with available evidence suggesting that lockouts do not reduce violence until such time as there are large numbers of police and late night transport options. I would like to ask for a commitment from the attorney that the lockout provisions will only be used once the evidence justifies it. There is no legislative reform open to the Greens to guarantee the commissioner will not declare a lockout. Instead, we call on the attorney to follow the recommendations of the final report and refrain from lockouts for now.

That said, I would like to turn away from some of that micro detail now to look at some of the big ticket reforms proposed by this bill and the principles involved. There are three I would like to make comment on and explain why the Greens are prepared to agree in principle to these reforms. Firstly, the bill proposes to introduce a risk-based licensing system. This is a reform also proposed by the Greens, and we are pleased to see it reflected in the government's legislation. We believe it plays a central part in the entire reform process.

Risk-based licensing sets annual fees based on the degree of risk that a venue has of contributing to alcohol-fuelled violence. The effect of such an approach is twofold. Firstly, there are financial incentives given to businesses to set up their venues in such a way as to reduce the risk of violence. Secondly, those businesses that decide to stay

with the high risk activities are free to do so, but they will pay a larger slice of the cost involved in policing late night patrons.

Because risk-based licensing poses such an important reform to business, it is important to be as clear as possible in describing those factors that will be taken into account in calculating risk. It is also important that those actual factors listed can calculate risk as accurately as possible. The Greens have prepared an amendment that does clarify those factors that must be taken into account, and I will speak to that issue later in the debate.

A subset of the risk-based licensing regime is the risk assessment management plans, otherwise known as RAMPs, that licensed venues will be required to prepare. Part 5 of the bill sets out the head of power for RAMPs. RAMPs are one aspect of the reforms that have attracted commentary from existing pubs and clubs. At the outset I will say that the Greens agree in principle that each licensed venue in the ACT should be required to prepare a RAMP. At their most basic level, they are documents that will require the licensee to proactively address certain risks in their venue and describe how they will be managed on a day-to-day basis. Part 5 creates the head of power for the commissioner to approve a RAMP, and it is the regulations which will prescribe the precise details that must be included in the RAMP.

The regulations will be presented later this year, and I undertake that the Greens will be scrutinising the detail to ensure they are appropriate and do not go further than is required. Here I pick up on some of the comments that Mrs Dunne has made about acknowledging the difference in venues. I think the RAMPs are one place where that difference needs to be incorporated or recognised. But, for now, debate should focus on the concept of RAMPs and the legislation under part 5.

As I have said, the Greens agree with the principle that a venue be required to proactively address risks before they arise. This is a good principle, and the Greens support it. The draft exposure regulations give some guidance as to what will be in RAMPs, and the government appear headed in a responsible direction. For example, the RAMPs will include a list of measures to be taken to ensure responsible service of alcohol. They will also need to include information on how the venue will deal with intoxicated people and how disorderly people will be dealt with. They will also include details of what transport is available and how the licensee will help people find transport. These are all good measures that the licensees should be thinking about, and the RAMP will focus their minds.

The finalised regulations will come later this year and we will scrutinise them, as I said. We will hold final judgement until then, but we are cautiously supportive of the direction the government are heading. To be clear, though, we will not allow regulations if they are inappropriate or somehow excessive.

The second big ticket item is the 10 new late night police to be employed as a result of this bill. The cost of the new police will be raised, in part, from the licensing fees. The new police are an opportunity to embrace a preventative model of policing. I was heartened to hear from the Chief Police Officer that they do intend to take such an approach to alcohol-related violence and harm. During the budget estimates process earlier this year, the Chief Police Officer agreed that there was little point in throwing more beat police at alcohol-related violence and that a better strategy is needed.

The pathway towards a preventative policing model relies on police officers getting out early in the night and entering pubs and clubs to help regulate the sale of alcohol and the behaviour of drinkers. It is only once the police are on site from early in the evening to enforce the new laws that a difference can be made. The alternative policing model is to wait until later in the night when many patrons are too drunk and violence erupts. This model of policing has been referred to as the kerbside model of policing, where police wait until the problem of excessive drinking erupts into violence outside the venues at the kerbside. The Greens support the paid provision of late night policing so long as they take a preventative approach which aims to reduce alcohol-related violence and harm before it occurs.

I would like to conclude by talking about the third big ticket item, which is that of late night transport. This is an issue that has been known about for too long and about which too little has been done. A discussion paper picked up on the need for better late night transport to get people home safely after a good night out. The government's work has also picked up on this issue. I am pleased that the government has made a commitment to improving late night public transport.

The ACT Greens have consistently advocated that the Nightrider bus or a similar service should run consistently throughout the year to give late night patrons a safe and cheap option for getting home. The Greens have expressed support for Nightrider as a year-round service for two primary reasons: road safety and as a means for combating late night violence. We have expressed this position as part of our paper, as I mentioned earlier, and we believe that it is a valuable contribution.

The issue of transport is a particularly timely discussion to have in this place, given the incident that took place reportedly in the taxi queue on the weekend. Members in this place would be aware that a brawl of up to 40 people occurred, requiring at least 20 police to intervene and control. Police officers were assaulted with glass bottles and a number of people were arrested. We do not wish to imply that this brawl would definitely not have been caused if the queue for the taxi had been shorter due to the availability of alternatives. However, it is clear that a central, very long taxi queue is a contributing factor to some incidents of violence in the city.

As members in this place would be aware, we have reached agreement with the Attorney-General to conduct a three-month trial of the Nightrider service, and I thank the attorney for working with us this week to find a way to address this issue. We welcome the government's willingness to conduct a trial of this important and effective public safety measure. This will provide the opportunity to test the effectiveness of this service over an extended period of time and determine if this is the best transport option to get people home after a night out.

As I indicated earlier, the availability of the Nightrider service is an effective road safety measure specifically in regard to reducing drink driving. The high cost of taxis from the city to Gungahlin or Tuggeranong creates an incentive for people who drove into town to attempt to drive back under the influence. The availability of Nightrider has been acknowledged by the Attorney-General, among others, as an effective means of eliminating this incentive and giving people a safe means of getting close enough to home to have a more affordable taxi fare. Whilst the government has to this date

only chosen to offer this service during the festive season, we believe that the logic behind it operates year round.

It should be noted that a service equivalent to Nightrider is offered in other jurisdictions around Australia and is an effective and popular service where it is offered. We know that the committee inquiry into live music in the ACT, which reported just this morning, has recommended expanding the Nightrider service as an element of promoting a vibrant and safe live music culture in the city.

We have also held discussions with the taxi industry, and it is clear that if the Nightrider is operated as a trunk service connecting Civic with the major bus interchanges, taxis will be able to make a similar, if not greater, amount of money from fares with a higher number of shorter fares, provided there is a reasonable supply of patrons to those locations. Fares of $70 from Civic to Bonython or Civic to Ngunnawal are not good for the industry, patrons or public safety. A bus to Gungahlin or the Tuggeranong town centre followed by a $15 cab fare is better for the industry and significantly reduces the incentive to drive home drunk. I think that is probably enough to say on the transport issue at this time.

I would like to conclude by making a couple of observations. I would like to again indicate that the Greens support this bill in principle. I would like to congratulate the government for bringing forward these reforms, even if they have perhaps taken a little longer than many would have inspired to. Finally, I comment that there is still much work to be done, and the Greens will be taking an ongoing and abiding interest in the implementation of these laws.

It is quite clear that in Canberra—I think it is an Australian issue across they board to some extent—there are issues around the culture of alcohol consumption. I am hopeful that some of the measures in this bill will prove to be practical and effective. I think it is important that as an Assembly we try and make the changes we can. We also need to look to members of the public to make their own contributions, whether it is mates looking after mates or people perhaps thinking a little more before they head out at night. But we do need to strive to make a safe drinking culture, such that people can head out into town when they want to, have a great night, perhaps party as long as they can or as long as they care to, knowing that they can still get home safely at the end of the night in every sense of the word—that is, from a transport point of view and without needing to fear some form of unfortunate assault as they make their way home.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.18), in reply: I thank Mr Rattenbury and the Greens for their support of this bill. I note that the Liberal Party is opposed to this bill and, after two years of policy development, nine or more months of public consultation, detailed community discussion on the issue, is still unwilling and unready to debate this legislation.

They will oppose provisions which provide new powers to police to deal with antisocial behaviour. They will oppose provisions that place greater responsibility on licensees for the responsible service of alcohol. They will oppose provisions that give

licensees greater power to deal with unruly customers. They will oppose and vote against provisions that provide for offences against patrons who try to buy drinks for intoxicated friends or colleagues. They will oppose all of those reforms today. What a disgrace! What an absolute failure of leadership on the part of the Liberal Party and Mrs Dunne! If they were serious about dealing with the issue of alcohol-fuelled violence in our city, if they were serious about reforming our liquor laws to bring them up to date and create a modern framework for dealing with risk, they would be supporting this bill. But Mrs Dunne simply has no capacity to engage constructively in these types of debates. For Mrs Dunne, it is always a glass-half-empty view of the world. And today that is what we have seen from Mrs Dunne and the Liberal Party.

There was a range of comments made in the in-principle debate that I will take the opportunity to respond to this evening before we proceed to the detail stage. Firstly, I want to address the issue of public consultation. It is always the old red herring that gets raised. When you cannot find anything else good to say about the legislation, you can always try to pick around the issue of public consultation.

Let us be very clear about public consultation. I have worked very hard to engage with the peak industry bodies and with a broad number of individual licensees who have had an interest in this bill and who have wanted to raise their concerns about it. For example, I have worked very closely with the Australian Hotels Association and, given that Mrs Dunne has raised this issue, I would like to draw Mrs Dunne's attention to the comments of Mr Capezio, the president of AHA ACT branch, in the latest edition of *Active hospitality*, the official magazine of the Australian Hotels Association. I quote Mr Capezio:

> I commend Mr Corbell for his willingness to consult with industry throughout this process and for the amount of time he has put in to considering suggestions from outside his Department. Often times it can seem that public consultation processes are a waste of time, with Governments having already made up their mind based on advice from bureaucrats who may not be experienced in the matter they are seeking to legislate. I am pleased to say that Mr Corbell has given the AHA a fair hearing on an issue that he knows is critical to the viability of our members. It is inevitable that there will be aspects of the new legislation on which we will disagree, but at least the industry has had the chance to be heard.

I thank Mr Capezio for his comments. I have found the process of engagement with Mr Capezio, Mr Fenner from the AHA and Mr House from ClubsACT to have been a very constructive and engaging process. It has been one of the more interesting and stimulating detailed negotiations that I have had in my time in this place. I note the presence of Mr Fenner and Mr House in the gallery today and I thank them both for the very constructive discussions that we have been able to engage in and for the real concessions and the real comprises we have been able to work on with many elements of this legislation.

I note that Mrs Dune has criticised me for failing to meet with some licensees. If I have overlooked a request then I apologise for it. It certainly was not deliberate on my part. But I can assure Mrs Dunne that we have sought to meet with anyone who has come through the door. For example, last week, I met with the RUC, the Rugby Union Club, at Barton. They had a number of concerns. I met with the manager and we had a discussion about his concerns. Equally, I met with the owners of the Venue

at Belconnen, I think it is called, who had some concerns. So my door has been open and I have sought always to engage with licensees.

In relation to the Restaurant and Catering Association—Mrs Dunne gratuitously threw that one in—the government wrote to the Restaurant and Catering Association, seeking their feedback. I had a meeting scheduled with representatives of the Restaurant and Catering Association. Regrettably, due to illness, they were unable to attend. They had to come from Sydney. They were unable to attend and regrettably they have not followed up with a further appointment. But the invitation has been there and my door has been open.

So the suggestion about failure to consult really does not have many legs to it—or, in fact, any legs to it. I think it would be fair to say, given the blanket media coverage that has existed over the last nine months in relation to this bill and what the government is proposing to do, I do not think the government can in any way be accused of trying to hide its intentions or hide that there is a process going on and that there were opportunities for people to comment on it.

In relation to the issue of the regulations, the regulations and the fees are a process that will be finalised once the bill comes into force and becomes an act of this place. That is the process, as members would understand, in relation to any regulation made under a piece of legislation. Of course the important thing to note, and what Mrs Dunne fails to note, is that these regulations are disallowable instruments and are subject to the scrutiny of this place.

The government is not in any way avoiding scrutiny on these issues because it is asking you to vote in principle on the bill before moving ahead with final determination of the regulations. The regulations are disallowable instruments. Members will have the opportunity to scrutinise whether or not they are adequate. And if they are not adequate, you will have the opportunity to take what action you believe is fit. So the government has been upfront and very honest about that.

Finally, one other point I did want to make in relation to some of the comments that were made earlier was about the provisions as they relate to universities. I do believe that there should be no difference between the provisions that govern the sale of alcohol and the operation of licensed venues on universities, as there is anywhere else in the city, particularly the relationship between licensed venues in Civic and the ANU. Given their proximity, there are no grounds for saying that the same rules should not apply in those licensed venues as apply in the rest of the city.

There are, however, a number of legislative barriers that do not mean the government can act unilaterally, nor should we act unilaterally, on that issue. In relation to the Australian National University, the operation of licensed venues at the Australian National University is subject to commonwealth statute. We are not able to legislate in relation to the Australian National University.

To that end, I have written to the Vice-Chancellor of the Australian National University. I have indicated to him my serious concerns about the prospect for licensed venues at the ANU operating in a manner inconsistent with the new regulatory regime and therefore undermining it. I have asked him to give

consideration to these matters and to give consideration to making by-laws, under the Australian National University Act, that will ensure that there is consistency between the regulatory regime at the ANU and the regulatory regime for the rest of the city. I am yet to hear from the Vice-Chancellor but I am confident that he is giving it due consideration. We look forward to following up that issue.

In relation to the University of Canberra, the government can make amendments to the University of Canberra Act to remove the provisions that allow them to make their own by-laws in relation to licensed venues. But again, I will not act unilaterally when it comes to the operation of the university. I have written to the Vice-Chancellor of the University of Canberra in similar terms to what I have written to the Vice-Chancellor of the ANU, indicating that I believe there are no grounds for them to continue to make separate by-laws under their act in relation to licensed venues and seeking their views on that. Again, once we receive advice from the university, the government will be in a position to act on those matters. Again, the government are addressing that issue. But we will have respect and regard to the statutory independence of those institutions and the legal framework in which they operate and we will take action in accordance with that.

These are important reforms. Are they going to fundamentally remove all alcohol-related violence from across our city? No, they are not. But they are going to help us. They are going to help the police. They are going to help licensees and they are going to help patrons, all of whom want to try to do the right thing. They are going to do it in a way that, for the first time, brings our laws up to date, creates a modern framework for the management of risk associated with the sale of alcohol in our city, and they are going to be supported by a considerable new investment in police, in regulatory officers and in public education to make sure that we can make our licensed venues a place that all Canberrans can enjoy, that we can maintain a vibrant and active night life and that we have a great diversity of venues for people to visit, to frequent and to enjoy.

One last point I would like to make is that there has been some criticism that this bill is designed to penalise small venues. That is not the case. In fact, if you look at the framework that the government has set out in relation to how we will make the fees determination following the passage of this bill, the fees structure will actually encourage the operation of smaller venues. That is the government's clearly stated policy intention.

There has been some comparison between this legislation and the legislation that is in place in Victoria. The Victorian legislation is much more punitive than the framework we are putting in place here and has led to unintended consequences around live music venues and around other venues. But we have not mirrored those provisions in our legislation because we have paid attention to the experience of the Victorian government and its reforms and we do not want to see those elements of that experience repeated here.

There are significant differences in how we are approaching this. We will not have the same punitive one-size-fits-all approach that we saw in Victoria. We will be doing risk assessments based on the history, the compliance history, the reports of police activity and so on that relate to each and every individual venue. We will look at

whether or not a venue is well run. If a venue is well run, its risk-based assessment obligations will be less than those of a venue that has a poor history, that sees too many police attendances, that sees too many crimes committed and sees too much antisocial or violent behaviour around it or within it. That is the intention of these reforms and that is the way we should deal with the issue of risk.

The government are proud to be introducing this bill today, proud to be progressing the issue of reform around what is a key issue for our community, and we look forward to the passage of this bill. We look forward to implementation of a new, modern regulatory regime which will achieve the outcomes that I think many in our community are seeking.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

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

Clause 9.

MRS DUNNE (Ginninderra) (5.37): I move amendment No 1 circulated in my name *[see schedule 1 at page 4136]*.

This amendment enhances the objectives of the Liquor Bill by setting out that the successes of any liquor law reform must come from a shared responsibility. Consumers of alcohol know that one of the central themes of liquor law reform is to call on those consumers to take responsibility for their own actions and behaviour. But it is not necessarily just a stick approach to this sector of the community. It is designed to allow a proactive approach to, as the amendment puts it, "encourage and support liquor consumers to take that responsibility."

What would that involve? It could involve public education programs and compulsory education programs for liquor offenders. It could involve consulting the public on how to address some of the problems associated with alcohol consumption. It could

even involve setting up a liquor accord program in which consumers and licensees and other stakeholders, such as the police, work together to achieve a safer environment for our community in our entertainment precincts. This has worked in other places, and it could work here. Indeed, Madam Assistant Speaker, I note that the exposure draft for the regulation contemplates the establishment of liquor accords in Canberra.

At this point I have not articulated in other amendments how a proactive element of this objective might be achieved. Certainly, personal offences provisions are clear in the bill but, as I said in the in-principle stage, there are some personal offences provisions which have not been addressed in this bill which were called for by the Australian Federal Police Association and by working police. More proactive elements will come over time, as the new laws bed down. Importantly, it should form a key part of the review of the operation of the new laws in two years time.

The purpose in putting this amendment forward now is to put it up-front, as the other objectives are, and to demonstrate that these law reforms are not just about setting up bureaucratic processes and offences and penalty provisions. They are, and should also be, about working with the community to achieve better outcomes for the community. It puts a human face and human responsibility on the legislative framework, and I commend the amendment to the Assembly.

MR RATTENBURY (Molonglo) (5.39): The Greens will support this amendment. Personal responsibility was certainly a repeated theme that we heard throughout our consultations on our discussion paper and in the conversations I had with members of the community and people that I know on an ongoing basis, and certainly I touched on it in my earlier comments. I think, by inserting personal responsibility as a new object of the act, there is a potential built into the act for expansion in the future on the provisions of the act. This may take the form of education about the effects of alcohol and the importance of being aware of how drinking affects people's judgement. I think there is a range of possibilities here. As I touched on earlier, there are some real issues around drinking culture in Australia. I think the addition of this into the act points to that and does open up opportunities for the future.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.40): Thank you, Madam Assistant Speaker. Just before I turn to the detail of Mrs Dunne's amendment, can I just clarify a comment I made in my closing comments before the vote on the in-principle stage. I indicated that I had written to the vice-chancellors of UC and the ANU in relation to their liquor regulation framework but, in fact, I am intending to write to them; I have not yet done so. I apologise for that confusion. Unfortunately, with so many of these things, some knowledge of everything that you are doing day-to-day does get mislaid from time to time, so I correct the record, and I apologise for any confusion that has been caused.

In relation to Mrs Dunne's amendment, the government will be supporting this amendment. The amendment reflects what parts of the bill already do in practice. As an example of this, there is the public order offence in clause 108, where a patron will commit an offence if they abuse, threaten or intimidate a staff member who refuses to supply liquor under the responsible service of alcohol principles. Similarly, the

offence in clause 109 requires licensees to prominently display signage about the consequences of behaving badly towards an employee who has refused service. This encourages patrons to be responsible for their consumption of liquor on licensed premises. Mrs Dunne's amendment is also consistent with the criminal law, which recognises that people who are intoxicated and who engage in criminal conduct should be held responsible for their behaviour.

MRS DUNNE (Ginninderra) (5.42): I thank members for their support for this important improvement to the legislation.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 24, by leave, taken together and agreed to.

Clause 25.

MRS DUNNE (Ginninderra) (5.43): I move amendment No 2 circulated in my name *[see schedule 1 at page 4136]*.

I draw to members' attention to the fact that amendments Nos 2, 3, 4, 5, 8, 10, 12, 22, 23, 25, 29 and 33 are related. The most important of these amendments is, in fact, amendment No 10, but No 2 is the first that arrives, so I will speak on it here.

As I have said, amendment No 10 is the most important. What amendment No 10 does, to help people along the way, is insert a new section 92A, which establishes the process by which a licence holder or permit holder or an applicant for a licence or permit can apply to the commissioner for an exemption from preparing or holding a RAMP.

This section requires the commissioner, in deciding whether an exemption application should be approved, to be satisfied that the exemption is not inconsistent with the harm minimisation and public safety principles in the legislation. As you would be aware, Madam Assistant Speaker, these principles are outlined in considerable detail in section 10 of the bill. The commissioner will be able to require the provision of further information or documents to assist in the decision making process, including having access to the premises for inspection purposes. The commissioner will be able to refuse to consider the application, if additional information, documents or access is not provided. The time of making the decision and the requirement to communicate the decision remains as it does for all other similar functions in the bill.

It is important to reiterate the reason for this. This is not an amendment which would be available to larger venues. It will not prescribe specific circumstances in which the commissioner might grant an exemption. This amendment is intended to help reduce unnecessary, onerous, expensive and unreasonable red tape on the small business sector. It is designed to recognise those small suburban premises, mainly restaurants, who have only a few tables and one or two staff and do not stay open until all hours and have no record of non-compliance with the law and no record of bad behaviour by patrons and where there is little risk of any of these issues occurring in the future. I

would consider the local Vietnamese takeaway which possibly only has a BYO licence or may, from time to time, sell a few beers, as the sort of place that the commissioner might consider giving an exemption to. They generally just provide a service to local people who just want a quiet meal and a glass of wine and then go home for a quiet evening.

It is intended to let those restaurants and other smaller venues go about their business as they have always done without any fuss and without any risk to public safety. It is a nonsense for these kinds of venues to be expected to create a RAMP covering all of the elements required under the RAMP provisions, not to mention the very long list of others that will be prescribed by regulations. I think that this would be red tape gone mad. It would be a service to real small business people in this territory if we agreed with this.

The importance of this cannot be overstated. This will allow licensees or commercial permit holders to ask the commissioner to consider an exemption. The commissioner will be guided by essentially what we say here, and the things in amendment No 10 that could be moved later, in relation to whether it would be appropriate. It would be a small number of venues, and it certainly would not be any of the large venues that we are talking about.

The bill currently requires that a RAMP be included with an application and does not provide for any scope or avenue for exemption. The commissioner must be required to assess any exemption application against the harm minimisation and public safety principles set out in the legislation, and the commissioner's decision would be able to be challenged in the ACAT, if the applicant was not satisfied with the decision. Also, the provisions that I propose to move later, in relation to the advisory board, could also review these things. If they thought that exemptions were being given away too lightly, I am sure that they would bring this to the attention of the ministers.

The provision is really to help small businesses and mainly small suburban restaurants. Unlike the requirements for large entertainment venues, particularly those in the city's nightspots of Civic, Manuka and Kingston, where it would be axiomatic that a RAMP should be provided, I think that what I am asking the members here today to do is to consider lifting an onerous amount of responsibility from small operators who may only have one or two staff. I commend this measure, which is aimed at cutting red tape for small business, to the Assembly.

MR RATTENBURY (Molonglo) (5.48): As Mrs Dunne has flagged, this is the first of quite a series of amendments, and I will only speak the once to all of them, but I will flag that the Greens will not be supporting this series of amendments. As I alluded to in my remarks in the in-principle phase of the debate, RAMPs will require licensees to identify risks in their venue and prepare plans to address them. As I said, I believe this will focus the mind of the licensee and require them to proactively plan to avoid and mitigate risks.

Now, picking up on the observations Mrs Dunne has just made and, again, the comments I made earlier, I think for some this may prove to be a very simple process and I trust that the commissioner will design the RAMP form or the RAMP requirements in a manner which does reflect this. It may be that some venues have a

very simple job to do here, but I think there is no really clear basis on which one could determine whether an exemption is warranted or not. I think the simpler process is to ensure that all venues that are licensed to serve alcohol do actually stop and consider what risk factors they may have. That simple process may actually ensure that perhaps something that someone did not think of—that was not as obvious as they might have considered—does actually cross their minds and a little bit of thought goes on there. So I think this is a valuable process, and we will not be supporting the amendments put forward by Mrs Dunne.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.49): The government will not be supporting this series of amendments either. The risk assessment management plan is the primary source of information sharing between licensees and the regulator about the responsible management of premises. In order for the Commissioner for Fair Trading to make informed licensing decisions, the commissioner needs the information in the RAMP to be able to assess how each licensee will manage the risks associated with their premises.

It is important that all licensees supplying liquor, including supply from low risk premises, are conscious of the risks associated with the supply of liquor to the public. All sales of alcohol carry associated risks, but some are higher than others. All licensees need to take into account the risks associated with the product they are supplying to the marketplace in their management practices. In addition, without all venues having completed a RAMP, the commissioner would not be able to take into account the cumulative impact a new liquor licence might have on the safety of the community in the surrounding area where there are already a number of licensed premises.

MRS DUNNE (Ginninderra) (5.51): I think this is disappointing and shows a lack of appreciation of the difficulty that your local Thai or Vietnamese restaurant has in running a business. This is what this series of amendments would be aimed at. These are people who have no adverse regulatory history, and it would be up to the commissioner to make that judgement. I will give you an example of my local Vietnamese, which was the first Vietnamese in town, the Page Vietnamese. It has been running for 35 years.

Mr Hargreaves: The first one was in Pearce.

MRS DUNNE: Was it?

Mr Hargreaves: Yes.

MRS DUNNE: Well, it was one of the first. It has been running, to my knowledge, for 35 years. It provides a great service to the local community. People go and get their takeaway, they go and have a meal with friends and family, and there is never any trouble as a result of this restaurant having a liquor licence. That can be said for scores of suburban, mainly ethnic, restaurants—Vietnamese, Chinese and an increasing number of Thai restaurants. They provide a service to the community. What we are going to do is create, if we are not careful, an onerous level of paperwork.

Mr Rattenbury says he would hope that the commissioner does not make the paperwork onerous. Well, that is a very good hope. It is quite obvious today that this amendment is not going to get up, so I commend the prospective liquor advisory board to look closely at this to ensure that the level of paperwork is not so onerous that non-offending, inoffensive, service-providing local restaurants are not caused undue consideration.

I will call a division on this amendment, but, after that, I will not move amendments Nos 3, 4, 5, 8, 10, 21, 22, 23, 25, 29 and 33.

MR CORBELL: (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.53): Mrs Dunne is trying to create the bogey of an avalanche of red tape in relation to small venues. Whilst I can appreciate that she is seeking to do this to shore up her support amongst perhaps some of her constituents, it is simply not the case. The provision of a RAMP is a common requirement for almost all liquor licensees in New South Wales. Go across the border to Queanbeyan, go across the border to Goulburn or Yass and small venues are having to take account of their risks as part of their liquor licensing regime.

What we are doing is little different to that. Obviously, small venues that have had no problems, that are run well and that manage the sale of alcohol well are not going to have a lot of work to do in delivering their RAMPs. They are not going to have to go through the extensive consideration that perhaps a large nightclub that has lots of people and has had issues in the past is going to have to go through.

We have to keep these issues in perspective. We have to recognise that we need everyone to operate on a common playing field, because that is the only way we get the data to assess and manage risk, as I outlined in my earlier comments. Will it be onerous? No, it should not be onerous for those small venues that are managing their risks, that have good compliance records and that are running their businesses well. In that regard, I think Mrs Dunne's fears are unfounded.

Question put:

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

Ayes 6		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

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.

Clause 25 agreed to.

Clauses 26 to 77, by leave, taken together and agreed to.

Clause 78.

MRS DUNNE (Ginninderra) (6.00), by leave: I move amendments Nos 6 and 7 circulated in my name together *[see schedule 1 at page 4137]*.

These amendments are quite different in nature to the amendments we have just discussed. Clause 78(a) of the bill as it is currently drafted suggests that the assessment of premises for their suitability as licensed premises could be adversely impacted if there is any previous history of any conviction of, or finding of guilt against, any person for an offence involving the premises.

Let me put a scenario to you and explain what the legislation currently means. Let us say that a person applies to have licensed premises in a certain place. The person has no personal record of any conviction against the Liquor Act and that person has never previously held a licence. That person has never had any association with anyone, with the premises themselves or any of the previous licence holders of the premises he now proposes to operate.

Three years ago a person completely unknown to the current applicant was found guilty of an offence under this act involving these premises. The clause of this bill would suggest that the commissioner should take into account the behaviour of a person three years ago when assessing the suitability of the premises for a licence application, even though there was no association between the current licence applicant and the other person at the time of the offence.

That would be a gross injustice and an act of discrimination against the licence applicant. It would be a nonsense. Why should an applicant applying for a licence today be held to account for the actions of someone else in the premises under the control of a different licensee some time before?

This amendment seeks to address this anomaly and provide clarity by providing that the suitability of the premises should be assessed in the context of the current applicant's behaviour as a responsible person or the behaviour of a close associate of the responsible person or, in the case of a corporation, any influential person in that corporation. This criterion requires the commissioner to assess the suitability of the premises based on the record of the applicant as the responsible person or his associates. Remember that an application can be for a new licence or permit, or an existing licence or permit holder applying for a renewal. This amendment looks at the contemporary rather than the history and matches the record of the premises with the people who will have control over the premises.

Amendment No 7, which is also to clause 78, is in a similar vein to amendment 6. It will require the commissioner, rather than considering any past proven non-compliance of the premises, to consider the record of the premises in the context of the current licensed applicant. Like the previous amendment, it puts the assessment

fairly and squarely into the contemporary record of the applicant rather than assessing the premises based on the record and practices of past licensees.

This is a matter of absolute logic and fairness. I have not had a satisfactory explanation as to why it has been drafted in this way. If we are going to have new and reformed legislation, clearly it should be just legislation. As it currently stands, there is the capacity for unjust decisions to be made. I commend the amendments to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.04): The government will not be supporting these amendments. The intent of Mrs Dunne's amendment No 6 appears to be to limit the consideration of convictions to current licensees, influential people and close associates so that any previous criminal history of former licensees is not taken into account.

The Assembly should note that this is already the case for new licensees. Paragraph 78(a) only relates to a renewal of a licence or an amendment to a licence. It has no application to new licensees or transfers of licences. This means that the opposition's concern to protect new entrants to the market from unfair consideration of previous actions by licensees is unfounded.

However, the practical effect of this amendment is extremely detrimental to the ability of the commissioner to deem premises suitable at renewal. In looking at the suitability of premises, convictions against staff, crowd controllers and patrons are all relevant considerations that the commissioner should be able to take into account in deciding on a renewal of a licence application.

The Assembly should note that in the case of a transfer of a licence the decision as to whether or not to transfer to a new licensee would not be based on convictions of previous licensees. I refer the Assembly to clause 41 of the bill where there is no requirement for the commissioner to consider the suitability of premises criteria in deciding an application for a transfer. In summary, if passed, this amendment would impact negatively on the integrity of the licensing regime. It is unnecessary because the bill already achieves what the opposition wants.

Turning to amendment No 7, again the government will not be supporting this amendment. The intent of this amendment appears to be to limit the consideration of proven non-compliance of the premises to current licensees, influential people and close associates so that any previous occupational discipline by the ACAT of former licensees is not taken into account.

Again, this is already the case, as there would be no history of noncompliance in the case of a new application. The suitability of a premises is not taken into account when transferring a licence. Paragraph (b) applies when making a decision to renew or amend a licence. In these circumstances, any occupational discipline taken against the licensee during the term of the licence should be considered by the commissioner as part of the harm minimisation and community safety principles.

MR RATTENBURY (Molonglo) (6.07): The Greens understand the intent of the Liberals. We have looked at this very closely. We understand that it is intended to ensure that new licence applicants are not required to provide information on past offences committed at the venue. The amendment attempts to ensure that a new licence applicant is not tarred by the brush of the previous licensee, all of which I think are very valid points.

However, we are advised by the government—and the attorney has just covered his ground—that this is not the case, that the suitability information will only apply to licence renewals and not licence applications for brand new licences. We believe it is clearly relevant that in a licence renewal these factors are taken into account.

On that basis the Greens will not support the amendments. However, if it does turn out that there are unintended consequences of the act—and this is clearly a debate about interpretation, to some extent—we will certainly be willing to revisit this matter in future. But on the current advice and the current understanding of the law it seems quite clear, so we will not be supporting the amendments.

Amendments negatived.

Clause 78 agreed to.

Clauses 79 to 89, by leave, taken together and agreed to.

Clause 90.

MRS DUNNE (Ginninderra) (6.09): I move amendment No 9 circulated in my name *[See schedule 1 at page 4138]*.

This amendment goes to one of the nonsense provisions I mentioned in my speech in the in-principle debate. When we see the final regulations that attach to this legislation they will outline the matters that must be addressed by a licence or permit holder when preparing a RAMP. Clause 128 of the bill creates an offence if a licensee or permit holder fails to make a RAMP available for public inspection. The information contained in the RAMP includes, for example, whether video surveillance is in use, the number of crowd controllers to be employed, how entries to the premises will be managed, lighting and so on, as outlined in the exposure draft of the regulations.

This kind of information, if made available to the public, may compromise the security of the premises and the safety of patrons. It may even compromise the safety of the public at large. Disclosure of this kind of information does not support the principles of the legislation. Imagine, for example, if someone came in and demanded to see the RAMP for the purpose of working out how many crowd controllers were employed. Perhaps the person was disgruntled because he was asked to leave the premises on a previous occasion because he was considered intoxicated. That person might go away, pull together a group of mates and return to the premises—outnumbering the crowd controllers, trashing the premises, causing damage to the property and injury to people—and then escape before the police could be called to the scene. How does this help harm minimisation or public safety? It simply does not.

There are other issues in relation to the security of the premises which the Canberra Liberals believe should not be on the public record. There are other issues about the administration of the RAMP which the opposition considers quite problematic. The fact that a belligerent customer can demand and must be provided with a copy of the RAMP at any time sets up a conflict between the good management of an orderly licensed premises and the so-called rights of patrons.

The Canberra Liberals do not object to a range of information being made publicly available, but we believe that it is necessary for security purposes to create a list of what is called "confidential information" and not require confidential information to be made available on demand. It must, of course, be made available to authorised officers, licensing inspectors and the police, but it should not be necessary for a licensee to provide information, especially about security provisions in a licensed premises, to a patron or an average member of the public.

It would be likened to requiring banks to tell the public about their security. That would never happen. I do not think it is reasonable for people who are trying to run orderly establishments to have their security jeopardised by providing security information broadly to the public. This amendment allows the commissioner to determine that certain things are confidential information. They will have to be part of the RAMP but they will not be required to provide them to the public. I commend this sensible public safety initiative to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.13): The government will not be supporting this amendment. However, I can foreshadow that the government will be making an amendment to the Liquor Bill in the subsequent consequential amendments bill that I will present to the Assembly later this year to remove the requirement for licensees to make the risk assessment management plan available to the public. The removal of this requirement will ensure that procedures to deal with intoxicated people will remain confidential between the licensee and the regulator, including the police.

MR RATTENBURY (Molonglo) (6.14): I am sorry I am looking perplexed, but I am unclear as to why it is being done in a consequential amendment and not in today's bill. Certainly we have given consideration to Mrs Dunne's amendment. Despite the examples she draws, the Greens would not be supporting the amendment because the purpose of the RAMPs is to identify risks and communicate how the venue plans to mitigate them. It was our view that there should be no confidential information contained in a RAMP to start with, only strategies to deal with difficult patrons. The Greens see no reason for that to be hidden. Rather than making things up on the run—and I think there is now confusion around this provision—we should be retaining that provision, but I will be looking very closely at the consequential amendments bill later in the year.

MRS DUNNE (Ginninderra) (6.14): I take the Greens' point and I disagree with them. I can understand why they are not supporting this amendment. They have taken the view that they do not want to support it. The behaviour of the minister is extraordinary. He has actually conceded that this is a problem, but what it boils down

to is this: "You had the idea first so I'm not going to support you. We are going to do it by another means." That is absolutely and utterly ludicrous. This is a matter that has been brought to my attention by a number of people in the industry. It is obvious that it has been brought to the minister's attention as well because he has come up with some sort of fix-up.

This is an important issue. It is about the safety and security of the people who work in the premises and the people who go there in good faith. I understand the Greens did not think that security information would be in the RAMP, but it is quite clear, if you read the draft regulations, that security information is required in the RAMP—where are you going to put your cameras? Are there going to be cameras? Where is the monitor? How many security guards are you going to have on a busy night? All of those things are in it. It is not reasonable that members of the public who may have nefarious intent should have access to that security information and jeopardise the safety of ordinary law-abiding citizens. This is a very important issue in relation to safe workplaces, safe drinking places and safe entertainment places. The minister recognises that there is a problem and it is an indictment of him that he will not support this amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.16): Madam Assistant Speaker, in the spirit of compromise, I am actually going to indicate that the government will accept this amendment. I have taken some further advice from my department and, on reflection, it is quite clear that there is no reason why we cannot do this now. So let it be said that I am never going to be standing on my dignity for the sake of it, Madam Assistant Speaker. In a minority parliament, we can all work in a collaborative fashion. So the government will not be opposing this amendment.

MRS DUNNE (Ginninderra) (6.17), by leave: I would like to congratulate the minister on his magnanimity on this. If we are not careful, there might be an outbreak of love in this place.

Amendment agreed to.

Clause 90, as amended, agreed to.

Clauses 91 to 120, by leave, taken together and agreed to.

Clause 121.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.18): Pursuant to standing order 182A(c), I seek leave to move amendment No 1 circulated in my name.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the amendment *[see schedule 2 at page 4144]*.

Thank you, Madam Assistant Speaker. In scrutiny report No 25 of 9 August this year, the scrutiny of bills committee commented:

> Particularly problematic are subsections 121(1), 122(1), and 122(2), which create a strict liability offence in respect of actions taken by children. This brings into focus HRA subsection 11(2):
>
> (2) Every child has the right to the protection needed by the child because of being a child, without distinction or discrimination of any kind.
>
> In addition, there is a question whether a child can be said to be aware of her or his obligations while on licensed premises so that it may be said that these are regulatory offences.

The government has considered the committee's comment, and the government agrees that strict liability in clause 121 does raise a concern, unlike in clause 122, that a child or young person may not be aware of her or his obligations under the law and, therefore, my amendment omits the relevant clause.

MRS DUNNE (Ginninderra) (6.20): The Liberal opposition will support this amendment from the government. It demotes from a strict liability offence to a defensible offence the offence—did I write this; no, I did not—that is committed if a child or young person is in an adults-only area at a licensed or permitted premises.

This amendment responds to the issues raised by the scrutiny of bills committee. It held under the Human Rights Act that all are equal before the law and—this is a generally held maxim too—that everyone is presumed to know the law, but that cannot always apply to children and young people, and so a strict liability offence for wandering into an adults-only area of a premises is a heavy-handed approach to enforcing this provision. There may be one of many reasons why a child or young person might unknowingly go into an adults-only area or go into an area, not being aware of the law that applies in relation to adults-only areas.

To make this a defensible offence is a reasonable approach, and we support it. I note in passing that the explanatory statement that accompanies this amendment cites the scrutiny committee's similar comments in relation to section 122 of the bill—that is, the section creating a strict liability offence if a child or young person uses false identification as proof of age in relation to adults-only areas.

I agree with the government that this offence would remain a strict liability offence. If a child or young person used false identification, it would likely be done in a premeditated way. The false identification would have had to be obtained and then presented, and the action of the child or young person would be deliberate. In these circumstances, a strict liability offence appears to be a reasonable approach. The Liberal opposition will be supporting this amendment.

MR RATTENBURY (Molonglo) (6.22): The Greens support this amendment. Strict liability offences are only appropriate where the person charged with the offence willingly and deliberately engaged in the conduct. This can be easily demonstrated where a person has chosen to set up business in a particular regulated industry, for

example. The offence as it currently stands prohibits a person under the age of 18 from entering a licensed venue without being accompanied by an adult. This is an inappropriate offence to make into a strict liability offence, as it is not entirely clear that the under-age person would have been aware they were committing an offence.

The government amendment strikes out subsection (2) of section 121 to make the offence into a normal offence, and the Greens believe that that is an appropriate amendment to be made, and we will be supporting it.

Amendment agreed to.

Clause 121, as amended, agreed to.

Clauses 122 to 127, by leave, taken together and agreed to.

Clause 128.

MRS DUNNE (Ginninderra) (6.24): Madam Assistant Speaker, could I seek your direction, because I have got contrary advice here. Can I move amendments 11 and 12 together, or do I have to move them sequentially?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): I need to seek advice. The advice is that it is best to do them sequentially. That is what the script says.

MRS DUNNE: I move amendment No 11 circulated in my name *[see schedule 1 at page 4139]*.

Amendment No 11 is a consequence of my earlier amendment No 9, which relates to confidential information in the RAMP. This disapplies the rules about a RAMP, if there are confidential sections—or disapplies this section to confidential sections of the RAMP. It permits a person from withholding confidential provisions from public inspection without committing an offence. I will foreshadow that amendment 12 actually inserts a new part, 128A, and it makes it an offence for a person, if a person makes public disclosure of confidential provisions of a RAMP, unless it is required by law operating in this territory, including the Liquor Act.

Amendment agreed to.

Clause 128, as amended, agreed to.

Proposed new clause 128A.

MRS DUNNE (Ginninderra) (6.26): This is why I could not move them together; I have just realised. I move amendment No 12 circulated in my name. *[see schedule 1 at page 4139]*. It inserts new clause 128A, which I have spoken about already.

Proposed new clause 128A agreed to.

Clause 129 agreed to.

Clause 130.

MRS DUNNE (Ginninderra) (6.27): I move amendment No 13 circulated in my name *[see schedule 1 at page 4140]*.

Madam Assistant Speaker, this amendment introduces a new element to the process of maintaining incident registers. The bill would require a licence or permit holder to maintain an incident register, but it creates another nonsense if police become involved in the incident. If police are called to the scene of an incident, they will take control of the incident and will be required to record the incident in their own records.

Members of the industry have said to me that a permit or licence holder should not have to continue to make a record of the incident after police have taken control of the incident. Were it not so, the nonsense I outlined in my in-principle speech would come into play. A licensee or permit holder, even with the police in attendance, would need to continue to make a record until—well, we do not know when this responsibility stops. The bill is unclear on this. So this amendment will require the licence or permit holder to record certain information when the police take control of an incident and will not be required to record further details from that time.

I think this does a number of things, Madam Assistant Speaker. It stops duplication, and it makes it possible for licensees to comply with the incident register. Take an incident of the sort that we had last weekend. You have got a great big melee. This one was actually in the street but, if you have a fight in a large licensed premises, when the licensee comes along and says that he wants everybody to stop while he takes their names and addresses it is not practical, and it creates a situation where a licensee cannot comply. What the licensee has done is the right thing: he has called the police. The police have come in and taken control of it then. The police have more power, more authority, to take names and addresses, and the matter is contained.

It should then be the responsibility of the licensee to note that the incident occurred, to note that the police were called, and to note the name and the number of the officer who took control of the situation. That would make it easier for everyone to comply. There would be a trail of information, and it would be a better and simpler and more efficient way of doing it.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.29): The government will support this amendment, on the basis that, at the point where police take control of an incident, there is no longer a requirement for the licensee to make a record of anything that happened in relation to that incident. So I think the amendment is a good pick-up in terms of identifying at what point the record-keeping obligations of a licensee cease—and clearly they should cease once the police have intervened in relation to a matter. So the government will support the amendment.

MR RATTENBURY (Molonglo) (6.30): The Greens will also be supporting this amendment. We believe it strikes an appropriate balance between information that should be contained in the incident register and information that will be recorded by

the police, if and when they are required to attend a venue. The venue will be required to record all relevant information up until the police attend, and we believe that that is a practical and an appropriate way to deal with the matter.

Amendment agreed to.

Clause 130, as amended, agreed to.

Proposed new clause 130A.

MRS DUNNE (Ginninderra) (6.31): I move amendment No 14 circulated in my name *[see schedule 1 at page 4140]*.

This amendment inserts a new clause 130A. Like the amendment giving licence and permit holders the option of applying to the commissioner for a RAMP exemption, this amendment allows them to apply for an exemption from maintaining an incident register.

Again, like the RAMP exemption provisions, the commissioner in granting an exemption must be satisfied that the exemption is not inconsistent with the harm minimisation and public safety principles of the legislation. Once again the commissioner can call for additional information and documents to assist in making decisions and must be allowed to inspect the premises for that purpose. The commissioner can refuse to consider an application if these requirements are not met.

Once again it is targeted at small suburban restaurants and the like that do little more than provide a local service to residents who just want a quiet evening out and that pose little or no risk to public safety. It is not intended for taverns and bars or major entertainment centres like Civic, Manuka and Kingston, where incidents would be more frequent. Whilst it may not be particularly onerous for a venue to keep a register for the purposes of recording any incident that might arise and that register might never be opened, it nonetheless creates another element of red tape that we in this place should be trying our hardest to minimise. This is an unnecessary piece of red tape for those tiny local businesses. It should not be lumbered upon them, and I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.32): The government will not be supporting this amendment. Requiring a licensee to keep a record of serious incidents at licensed premises is consistent with the objects of the bill and harm minimisation and community safety principles. In order to facilitate the responsible development of the liquor industry in a way that takes into account community safety, incident registers enable the commissioner to better target regulatory action. They also assist licensees to take stock of what is happening at their premises and improve their management practices.

MR RATTENBURY (Molonglo) (6.33): The Greens will not be supporting these amendments either. I believe there is a series of them relating to this matter. We believe the incident registers are appropriate for venues to keep, large or small. It may turn out that it is a very short list for some venues but, similar to the discussion we

had on RAMPs, I think there is no real clear line as to how one would determine whether an exemption is warranted. On that basis—and on the basis that, if there are no incidents, it is not going to be an onerous proposition—we do not see any reason to support these amendments.

MRS DUNNE (Ginninderra) (6.34): Can I just say, for the edification of the clerks, it is obvious that this amendment will not succeed and therefore I will not be moving Amendments 15, 17, 24, 26, 30 and 32, which are consequential on this.

Proposed new clause 130A negatived.

Clause 131.

MRS DUNNE (Ginninderra) (6.36), by leave: I move amendments Nos 16, 18 and 19 circulated in my name together *[see schedule 1 at page 4141]*.

These amendments go to another nonsense which I referred to in my in-principle speech. It relates to the requirement for a licence holder or a licensed permit holder to maintain certain information on the incident register. Let me create a scenario which goes back to what might happen in a pub brawl in a large establishment. There would be no doubt that we should require a licensee in those circumstances to keep a record of that incident, but the problem is that, if 40 blokes are having a fight in your pub, it is going to be extraordinarily difficult, if not impossible, to collect the name and address and contact details of each of those persons involved in that incident, especially if they decide that they are going to vacate the premises before the police come along. I think that it is an onerous burden on the licensee to, at that stage, collect information about their names, addresses and contact details. And, if you did manage to collar one of them and say, "You have to provide me, under law, your name, address and contact details," I do not suspect that they would be very accurate and up to date.

There would be provisions in large premises for CCTV surveillance, and you could identify people afterwards. This is about not putting ridiculous burdens on licensees. We do want them to keep the records. And, in a circumstance like this, I think that the licensee and the police and the licensed people would probably go back through the CCTV records and identify people, and they might ban them from the premises or whatever, but it is impractical for bar staff and security staff in those circumstances to collect accurate information, and the licensee should not be subject to a strict liability offence in those circumstances.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.38): The government will not be supporting this amendment. The requirement that licensees maintain an incident register is integral to the new licensing scheme under these liquor reforms. I have already outlined the importance of this requirement in the discussion of previous amendments. Under the new scheme contemplated by the government, licensees are on notice that they have to comply with this requirement as part of the regulation of the industry. As such, strict liability is desirable. This offence, as it is currently drafted fulfils the criteria for attracting strict liability.

The offence as it is currently structured contains a simple yes/no criteria, and the introduction of reasonable steps would blur this distinction. Importantly, there are defences under the Criminal Code that a licensee can rely on for a strict liability offence. One such example is "intervening conduct or event", where it is a defence if the conduct in question is the result of an act of another person or non-human activity over which the defendant had no control and against which they could not reasonably be expected to go. The defence is only relevant to offences or physical elements involving strict liability, because the circumstances that make up the defence would negate any fault element. The government will not be supporting this amendment or the other amendments that Mrs Dunne has foreshadowed that have the same intent.

MR RATTENBURY (Molonglo) (6.39): The Greens will not be supporting these amendments either. The amendment would remove the strict liability status from the offence of not keeping an incident register. We do believe that strict liability offences are appropriate where people knowingly enter businesses into regulated industry, and incident registers are part of the regulation of the liquor industry. Licensees are on notice that they need to comply.

In the context of what Mrs Dunne was saying, from a plain English point of view, it strikes me that the offence or the issue is that a licensee needs to keep and maintain a register; it is not that they need to record every single detail in them. I think that is the distinction that we are drawing at perhaps a very simple level. I think that that is the one point of difference in how we are understanding this.

Question put:

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

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Clause 131 agreed to.

Clauses 132 to 150, by leave, taken together and agreed to.

Clause 151.

MRS DUNNE (Ginninderra) (6.44): I move amendment No 20 circulated in my name *[see schedule 1 at page 4141]*.

This amendment completes a bureaucratic process that should have been completed in the drafting of this bill. Under the bill, a police officer can issue a caution to a child or young person if the person is found to have committed a range of offences. The police officer must give copies of the caution to the child or young person, a person with parental responsibilities for the child or young person, the chief executive of the office of children and young people, if the child or young person is in the care of the chief executive, and to the licensing commissioner.

The chief police officer can revoke the caution if satisfied that the police officer who issued the caution did not act in accordance with the legislation requirements for issuing the caution. In that case, the chief police officer must destroy the copy of the caution held by police and must tell the child or young person, the children and young people's chief executive officer and the commissioner that the caution has been revoked.

However, there is no requirement for the chief executive or the commissioner to destroy their copies of the caution. This creates the potential for a child or young person's record to be misrepresented at a future time by the chief executive or the commissioner. This, of course, could be inadvertent, but it relies heavily on the efficiency of relevant agencies' record-keeping practices. If, for some example, the caution had been put onto a child or young person's file but the revocation notice was not, the child or young person's file could carry an incomplete and incorrect record of the child or young person's behaviour.

This amendment seeks to minimise any such possibility by making it a legislative requirement that all copies of a revoked caution are destroyed, including those held by the chief executive of the Office of Children, Youth and Family Support and by the commissioner. I commend this amendment, which brings fairness to young people, to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.46): The government will not be supporting this amendment. Mrs Dunne's amendment is not consistent with arrangements made in the territory under the Territory Records Act 2002, arrangements that exist to ensure the accountability and transparency of government in the conduct of its operations.

This act provides explicit direction to government agencies on the manner in which territory records must be managed. The Territory Records Act 2002 clearly states at section 23 that an agency must not dispose of or damage a record outside of arrangements specified in the act. Unless a contrary intention is expressly provided for, this section of the Territory Records Act prevails over legislation commencing after the Territory Records Act. Similarly, the Children and Young People Act 2008 sets out strict requirements for the handling of information relating to children and young people.

MR RATTENBURY (Molonglo) (6.47): The Greens will not be supporting this amendment. The government has advised my office that there are difficulties in directing a commissioner or a chief executive to destroy records, as the amendment

would achieve. I think the attorney has just outlined the details of the problem that the amendment would create. We accept that advice and will be opposing the amendment on that basis.

Amendment negatived.

Clause 151 agreed to.

Clauses 152 to 188, by leave, taken together and agreed to.

Clause 189.

MRS DUNNE (Ginninderra) (6.49): I move amendment No 27 circulated in my name *[see schedule 1 at page 4142]*.

This amendment corrects a drafting error in the bill. Under the bill, a registered training organisation can apply to the commissioner for approval of a responsible service of alcohol course. The bill intended that the commissioner be required to tell the registered training organisation about the decision on the application. However, the bill as drafted calls on the commissioner to tell the licensee about the decision. This is a simple error, easily corrected now so that the commissioner will be required to tell the right person the right information. I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.50): The government supports this amendment as it clarifies that the clause relates to all applicants, not just licensees.

MR RATTENBURY (Molonglo) (6.50): The Greens will also support this amendment. We believe this is a minor drafting error and we support Mrs Dunne's amendment.

Amendment agreed to.

Clause 189, as amended, agreed to.

Clauses 190 to 213, by leave, taken together and agreed to.

Proposed new part 14A.

MRS DUNNE (Ginninderra) (6.51): I move amendment No 28 circulated in my name which inserts a new part 14A, including new clauses 213A to 213C *[see schedule 1 at page 4142]*.

This amendment seeks to establish a liquor advisory board. This amendment, as is the case with all the amendments that I have put forward today, comes from extensive consultations I have had with the industry over a considerable period. Indeed, I understand the industry made representations to the attorney proposing a liquor advisory board be established. I understand too that on a number of occasions the

attorney has given the industry positive feedback on this proposal. However, this positive feedback did not materialise in the bill. My amendment seeks to deliver on the industry's representations.

The industry has also said to me that the Attorney-General's new legislation allows considerable power to lie in the commissioner with little involvement or consultation with industry. Industry have told me of their concerns about the exercise of these powers. These powers carry a low level of accountability and transparency, except through the legal and expensive processes of the ACAT and the bureaucratic process of annual reporting. It is important that another level of scrutiny and engagement be available to the industry at an official level.

We also note that there is a plan for the review of the operation of the new laws in two years time. I think that this advisory board would be the appropriate vehicle for the conduct of that review. It would take it out of a situation where the bureaucracy was reviewing its own legislation. In an area of such importance, where there is such an impact on people's businesses and livelihoods, as well as the safety of people in the ACT, that level of transparency is important. Industry have told me that they would like an opportunity to formally provide advice to the minister from time to time at an official level. Industry also want to make representation to the board at an official level.

With those matters in mind, I commissioned the drafting of an amendment that establishes an advisory board. You should note that this is a board which is advisory only and does not have decision-making powers. Nonetheless, creating the advisory board at a statutory level gives the industry and those people interested in the operation of liquor licensing in the ACT a status and profile that would otherwise be difficult for them to achieve and maintain, particularly at a bureaucratic and political level.

One of the board's functions is to provide advice to the minister, if so requested, about matters associated with the operation of the act. This will enable the board, should the minister require it, to keep the minister informed on an ongoing basis about the impact of the legislation on the industry and the community generally and to recommend improvements and modifications.

Considering the size and importance of the industry to Canberra's hospitality and tourism sector, the money the industry will be paying to the government by way of licence and permit fees and the principles in the legislation about harm minimisation and public safety, and now personal responsibility, an advisory board would very likely be a very useful resource for the minister and the community at large.

Another function of the advisory board will be to scrutinise the functions of the commissioner. This addresses the concern of the industry about the powers that this legislation vests in the commissioner and gives the industry an opportunity not only to keep an eye on things from a red tape point of view but also to provide the commissioner with in-the-trenches advice about what is happening in the industry and how the processes, as they evolve, are impacting on the operations of the industry.

Importantly, given the board will have consumer representation, the opportunity is there for the board to balance the views of industry with those of the community generally and ensure that the interests of consumers are considered in all matters. Finally, an important role of the liquor advisory board will be to undertake the review of the operations of the legislation in two years time and to provide recommendations to the minister in accordance with any terms of reference the minister may give in relation to that review. This review will be a critical element of the success or otherwise of the government's liquor law reforms. Given the breadth of the board's membership, the minister will be well assured of balanced, reasoned and representative recommendations.

My amendment contemplates that the board will be chaired by the chief executive of the Department of Justice and Community Safety. Other members to be appointed by the minister would represent key stakeholders. These would include the police, liquor consumers, Aboriginal and Torres Strait Islanders, small businesses, ClubsACT and the Australian Hotels Association. The Canberra Liberals believe this is an important element of the ACT's liquor law reform. It is the thread that would draw much of this somewhat tattered fabric together. I commend the amendment to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (6.57), by leave: I move amendments Nos 1 and 2 circulated in my name together to Mrs Dunne's amendment No 28 *[see schedule 4 at page 4144]*.

The government has been supportive of the establishment of a forum that will provide for industry consultation and feedback on the implementation and operation of the new liquor legislation. It was the government's intention that this would be a non-statutory forum convened by me and my department with representatives from industry. That was certainly the intention and the approach that I adopted in relation to industry's request for this type of forum. The government has no objection to the establishment of this forum under the legislation itself. The government is pleased to support that intention because it is consistent with our view about the need for a consultative mechanism.

However, the government does have a number of concerns with the proposal that Mrs Dunne has put forward, and I would just like to speak briefly to my amendments. My amendment No 1 deals with the chair of the board. The government proposes that the chair of the board be the Commissioner for Fair Trading instead of the chief executive of the Department of Justice and Community Safety.

The reason for that is that under this act it is the commissioner who has the legislative responsibility for regulation of the industry and it is the commissioner who is best placed to engage in these discussions with industry stakeholders. The chief executive of my department, whilst obviously accountable for the overall operations of the department, and to me as the minister, will not have the same level of operational knowledge as the commissioner. We believe that, given many of the elements of the consultative board's functions will be to deal with operational issues, it is appropriate that the commissioner be the person who chairs the board.

My second amendment removes two of the functions proposed by Mrs Dunne from the board. The first function is the oversight of the commissioner. The government will not support this change because it is, in effect, a usurpation of the role of the ACAT and the Ombudsman by an advisory board. The ACAT and the Ombudsman are the appropriate independent forums to scrutinise the commissioner. The government does not believe that that function should exist with the board.

The second function that the government is proposing to remove relates to the review of the act after it has been in operation for two years. The government believes that the review of the legislation should not be undertaken by a body which has been closely involved in advising the government about improvements to the legislation. The government would obviously be grateful to receive the views of the body from the board at the time the review is undertaken, but the review should be a separate process. Finally, the government proposes to insert some procedural provisions dealing with frequency of meetings and reimbursement of expenses for members of the board, and they are dealt with in my amendment.

MR RATTENBURY (Molonglo) (7.00): The Greens support Mrs Dunne's proposal to create a liquor advisory board. We believe this is a positive initiative to provide input and expertise from people with practical experience in the liquor industry and the various stakeholders who have an interest in this quite wide-ranging industry.

Mr Corbell has moved some amendments, and I also will be supporting those amendments on behalf of the Greens. We agree that the proposal to scrutinise the work of the fair trade commissioner is, we believe, overstepping the proper role of the advisory board. I think that the government's amendment does bring the role back to what its name suggests, which is to advise. The Greens also believe that the government amendment that makes it clear that the board is a voluntary undertaking without salary is an appropriate amendment to be making. On that basis, we congratulate Mrs Dunne and welcome her initiative to create this advisory board, and we will be supporting the amended version.

MRS DUNNE (Ginninderra) (7.01): The Canberra Liberals thank the government and the Greens for their support for the notion of a liquor advisory board, but we have some concerns with the Attorney-General's amendments. In that regard, I will not be supporting amendment No 1. We do believe that this is a consultative role, and part of the problem is that the commissioner has an extraordinary amount of power under this act. If the commissioner became the chairman of this advisory board, it would only reinforce his power. I am not happy with that process, but I can read the numbers. Also we do believe that the functions as outlined in my amendment, especially those in relation to the operation of the review of the act, are very important. However, I do support new clauses 213D and 213E. I do not have a problem at all about the issues in relation to remuneration et cetera.

Can I seek your assistance, Madam Assistant Speaker? Can I propose that we vote on amendment No 1 and then divide amendment No 2 and vote on the three parts in amendment No 2?

MADAM ASSISTANT SPEAKER (Le Couteur): I believe this is possible. We just have to be careful about what we do.

MRS DUNNE: Okay; thank you.

Ordered that the question be divided.

Mr Corbell's amendment No 1 to **Mrs Dunne's** proposed amendment No 28 agreed to.

Question put:

> That **Mr Corbell's** amendment No 2 be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Mrs Dunne's amendment, as amended, agreed to.

Proposed new clauses 213D and 213E, as amended, agreed to.

Proposed new part 14A, as amended, agreed to.

Clauses 214 to 222, by leave, taken together and agreed to.

Clause 223.

MR RATTENBURY (Molonglo) (7.09): I move amendment No 1 circulated in my name *[see schedule 3 at page 4144]*.

This amendment expands the factors that the minister may take account of in calculating fees. The new factor to be inserted is the compliance history of the venue. This amendment relates directly to the rationale behind the risk-based licensing regime, which is designed to reflect the degree of risk posed by the amendment in giving incentives for better venue compliance.

Having venue compliance listed as a factor will give a financial incentive to venues to create a culture of compliance, which will ultimately help the act achieve its objectives of a safer and more vibrant Canberra night-life. The weighting given to each of the factors listed will be important, and this will be a vital part of the regulations on fee determination, which will be released later this year. The Greens

undertake to look closely at the weightings given to each factor and reserve the right to disallow the fees if the resulting fees are inappropriate. But the important part here is that we think it is important to have this factor in there. It creates a more rounded assessment of the various risk factors that are identified in the research as being related to alcohol violence related problems. I commend the amendment to the Assembly.

MR CORBELL: (Molonglo-Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (7.10): The government will be supporting this amendment, and I would like to thank Mr Rattenbury for his consideration of the issues I raised with him earlier today in relation to his proposed amendment. I think we have found an effective way through, to address both his concerns and also, primarily, my department's concerns about some of the administrative issues associated with his previous proposal.

The government will be supporting the amendment. The inclusion of this amendment will ensure that, if a regulation is made dealing with the calculation of fees for the Liquor Act, consideration needs to be given to the history that compliance licensees and permitted premises have with the act. This will be important in the context of the two-year review, when all aspects of the new liquor laws will be examined, including the fees.

MRS DUNNE (Ginninderra) (7.11): The Liberal opposition will support the Greens' amendment. The Greens' amendment adds to the list of matters that, by regulation, the minister must consider in determining licence and permit fees, and it would enable the minister to consider the history of compliance that the licensee and licensed venues has in the act.

I must say, Madam Assistant Speaker, that while I support this amendment, I think that the previous proposed version of this amendment was better. The amendment the Greens initially intended to put forward would have required the minister to consider as a provision of the act all matters in a range of matters when determining the licence fee. Currently the bill contemplates at clause 223(2)(b) that the minister may make regulations in relation to the determination of fees based on one or more of the matters. The Greens' previous or draft amendment would have allowed a more robust way of approaching the determination of licence and permit fees than is currently proposed. But, even so, it gives a fairer treatment to licence and permit holders. Importantly, the previous version would have underpinned more securely the Attorney-General's quest for risk-based fee structure as outlined in his presentation speech.

Nevertheless, I do acknowledge that by keeping the determination method as a matter of regulation and, therefore, disallowable, it does provide another opportunity for close scrutiny—and I do assure the attorney there will be close scrutiny—and consideration of any methods the government might seek to put forward. So, it is with puzzlement about why the Greens would demote the amendment that they initially proposed and that we said that we would support that, however, I am still prepared to support the amendment in its current terms, because I think it does make the process better than it was before.

Amendment agreed to.

Clause 223, as amended, agreed to.

Clause 224 agreed to.

Schedule 1 agreed to.

Dictionary.

MRS DUNNE (Ginninderra) (7.15): I move amendment No 31 circulated in my name *[see schedule 1 at page 4143]*.

The amendment inserts a new definition of "confidential provisions" into the dictionary. You will be pleased to know that this is the last one. I do not have a script for this one, for some reason. This is a simple measure that is consequential on the decision that we made earlier in the day to create an exemption for confidential provisions in the RAMP. What this does is insert a definition in the dictionary.

Amendment agreed to.

Dictionary, as amended, agreed to.

Title agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (7.16), by leave: I simply wanted to place on the record, now that we are about to vote and pass this legislation, my very sincere thanks to the officers of my department who have laboured long and hard in developing this legislation. It has been a mammoth task. Our liquor laws have not been reformed since the Liquor Act was first introduced in 1975. This complete rewriting of the legislation has come not through my efforts, although I am proud to be the minister putting these amendments to the Assembly today, but overwhelmingly through the efforts of officers in my department.

Particular recognition must be given to Janice Boyle. Janice, thank you for your very dedicated and strenuous efforts from the beginning of this process—the development of the discussion paper, the commentary and consultation around that, the drafting of the legislation itself and the countless meetings that I have had with you where you have briefed me on all the different elements of the legislation, the issues around it and how to work our way forward through it. You deserve to be commended wholeheartedly for the work that you have done. I know that there are other officers as well. I cannot identify all of those by name. I know that Janice has been the primary officer in charge of this legislation. To you, thank you for your efforts—and thank you to everyone else in my department who has worked long and hard to get to this point today. This is an important reform and one which I believe is for the good of public safety in the territory.

MRS DUNNE (Ginninderra) (7.18), by leave: I thank members of this place for the spirit in which this debate has been conducted, especially at the end of what has been a somewhat rancorous week. I think this has been a very professional afternoon's work, and work that is well done.

I want to place it on the record that the Canberra Liberals still have serious reservations about the operation of this legislation. We have serious reservations about the impact of those bits which are uncompleted and unseen. I think it is unreasonable for the minister to imply that there are things in there that we do not support. There are elements of this that we do support. We just do not believe that it goes far enough and that the emphasis in particular places is correct. There is nothing else for us to do but to state our objections, which are valid and well thought through, in the only way that is available to us.

This is part of a reform. It is a disappointing reform because I do not think it has delivered all that was promised. When you consider the lengthy time that this has been in gestation, I would have expected more. I think that the people of the ACT, the people involved in the industry and those involved in ACT Policing expected more than has been delivered. That is the basis on which the opposition does not give its support to this matter today. I know that I will be verballed and the opposition will be verballed, and it is with reluctance that we do this.

It should be noted that this has been a debate conducted in good spirit, as have all the discussions. I also pay compliments to the officials. I give particular thanks to the members of the industry who have dealt in a very open way with, I understand, all members of the Assembly in relation to this. They have been candid, frank and helpful.

I do not often do this, but I want to pay particular thanks to my senior adviser, Clinton White, who has really laboured over this. This is an extraordinarily complex piece of legislation. When it boils down to it, it is just Clinton and me—there are only the two of us. We do not have a great bevy of advisers behind us. It has been an extraordinary amount of work, especially for Clinton. It is appropriate to pay tribute to him on this occasion. I particularly thank the drafters as well. As always, they did an extraordinarily good job. They are very helpful in making sure that what we ask them to do actually comes to fruition. I would like to compliment members on the spirit in which this has been conducted.

Question put:

> That the bill, as amended, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Australian Information Industry Association

MR DOSZPOT (Brindabella) (7.27): Each year the Australian Information Industry Association—the AIIA—honours the ICT industry's finest through the iAwards. Over the years the iAwards have emerged as Australia's premier ICT industry awards. This year the winner of the 2010 ACT communications iAward was Better Network Services Group (ACT) for msXsms Enterprise. It is SMS gateway software that allows insurances businesses to keep customers informed of their claim's progress after extraordinary weather conditions.

Better Network Services Group Pty Ltd is a privately owned Australian company based in Sydney and Canberra. Microsoft certified partners for over 15 years, BNS has focused on the design and manufacture of commercial software products for secure fax and SMS messaging,

The Managing Director of Better Network Services Group (ACT) is Mr Laurence Buchanan, one of the many talented ICT professionals who have contributed to the ACT's recognition within the ICT industry nationwide and indeed, it could be claimed, worldwide. I have had the pleasure of seeing first hand the growth and successes that this company, BNS, has experienced over the past 20 years.

There are many fine companies that were entered in this year's iAwards, but I believe that we can pay particular tribute to Laurence Buchanan and his family as they have also experienced the darkest days of Canberra in 2003. The Buchanan family was amongst the approximately 500 Canberra families who lost their homes in the tragic fires of Canberra in 2003.

The msXsms Enterprise SMS gateway, a new commercial software product from Better Network Services Group Pty Ltd, was developed over a period of two years in collaboration with two major companies from the banking and insurance businesses to provide a multi-business shared infrastructure communications platform for their business sectors.

The solution was deployed in late 2009 and was used for the first time early in 2010 by Suncorp and GIO Insurance to assist the phenomenally high number of flood and storm affected customers. Immediately following a customer contacting the call centre, an SMS confirming their claim details with a claim manager contact was sent using the new system directly to the customer's handset.

The companies realised that their customers had no other way of communicating with their insurer due to the severity and damage caused by the storms and floods. Suncorp and GIO continued to keep their customers informed via SMS, with a total of 24,000 SMS messages per month. The system has had an immediate and highly successful implementation during the extraordinary weather conditions, including major floods and storms throughout Queensland, Victoria and Western Australia earlier this year.

For many victims of the storms and floods there was no internet connection, let alone a computer. Paperwork was all too often lost or destroyed and mail had major disruptions in some regions. Approximately 24,000 SMS messages per month were sent during the height of the floods, keeping their customers informed about their claims. It has strengthened their customer satisfaction levels with a small degree of outlay.

As I understand it, msXsms is the only Australian developed and commercially available SMS gateway software suitable for government use within Australia, because it fully implements the email protective marking standards as required by the Australian government security manual, also known as ACSI33.

I congratulate Mr Laurence Buchanan and BNS on their ACT iAward recognition. Other ACT iAward category winners were: winner of the ACT e-government iAward, Random Computing Services (ACT) for ExecCorro for government; winner of the ACT e-learning iAward, CommsNet Group (ACT) for the essential guide to information technology security best practice; winner of the ACT research and development iAward and a national merit, NICTA (ACT) for InterfereX; winner of the ACT security iAward, CommsNet Group (ACT) for the essential guide to information technology security best practices; and, finally, winner of the ACT sustainability and green IT iAward, Renewable Processes (ACT) for e-waste recycling in Australia.

Operation Christmas Child
Canberra Raiders

MR COE (Ginninderra) (7.32): It was about this time last year that I rose in this place to commend to members and to all Canberrans Operation Christmas Child. Of course, as we approach Christmas, that fantastic campaign of Samaritan's Purse is once again being run in the ACT, across Australia and, indeed, across the world.

To remind members of what it involves, it is, in a nutshell, where a box full of gifts is prepared by someone here and sent abroad. We encourage people to include something to wear, something to love, something special, something for school, something to play with and something for personal hygiene.

In my office I have got brochures and I have got boxes. I encourage members to consider putting together a box. Last time a number of members put together boxes and I am very grateful for their support. Once again, I urge members of the Assembly, and indeed all Canberrans, to get behind this very worthy cause. It is amazing how many thousands of boxes are collected each year from Australia, and even from the ACT. It really is a testimony to the generosity of our community that so many people get behind this great program.

I would like to thank Ann Prunty, who was the ACT and south-east New South Wales manager until earlier this year, and Ann Burt, who has taken over that role. I encourage her, and I thank her and all her volunteers for the fantastic work that they do.

Finally, I would like to wish the Raiders all the very best for Saturday night against north Queensland. Of course, it is a must-win game. If they win then it in effect becomes a five-week finals series for them, with their game against Brisbane on Friday night at Suncorp stadium next week. I wish David Furner, Don Furner, Alan Tongue and all the rest at the Raiders team all the very best. I will be out there cheering them on, and I am sure there will be quite a few other members doing so as well.

The Assembly adjourned at 7.33 pm until Tuesday, 21 September 2010, at 10 am.

Schedules of amendments

Schedule 1

Liquor Bill 2010

Amendments moved by Mrs Dunne

1
Proposed new clause 9 (c)
Page 6, line 9—

insert

(c) in a way that encourages and supports liquor consumers to take responsibility for—

(i) their consumption of liquor; and

(ii) their behaviour if it is affected by the consumption of liquor.

2
Clause 25 (2) (f)
Page 18, line 1—

omit clause 25 (2) (f), substitute

(f) if the application is for a general licence, an on licence, a club licence or a special licence, include either—

(i) a risk-assessment management plan for the premises; or

(ii) an application for a risk-assessment management plan exemption under section 92A (Risk-assessment management plan exemption).

3
Clause 39 (2) (b) (iii)
Page 31, line 1—

omit clause 39 (2) (b) (iii), substitute

(iii) if the licence is a general licence, an on licence, a club licence or a special licence and an approved risk assessment management plan is in force for the licensed premises, either—

(A) a risk-assessment management plan for the altered licensed premises; or

(B) an application for a risk-assessment management plan exemption under section 92A (Risk-assessment management plan exemption).

4
Clause 50 (2) (d)
Page 41, line 5—

omit clause 50 (2) (d), substitute

(d) if the application is for a commercial permit, include either—

(i) a risk-assessment management plan for the premises; or

(ii) an application for a risk-assessment management plan exemption under section 92A (Risk-assessment management plan exemption).

5
Clause 77 (1) (c) and note
Page 63, line 4—

omit clause 77 (1) (c) and note, substitute

(c) if a risk-assessment management plan is included in an application under section 25 (Licence—application) or section 50 (Permit—application), or is required under section 79 (Commissioner may require certificate, plan, etc for premises)—the commissioner does not approve the risk-assessment management plan.

Note An applicant may apply for a risk-assessment management plan exemption under s 92A.

6
Clause 78, definition of *suitability information*, paragraph (a), except note
Page 63, line 19—

omit paragraph (a), except note, substitute

(a) any conviction of, or finding of guilt against, 1 or more of the following people for an offence against this Act involving the premises:

(i) the responsible person for the premises;

(ii) a close associate of the responsible person for the premises;

(iii) if the responsible person for the premises is a corporation—an influential person for the corporation;

7
Clause 78 (b), except example
Page 63, line 24—

omit clause 78 (b), except example, substitute

(b) any proven noncompliance of the premises with a legal obligation in relation to the supply of liquor while 1 or more of the following people was involved in a business operated at the premises:

(i) the responsible person for the premises;

(ii) a close associate of the responsible person for the premises;

(iii) if the responsible person for the premises is a corporation—an influential person for the corporation;

8
Clause 79 (2) (d) and note
Page 65, line 15—

omit clause 79 (2) (d) and note, substitute

(d) if there is not a risk-assessment management plan exemption in force for the premises—a risk-assessment management plan for the premises;

Note An applicant may apply for a risk-assessment management plan exemption under s 92A.

9
Clause 90 (2)
Page 72, line 6—

omit clause 90 (2), substitute

(2) If the commissioner approves a risk-assessment management plan for licensed premises or permitted premises, the commissioner must—

(a) give the licensee or permit-holder written notice that the plan has been approved; and

(b) identify any provisions (the ***confidential provisions***) of the plan that the commissioner believes on reasonable grounds would be likely to disclose information that may endanger public safety.

10
Proposed new clause 92A
Page 74, line 8—

in part 6, insert

92A Risk-assessment management plan exemption

(1) A licensee, proposed licensee, permit holder or proposed permit holder may apply to the commissioner for an exemption (a ***risk-assessment management plan exemption***) from the requirement to have an approved risk-assessment management plan for the licensed premises, proposed licensed premises, permitted premises or proposed permitted premises.

(2) The commissioner may issue a risk-assessment management plan exemption to an applicant only if satisfied that the exemption is not inconsistent with the harm minimisation and community safety principles.

(3) The commissioner may, in writing, require the applicant to—

(a) give the commissioner additional information or documents that the commissioner reasonably needs to decide the application; or

(b) allow the commissioner to inspect the premises within a stated reasonable time.

(4) If the applicant does not comply with a requirement under subsection (3), the commissioner may refuse to consider the application.

(5) The commissioner must, not later than the required time—

(a) decide the application; and

(b) tell the licensee about the decision on the application.

(6) In this section:

required time means the latest of the following:

(a) if the commissioner requires the applicant to give the commissioner additional information or documents under subsection (3) (a)—90 days after the day the commissioner receives the information or documents;

(b) if the commissioner requires the applicant to allow the commissioner to inspect the premises under subsection (3) (b)—90 days after the day the commissioner inspects the premises;

(c) 90 days after the day the commissioner receives the application.

Note Failure to issue the exemption within the required time is taken to be a decision not to issue the exemption (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

11
Proposed new clause 128 (4)
Page 109, line 13—

insert

(4) This section does not apply to a confidential provision of a risk assessment management plan.

Note ***Confidential provision***, of a risk-assessment management plan—see s 90 (2) (b).

12
Proposed new clause 128A
Page 109, line 13—

insert

128A Offence—disclose confidential provision of risk assessment management plan

(1) A person commits an offence if the person discloses to another person a confidential provision of a risk-assessment management plan for licensed premises or permitted premises.

Maximum penalty: 10 penalty units.

(2) This section does not apply to the disclosure of a confidential provision if the disclosure is necessary for the exercise of a function under this Act or another law in force in the Territory.

13
Proposed new clause 130 (3)
Page 110, line 24—

insert

(3) However, if a police officer deals with the incident, the incident register—

(a) must include—

(i) the contact details for the police officer; and

(ii) the time the police officer started dealing with the incident; and

(b) need not include any further details about the incident that happened after that time.

14
Proposed new clause 130A
Page 110, line 24—

insert

130A Incident register exemption

(1) A licensee or permit holder may apply to the commissioner for an exemption (an ***incident register exemption***) from the requirement to keep an incident register for the licensed premises or permitted premises.

(2) The commissioner may issue an incident register exemption to an applicant only if satisfied that the exemption is not inconsistent with the harm minimisation and community safety principles.

(3) The commissioner may, in writing, require the applicant to—

(a) give the commissioner additional information or documents that the commissioner reasonably needs to decide the application; or

(b) allow the commissioner to inspect the premises within a stated reasonable time.

(4) If the applicant does not comply with a requirement under subsection (3), the commissioner may refuse to consider the application.

(5) The commissioner must, not later than the required time—

(a) decide the application; and

(b) tell the licensee about the decision on the application.

(6) In this section:

required time means the latest of the following:

(a) if the commissioner requires the applicant to give the commissioner additional information or documents under subsection (3) (a)—90 days after the day the commissioner receives the information or documents;

(b) if the commissioner requires the applicant to allow the commissioner to inspect the premises under subsection (3) (b)—90 days after the day the commissioner inspects the premises;

(c) 90 days after the day the commissioner receives the application.

Note Failure to issue the exemption within the required time is taken to be a decision not to issue the exemption (see *ACT Civil and Administrative Tribunal Act 2008*, s 12).

16
Clause 131 (1) (b)
Page 111, line 4—

omit clause 131 (1) (b), substitute

(b) does not take reasonable steps to keep an incident register for the licensed premises in accordance with section 130.

18
Clause 131 (2) (b)
Page 111, line 9—

omit clause 131 (2) (b), substitute

(b) does not take reasonable steps to keep an incident register for the permitted premises in accordance with section 130.

19
Clause 131 (3)
Page 111, line 12—

omit

20
Proposed new clause 151 (3) and (4)
Page 127, line 20—

insert

(3) If the chief police officer tells the CYP chief executive that the caution is revoked, the CYP chief executive must destroy each copy of the caution held by the CYP chief executive.

(4) If the chief police officer tells the commissioner that the caution is revoked, the commissioner must destroy each copy of the caution held by the commissioner.

21
Proposed new clause 184 (d) (ia)
Page 151, line 26—

insert

(ia) section 92A (3) (a) (Risk-assessment management plan exemption); or

22
Proposed new clause 184 (d) (iii)
Page 152, line 2—

insert

(iii) section 130A (3) (a) (Incident register exemption).

23
Proposed new clause 185 (d) (ia)
Page 152, line 22—

insert

(ia) section 92A (3) (a) (Risk-assessment management plan exemption); or

25
Proposed new clause 185 (e) (ia)
Page 152, line 28—

insert

(ia) section 92A (3) (b) (Risk-assessment management plan exemption); or

27
Clause 189 (3) (b)
Page 155, line 16—

omit

licensee

substitute

applicant

28
Proposed new part 14A
Page 169, line 23—

insert

Part 14A Liquor advisory board

213A Establishment of liquor advisory board

The liquor advisory board is established.

213B Membership of liquor advisory board

(1) The liquor advisory board is made up of—

(a) the chief executive; and

(b) the following members appointed by the Minister:

(i) 1 member appointed to represent the Australian Federal Police;

(ii) 1 member appointed to represent liquor consumers;

(iii) 1 member appointed to represent Aboriginal people and Torres Strait Islanders;

(iv) 1 member appointed to represent small businesses;

(v) 1 member appointed to represent Clubs ACT;

(vi) 1 member appointed to represent the Australian Hotels Association (ACT branch).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

(2) The chair of the board is the chief executive.

213C Liquor advisory board functions

The liquor advisory board has the following functions:

(a) to advise the Minister, on request, about matters associated with the operation of this Act;

(b) to scrutinise the functions of the commissioner under this Act;

(c) to review the operation of this Act after it has been in force for 2 years and make recommendations to the Minister in accordance with any terms of reference provided by the Minister.

29
Schedule 1, proposed new item 11A
Page 175—

insert

11A	92A (2)	refuse to issue a risk assessment management plan exemption	licensee or permit-holder

31
Dictionary, proposed new definition of *confidential provision*
Page 178, line 16—

insert

confidential provision, for a risk-assessment management plan—see section 90 (2) (b).

33
Dictionary, proposed new definition of *risk-assessment management plan exemption*
Page 183, line 20—

insert

risk assessment management plan exemption—see section 92A.

Schedule 2

Liquor Bill 2010

Amendment moved by the Attorney-General

1
Clause 121 (2)
Page 102, line 8—

omit

Schedule 3

Liquor Bill 2010

Amendments moved by Mr Rattenbury

1
Proposed new clause 223 (2) (b) (va)
Page 174, line 6—

insert

(va) the history of compliance of licensees and permitted premises with this Act;

Schedule 4

Liquor Bill 2010

Amendments moved by the Attorney-General to Mrs Dunne's proposed amendments

1
Amendment 28
Proposed new section 213B (1) (a) and (2)

omit

chief executive

substitute

commissioner

2
Amendment 28
Proposed new section 213C

substitute

213C Liquor advisory board function

The liquor advisory board has the function of advising the Minister about matters associated with the operation of this Act.

213D Liquor advisory board procedure

(1) Meetings of the liquor advisory board are to be held when and where it decides.

(2) However—

(a) the liquor advisory board must meet at least twice each year; and

(b) the commissioner may, by reasonable written notice given to the other liquor advisory board members, call a meeting.

(3) The liquor advisory board may conduct its proceedings (including its meetings) as it considers appropriate.

213E Reimbursement of expenses for liquor advisory board members

(1) A member of the liquor advisory board appointed under section 213B (1) (b) is not entitled to be paid for the exercise of the member's functions.

(2) However, the member may apply to the commissioner for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting of the liquor advisory board.

Answers to questions

Building the education revolution—economic impact (Question No 889)

Ms Le Couteur asked the Treasurer, upon notice, on 25 March 2010:

Given that the Minister for Education and Training stated that he expected that the Building the Education Revolution program would be finished by the end of this year, what will the impact be on employment and the economy in the ACT more generally.

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

The *Building the Education Revolution* program, apart from investing in education, is part of the Federal Government's set of fiscal stimulus measures to safeguard the national economy from a potential recession from the effects of the global financial crisis.

The completion of the program was planned in accordance with the withdrawal of the fiscal stimulus from the economy. As such, the economic forecasts by the Commonwealth at the national level, and for the Territory's economy in the ACT Budget take account of the completion of the program.

As noted by the various commentators and highlighted in the national accounts updates, both the national as well as the Territory's economies have performed better than what was envisaged at the time of the introduction of the fiscal stimulus measures. This should ameliorate any concerns regarding the planned completion of the program and the consequent "withdrawal" of the expenditure from the economy.

The Member should also note the estimates of Government expenditure on capital works include expenditure on the *Building the Education Revolution* program. As published in the 2010 11 Budget (Budget Paper No. 3, Page 125) the capital works expenditure is budgeted to increase from an estimated $624 million in 2009 10 to around $756 million in 2010 11.

Public service—staff (Question No 978)

Mrs Dunne asked the Treasurer, upon notice, on 22 June 2010:

(1) Can the Treasurer confirm the answers to supplementary questions on notice Nos 40 and 41 given during hearings of the Standing Committee on Public Accounts into annual and financial reports 2008-09; if not, (a) why not and (b) what clarification of those answers can the Treasurer provide.

(2) If the Treasurer can confirm the answer to question No 40, (a) what is the nature of the work being done by those staff and (b) how many of those staff are (i) casual, (ii) permanent part-time, (iii) permanent full-time, (iv) fixed-term part-time, (v) fixed-term full-time, (vi) contract and (vii) other.

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

(1) I am advised by ACTEW that the answers provided were correct: that is, as at 18 February 2010, there were 13 members of ACTEW staff working on the major water security projects and related activities. ACTEW is not undertaking any work directly on the Enlarged Cotter Dam or the Murrumbidgee to Googong Transfer Project. ACTEW is not a constructor, it is the owner of the projects. All construction activity is being undertaken by the Bulk Water Alliance partners who engage staff either as contractors or sub-contractors. ACTEW does not have any construction staff employed in any part of the organisation.

(2) I am advised by ACTEW that the roles and responsibilities of the 13 staff are of a management and administrative nature eg. accounting and financial, communications, executive and administrative support. Ten of those staff members are employed on a permanent full-time basis and three are employed full-time on contract.

Children—kinship carer support (Question No 979)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 22 June 2010:

(1) What procurement process was used to select Marymead as the recipient of funding under the grandparent and kinship carers program.

(2) How many organisations submitted expressions of interest in the procurement process referred to in part (1).

(3) How many organisations submitted service delivery proposals, contract tenders or similar in the procurement process referred to in part (1).

(4) In relation to the department's conclusion that Marymead should be the successful funding recipient, (a) what assessment process was followed and (b) what were the elements of Marymead's proposal that led the department to that conclusion.

(5) Is the funding underpinned by a funding agreement/contract between the Government and Marymead; if not, why not.

(6) In relation to the funding arrangement with Marymead, (a) what is the nature of the arrangement for example, funding agreement, exchange of letters or some other form of arrangement, (b) what is the term of the arrangement, (c) how much is to be paid to Marymead in each year of the term, (d) what services is Marymead to provide under the arrangement and (e) what accountability/funding acquittal tools are in place.

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

1. In 2003 Marymead Child and Family Centre was funded by the then Commonwealth Department of Family and Community Services and Indigenous Affairs (FACSIA) to provide a support service to Grandparents who provide care to their grandchildren. With the FACSIA funding ending in December 2005, Marymead requested funding from the OCYFS for the program. No specific funding stream was available at that time and after two years of the Department sustaining this initiative through short term measures, funding was identified within the Family Support Program. At that time there was no specific funding for kinship support services.

2. See answer to question 1 above.

3. See answer to question 1 above.

4. (a) Marymead has been successfully delivering services, through Out of Home Care, Youth and Family Support Programs for a number of years. No other provider at that time was delivering any services specifically for Kinship carers. Kinship Carers from this group reported satisfaction with the service provided by Marymead.

(b) The Same as (b) in Question 6. The Group was seen as a valuable resource. It is no longer being funded by the Australian Government.

5. There is a funding agreement in place with Marymead in relation to the Grandparent Support Service.

6.
(a) A Service Funding Agreement (under the Family Support Program) is in place for the provision of the Marymead Grandparent Support Service.
(b) The Agreement was established from July 2007 initially until June 2010. The current funding agreement has been extended to the end of the 2010/2011 financial year to allow for the tendering of the new aligned Youth and Family Support Program.
(c) Marymead receive $19,309 per annum (2009/2010). This figure is indexed.
(d) The Program provides support for grandparents who are raising their grandchildren fulltime, or who play a significant role in raising their grandchildren. The network benefits grandparents in the ACT community by providing information and education, support to individuals and the grandparent-carer community through regular meetings and by advocating for their needs and raising community awareness.
(e) Marymead report to the Office for Children, Youth and Family Support in accordance with the standard reporting requirements for funded services including financial acquittals, audited financial report and performance reporting.

Government—investments (Question No 980)

Ms Hunter asked the Treasurer, upon notice, on 23 June 2010:

Does the ACT Government, in any way, invest in (a) Alliant Techsystems, (b) Goodrich Corporation, (c) General Dynamics, (d) Hanwha, (e) Honeywell International, (f) L-3 Communications, (g) Lockheed Martin, (h) Northrop Grumman, (i) Poonsang Corporation, (j) Raytheon, (k) Singapore Technologies Engineering and (l) Textron Systems; if so, given that these companies are involved in the manufacture of cluster munitions and simulated testing of nuclear explosive devices will the ACT Government consider divesting itself of these investments.

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

The Government has investment exposure to some of the companies identified by way of indirect (for example, passive index portfolio that replicates the MSCI World-ex Australia index) or direct (for example, active portfolio which comprises a selection of stocks from the MSCI World-ex Australia index) investment exposure.

For those stocks where there is some exposure, investment and divestment decisions are made on the basis of an overall relative risk and return analysis incorporating many factors and considerations including economic, financial and ESG.

Budget—allocations (Question No 986)

Mrs Dunne asked the Minister for Territory and Municipal Services, upon notice, on 24 June 2010:

(1) In relation to the 2010-11 budget allocation for Parks, Conservation and Lands (PCL), Output 1.4 Land Management, what resources will be allocated to each PCL section or cost centre identified in the budget estimates, see question taken on notice No. 460, of (a) Program Coordination, (b) Parks and Reserves, (c) Bushfire and Forestry Estate, (d) Design and Development, (e) Research and Planning, (f) Tidbinbilla Nature Reserve, (g) Organisational Support and (h) City Places Open Spaces.

(2) What activities are undertaken in each of the sections or cost centres referred to in part (1).

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

(1) The Land Management and Planning Division, to which these sections relate in 2009/10, is currently restructuring. The process of restructuring may impact on the responsibilities of each of these sections. The allocation of resources and responsibilities within the Division is undertaken through a detailed budget allocation process, and is focussed on delivery of programs rather than allocation to particular sections. Final budget allocations will be finalised following the restructure.

(2) The process of restructuring will impact on the responsibilities of each of these sections. Final budget allocations and activities will be finalised following the restructure.

Oaks Estate—heritage study (Question No 1010)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 1 July 2010 *(redirected to the Minister for the Arts and Heritage)*:

(1) What stage is the Oaks Estate Heritage Study at and is the study publicly available.

(2) How is the study being used by the Government in relation to decisions on new infrastructure for Oaks Estate.

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

(1) Oaks Estate was assessed for its potential heritage values in 2002 by consultants Eric Martin and Associates as part of the Oaks Estate Planning Study, commenced by the former ACT Planning and Land Authority (ACTPLA).

The 2002 Oaks Estate Planning Study is available from the ACT Heritage Unit by request however it is important to note that the study is an independent report and has not been endorsed by the ACT Heritage Council (the Council).

The nomination for Oaks Estate has not been afforded a high priority for assessment by the ACT Heritage Council at this stage.

The Department of Housing and Community Services (DHCS) is in the process of commissioning a consultant to undertake further assessment of the heritage values of various properties they manage in Oaks Estate. This report will be forwarded to the Heritage Council to assist them in their assessment of Oaks Estate.

(2) Previous heritage studies of Oaks Estate provide a foundation for future infrastructure assessments of the site, informing the ACT Government's scope of activities on the estate. In the 2010-11 budget, the ACT Government committed $100,000 towards landscape upgrade works at Oaks Estate. Officers from TAMS are liaising with Oaks Estates residents to identify specific areas for the upgrades. In addition, $165,000 has been allocated to upgrade Robertson, Hazel Street.

In addition, Land and Property Services and ACTPLA are undertaking an infrastructure capacity study for Oaks Estate. This study will examine the existing infrastructure in the area and determine what level of development can be accommodated before upgrades are undertaken. This study is to be completed in the 2001-11 financial year and will inform the development of a future master plan for Oaks Estate.

Cats—containment (Question No 1012)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 1 July 2010:

(1) What stage is the current review of the cat containment policy at.

(2) When will a policy regarding the declaration of areas adjacent to high conservation value land as cat containment areas be finalised.

(3) Is the Department of Territory and Municipal Services seeking expert ecological advice as to the evidence of the benefits of cat containment policies.

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

(1) The Department of Territory and Municipal Services (TAMS) is developing further advice for government.

(2) The Government will evaluate the advice provided in a proposed Cat Containment Policy to be completed by TAMS .The current regime in relation to new developments in areas of high conservation value is to evaluate the option of declaring a cat containment area on a case by case basis. For example consideration is currently being given to the declaration of the area know as North Watson, adjacent to the Majura Nature Reserve.

(3) Ecologists within TAMS are monitoring the effectiveness of current cat containment areas at Forde and Bonner. TAMS will seek further expert and stakeholder advice in the development of the full Cat Containment Policy.

Planning—land releases (Question No 1013)

Ms Le Couteur asked the Minister for Land and Property Services, upon notice, on 1 July 2010 *(redirected to the Minister for Planning)*:

In relation to the commercial and industrial land release program and given that a key deliverable in the 2010-11 budget is re-establishing an operational predictive retail model in the ACT, what does this entail.

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

A new retail model is currently being developed for the ACT Planning and Land Authority by SGS Economics and Planning. The model will provide estimates of existing and future retail expenditure by district and by suburb; sales by centre; sales per square metre of Net Selling Area by centre; and sales by floorspace type.

As part of the development of the model, SGS is consulting with the retail industry, has undertaken an in-home survey (by telephone) and an in-centre survey at ten shopping centres. In this latter task, they were assisted by students enrolled in the planning course at the University of Canberra.

The ACT Retail Model has been used to assist in the assessment of development applications, in the preparation of the land release programs, in the planning of newly developing areas and ensuring the location of economic activity is consistent with the government's sustainability agenda, minimises costs and maximises benefits.

The model outputs assist in decisions about how to best accommodate changes that widen consumer choice and increase competition while not compromising equity, accessibility, amenity and environmental objectives.

It is anticipated that the new Retail Model will be operational in late 2010.

Taxation—payroll tax (Question No 1016)

Mr Seselja asked the Treasurer, upon notice, on 1 July 2010:

(1) Given that Mr Broughton stated in the Select Committee on Estimates 2010-2011 hearing on 31 May 2010 that "if you are predicting a one per cent employment growth, as we are, you would expect a seven per cent increase in payroll tax collections", (a) why does payroll tax grow between six and seven per cent each year in the outyears while employment growth is estimated to increase at 1.75 per cent in the outyears and (b) how is this statement consistent with the numbers presented in Budget Paper No. 3 for 2010-2011.

(2) What is the breakdown of payroll tax paid by each sector of the ACT economy.

(3) What is the growth rate of each sector of the ACT economy in (a) 2009-2010 to date and (b) each of the last four financial years.

(4) What is the estimated growth rate of each sector of the ACT economy in (a) 2010-2011 and (b) each of the three next financial years.

(5) How much payroll tax is paid by any entities listed in the A-Z List of Australian Government Departments and Agencies available at www.directory.gov.au.

(6) What economic parameters does Treasury consider when determining payroll tax estimates and what weight is given to each.

(7) Can the Treasurer provide specific information for the payroll tax estimate referred to in part (6) for 2010-2011.

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

(1) (a) The payroll tax and employment growth rates in the outyears reflects long-run average rates of 7 per cent and 1.75 per cent respectively.

(b) The statement that Mr Broughton made on 31 May 2010 was just an example to illustrate a relationship between the employment growth rate and the payroll tax growth rate. As Mr Broughton went on to explain employment growth is only one of many factors that will impact on payroll tax growth in the forecast years 2009-10 and 2010-11.

(2) Treasury does not have a full and complete dataset available to distinguish the different sectors within the ACT economy for payroll tax clients. On this basis an answer cannot be provided.

(3) The information is publicly available from the Australian Bureau of Statistics website at http://www.abs.gov.au. Information for 2009-10, however, is not yet available.

(4) (a) Treasury forecasts economic growth on an aggregate basis. Treasury does not estimate the economic performance of each sector of the ACT economy due to the extremely volatile performance of some sectors and the unreliability of data at sectoral level.

(b) See the answer to (4) (a).

(5) The aggregate of payroll tax paid by entities listed in the Australian Government website www.directory.gov.au in 2008-09 was approximately $7.7 million.

(6) It has been the long standing policy of Treasury and the ACT government not to disclose forecasting methodology. This is consistent with practice in other Australian jurisdictions. Disclosing forecasting methodology could have a substantial adverse effect on the ability of government to manage the economy.

(7) See the answer to (6).

Public service—staff (Question No 1018)

Mr Seselja asked the Treasurer, upon notice, on 1 July 2010:

(1) How are the standard on-costs per staff member of $16 480 calculated, and what are the individual components that make up the on cost.

(2) For each component, (a) how is this calculated and (b) what has been the cost per employee for Treasury over each of the last five financial years.

(3) How is the on-cost indexed from year to year.

(4) What is the rate that is used to index it.

(5) How much is the indexing rate that was used to determine costings for the 2010-11 Budget.

(6) How much was the indexing rate that was used in each of the last five budgets.

(7) How many agencies or departments use this rate.

(8) Is this a standard cost for staff at every salary point.

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

(1) The various components which make up the average administration on-costs of $16,480 are provided in Table 1.

These costs are provided as a broad indicator only, and it is understood that individual costs may vary, as other distinct costs may be applied that are not recognised in the on-cost model.

This may include items such as additional security clearance, specific salary allowances, additional travel requirements, fleet requirements that are in addition to the general allowances provided for in the model. In addition, there may be cases such as the establishment of a new corporate structure, where one-off variations are appropriate.

Table 1: Administrative On-Costs by Component

	$	Calculation
Administrative Component		
PC/Monitors	628	Based on standard Service Level Agreement charge by InTACT or average cost. For example, the costs are based on standard hardware prices per unit, or for multi-unit devises the average cost per a certain number of staff ie. one printer per 8 people.
Desktop Environment Support Full	2,667	
Internet	84	
Data Communication Services	258	
Storage	84	
Printer/MFD	162	
Voice/Mobile/Canberra Connect Subsidy	640	
Fax	79	
Accommodation	6,082	Average cost per square metre for leased accommodation.

Insurance	272	Based on average workstation cost.
Training	2,000	Average cost, however, it is recognised that training expenditure varies significantly for each agency, depending on the skills or development required.
Fleet	326	Assumes 1 car per 50 staff.
Other Administrative Costs	1,300	Other administrative costs is a broad estimate to cover items such as travel, OH&S expenses, office equipment and relocation, office machines and equipment, stationery, photocopying and printing, registry and postage, repairs and maintenance and a standard level of security vetting such as police and health checks.
Sub-Total Administrative Component	*14,581*	
Corporate Component		
HR (Payroll and Non-Payroll Services)	1,217	Based on Shared Services HR Services Model.
Finance	682	Based on Shared Services Financial Services Model.
Sub-Total Corporate Component	*1,899*	
Total Administrative On-Cost	**16,480**	

** Table may not add due to rounding.*

(2) (a) The calculation of components is provided at Table 1 above.

(2) (b) Administration on-costs per employee for Treasury are based on the Salary and Administration On-Cost Model. Costs for the last five years were:

2006-07	$17,100
2007-08	$15,765
2008-09	$15,765
2009-10	$15,790
2010-11	$16,480

(3) The on-cost model is not directly indexed by CPI or other indexation factor. The majority of the administration on-cost components are based on actual costs passed on by suppliers (e.g. InTACT, Fleet Providers, Insurers etc).

(4) Refer to (3) above.

(5) Refer to (3) above.

(6) Refer to (3) above.

(7) The Salary and Administration On-Cost Model is provided as a guide only to assist in costing budget proposals, as outlined above

(8) The average administrative cost component per staff member is an average costing to be utilised as a guide only, it is not designed as a specific costing applicable to particular staffing levels. There are always circumstances were specific costs will vary, as outlined above.

Finance—departmental costs (Question No 1019)

Mr Seselja asked the Treasurer, upon notice, on 1 July 2010:

Will the Treasurer provide a breakdown of expenditure by department and agency for each line item in Table 17, page 345 in Budget Paper No. 3, 2010-2011.

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

Table F17 is functional expenditure, non agency specific information, and is based on consolidated data, and as such transactions relating to Other Economic Flows and internal trading are eliminated from this presentation.

It includes other notional allocations of broad budget provisions, such as Treasurer's Advance and the provision for future wage increases etc, which are not included in agency data.

For more detail allocations of expenditure by department and agency, consult Budget Paper 4.

Finance—departmental costs (Question No 1020)

Mr Seselja asked the Chief Minister, upon notice, on 1 July 2010 *(redirected to the A/g Chief Minister)*:

What was the total expenditure every month from July 2005 to June 2010 inclusive, for (a) recurrent and (b) capital expenditure for each department and agency in the Minister's portfolio.

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

(a) In relation to recurrent expenditure, details of each department and agency's year-to-date expenditure by quarter is published as an Appendix in the Territory Consolidated Quarterly Financial Management Reports, which are available on the Treasury Website at: www.treasury.act.gov.au/about/publications.shtml

(b) In relation to capital expenditure, details of each agency's capital works program expenditure, in total and by project, is provided on a quarterly basis through the capital works quarterly progress reports. These Reports have been provided to Mr Smyth by FOI since March 2006, before that time these Reports were tabled in the Assembly.

Since June 2009, these reports have been published by Treasury. Treasury has now made all these reports available on the Treasury Website at www.treasury.act.gov.au/about/publications.shtml

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Finance—departmental costs (Question No 1031)

Mr Seselja asked the Minister for Gaming and Racing, upon notice, on 1 July 2010:

What was the total expenditure every month from July 2005 to June 2010 inclusive, for (a) recurrent and (b) capital expenditure for each department and agency in the Minister's portfolio.

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

(a) In relation to recurrent expenditure, details of each department and agency's YTD expenditure by quarter is published as an Appendix in the Territory Consolidated Quarterly Financial Management Reports, which are available on the Treasury Website at: www.treasury.act.gov.au/about/publications.shtml

(b) In relation to capital expenditure, details of each agency's capital works program expenditure, in total and by project, is provided on a quarterly basis through the capital works quarterly progress reports. These Reports have been provided to Mr Smyth by FOI since March 2006, before that time these Reports were tabled in the Assembly. Since June 2009, these reports have been published by Treasury.

Treasury has, however, now made all these reports available on the Treasury Website at www.treasury.act.gov.au/about/publications.shtml

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Building the education revolution (Question No 1034)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2010:

(1) In relation to the six star energy efficiency multi-purpose centre at the Gold Creek School, how many other ACT funded Building the Education Revolution (BER) initiatives follow similar efficiency standards and can the Minister provide a list of similar projects.

(2) What is the development and management cost difference between this project and other BER funded multi-purpose facilities and can the Minister provide a comparative breakdown of costs.

(3) Will this energy efficient centre contribute to decreasing the operating cost of the school; if so, how much will this initiative reduce operating costs by.

(4) How much excess energy revenue will the school generate under the Government's feed-in tariff program.

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

1) The Department of Education and Training has designed and is currently constructing a new environmental centre at Gold Creek School which has been funded under the

Building the Education Revolution (BER) initiative. This building aims to achieve a 6 Green Star rating from the Green Building Council of Australia which will be the highest rating for a primary or secondary school facility in Australia.

A range of environmentally sustainable design (ESD) features have been included in all ACT public school BER projects. Information on ESD features is included on the Department's BER website (www.det.act.gov.au/about_us/building_the_education_revolution).

The new Gungahlin College, Kambah P-10 School and the Harrison Secondary School have been designed to achieve a 5 Green Star rating.

2) Each BER project has been custom-designed to meet the particular needs of each school. The design and construction cost elements to achieve a 6 Green Star rating are built into the overall cost for the Gold Creek School environment centre. Therefore a cost break down and comparison with a comparable project is not available.

The total cost for the new Gold Creek School environment centre is $3.344 million.

3) The design of the environmental centre is aimed to achieve energy neutrality at this facility. The energy generated by the solar panels to be installed on the environmental centre will, in fact, be more than the building requires.

The estimated energy consumption for the environmental centre is 12 110 kW (kilowatt hours) per annum while the energy expected to be generated from the solar panels installed on the centre is 19 500 kW. All of the generated energy will be exported to the electricity grid.

4) The estimated annual revenue from the ACT's feed-in-tariff scheme for the Gold Creek School environment centre is $9000.

ACTION bus service—bicycle racks (Question No 1036)

Ms Bresnan asked the Minister for Transport, upon notice, on 17 August 2010:

(1) What is the initial cost to install a bicycle rack on an ACTION bus.

(2) What is the cost to maintain a bicycle rack on an ACTION

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

(1) $1,100.00

(2) The bike racks are a low maintenance accessory with an estimated $100.00 cost over a 10 year period.

Questions without notice taken on notice

Housing—older persons—Thursday, 19 August 2010

MS BURCH *(in reply to a supplementary question by Mr Coe)*: I would like to confirm that the homes in Macquarie and Curtin will be tenanted from October this year. I would also like to correct the record. These sites are not yet physically complete. It is envisaged that physical completion will be by the end of September 2010. This is in line with my statement that homes would be handed over from October 2010.

What I had intended to say was that the assessment process for the Macquarie homes is complete, with the assessment for the Curtin homes due for completion today (24 August 2010). The notification of future residents has commenced today (24 August 2010).

Children—national foster care standards—Thursday, 19 August 2010

MS BURCH *(in reply to supplementary questions by Ms Hunter and Ms Le Couteur)*: In response to Ms Hunter's question regarding a more detailed explanation of the National Foster Care Standards, I can advise that the Australian Capital Territory has participated in the development of the National Standards for Out of Home Care through the National Child Protection Framework Implementation Working Group.

The National Standards for Out of Home Care will provide over-arching regulations and standards for out of home care in all states and territories. The standards relate to areas that impact on the outcomes and experience of children in out of home care, including connection to family, training and support for carers – culture, community and identity as well as health, safety, education, case planning and transition from care.

After considerable consultation, the draft National Standards for Out of Home Care were released on 7 July 2010 for further consultation. A copy of the Working Document on National Standards for Out of Home Care that outlines the draft National Standards is available on the Families, Housing, Community Services and Indigenous Affairs website.

Comments from the consultation will be reported back to the Community and Disability Services Ministers Conference by the end of 2010. Implementation of the National Standards is planned for 1 July 2011.

If you would like a further briefing on the draft National Standards, you are most welcome to request this.

In response to Ms Le Couteur's question regarding percentages of funding provided by the Commonwealth and ACT Governments, the Australian Government is currently not providing any funding for the development and implementation of the National Standards for Out of Home Care. Further discussion about resourcing implications for implementation will occur as part of the ongoing consultation on the finalisation of the National Standards.