Debates

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Legislative Assembly for the ACT

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Thursday, 28 October 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.

Road Transport (Alcohol and Drugs) Legislation Amendment 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) (10.02): I move:

> That this bill be agreed to in principle.

I present the Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010. This bill primarily comprises amendments to the ACT's drink-driving laws as well as making a number of changes to the recently passed random drug-testing legislation.

The drink-driving amendments effected by this bill were originally introduced to the Assembly by the Chief Minister in June this year as the Road Transport (Drink Driving) Legislation Amendment Bill 2010. That bill was intended to make significant amendments to the drink-driving provisions of the Road Transport (Alcohol and Drugs) Act 1977.

However, before that bill could be debated, the Assembly passed Mr Hanson's Road Transport (Alcohol and Drugs) (Random Drug Testing) Bill 2009, which amended many of the same provisions as would have been amended by the government's drink-driving amendments. Consequently, the Chief Minister withdrew the government's drink-driving amendments for redrafting so that they would accommodate Mr Hanson's amendments to the principal legislation. This bill includes those redrafted amendments.

As the Chief Minister pointed out, when the drink-driving amendments were initially introduced, these amendments represent a key element of the government's strategy to improve road safety in the ACT, as it tackles one of the major contributors to road crashes—drink driving.

It is worth recounting the data which demonstrates the extent to which drink driving remains a major road safety concern. Over one in five drivers killed in crashes have a blood alcohol concentration exceeding the legal limit. Nationally, random breath testing results typically show that about one in 150 drivers tested exceed the legal limit. ACT Policing data shows that approximately one in 70 drivers tested is a drink driver. This is an extremely concerning outcome, when compared to the national trend.

While some of the ACT's higher drink-driving "hit rate" may be attributable to targeting through intelligence-led policing, it also indicates that there are many ACT drivers who simply do not understand that drinking and driving is not acceptable.

Despite numerous warnings and targeted police operations, around 1,500 ACT motorists are caught drink driving each year and approximately one-third of those are repeat offenders.

There is a clear need for the ACT's drink-driving laws to do more to deter drink driving by letting motorists know that real and serious consequences will follow if they are caught. There is also a need to change the ACT's drink-driving laws to more clearly send the message that drinking and driving simply do not mix.

The ACT's drink-driving laws have not been substantially reviewed or revised since they were enacted in 1977, as part of the national move to impose drink-driving restrictions. All jurisdictions enacted drink-driving laws and most other jurisdictions have implemented substantial reforms to these laws over the past 30 years.

The packages of reforms made by this bill represent the most significant reform to drink-driving laws in the territory since self-government. They are largely in line with changes made to drink-driving laws in other jurisdictions over recent years.

The development of these reforms followed consultation with the community, through a discussion paper in mid 2008, which sought views on a range of potential reforms to the act. This discussion paper was followed by the establishment of a Drink-Driving Reform Working Group last year. This group was chaired by the Department of Territory and Municipal Services, and included representatives from ACT Policing, the Department of Justice and Community Safety, ACT courts, the Office of the Director of Public Prosecutions, the Government Solicitor's Office and ACT Health.

The expert working group developed a series of potential reforms to the existing drink-driving laws. These were considered by a road safety roundtable which the Chief Minister co-chaired with Mr Alan Evans from NRMA Motoring and Services. There was broad support from roundtable participants to proceed with the reforms that were flagged.

The package of reforms to emerge from this process is intended to reduce the incidence of drink driving by:

- reinforcing the message drink or drive;
- removing continuing access to a driver licence for more drink-driving offenders; and
- having all drink drivers complete an appropriate alcohol awareness course.

Mr Speaker, I will now outline details of the reforms in this bill.

The first change to the drink-driving laws made by the bill is to reduce the blood or breath alcohol concentration, or BAC, for special drivers from the current .02 limit to zero.

Special drivers include learners, provisional, public vehicle and heavy vehicle drivers as well as persons who hold a restricted licence. The current ACT limit for special drivers is .02 grams of alcohol per 100 millilitres of blood. The bill will make the BAC for this group of drivers zero, as is the case in all other Australian jurisdictions, except Western Australia. A zero BAC for this class of drivers is appropriate given the novice driver status of learner and provisional drivers, the special responsibilities of drivers of public and heavy vehicles and the need to send a message to persons on a restricted licence—who have already committed a drink-driving offence—that alcohol and driving do not mix. For younger and inexperienced drivers, it also avoids the uncertainty created by the current .02 limit about whether it is possible to drink a small amount of alcohol and not have their driving impaired. There is evidence to suggest that novice drivers find it difficult to effectively monitor their alcohol consumption to stay below .02. This change will send the simple message to this group of drivers—drink or drive.

A concern sometimes raised about the zero BAC limit for certain drivers, which was raised by some respondents to the discussion paper, is whether they may commit an offence as a result of "innocently" consumed alcohol such as communion wine, cough mixture or foods containing alcohol. I am advised that there is evidence showing that, in practice, this is unlikely to be a real problem because cough mixtures or foods prepared with alcohol when consumed in normal quantities are unlikely to influence BAC levels to an extent which would seriously interfere with the measurement of a driver's BAC. Nonetheless, given that New South Wales took the precautionary measure of including a limited defence in its legislation for drivers who register a BAC between zero and .02, if the driver can prove that their reading was the result of the innocent consumption of alcohol—for example, for religious observance or medicine—a similar defence provision has been included in this bill.

In reviewing the BAC for special drivers, which include learner drivers, it was recognised that there were no special BAC requirements for instructors or supervisors of a learner. This means that, presently, a person can legally drink and be instructing a learner driver. This raises a concern, on two counts. One is that it is inconsistent with the message to young or inexperienced drivers, to permit a person instructing or supervising them to drink and then provide driving instruction. The second is that instructors or supervisors of novice drivers need, in teaching another person to drive, to exercise a degree of skill and concentration, above and beyond what is required when they are physically in charge of the vehicle themselves. For these reasons, the bill extends the zero BAC to persons instructing or supervising learner drivers, including heavy vehicle learners.

I understand that there is no evidence to suggest that there has been an issue with professional driving instructors instructing students after having consumed alcohol. The scenario these amendments are designed to avoid is more likely to arise where a parent has had a couple of drinks at a family or a social function and then allows the learner driver to drive home. While the use of a designated driver is certainly to be encouraged, it is not appropriate for the designated driver to be a learner driver, under the supervision of a person who has had a few drinks.

The changes to a zero BAC for special drivers and to persons instructing learner drivers will be widely publicised to ensure that affected drivers, parents and driving instructors are aware of the new laws.

As mentioned earlier, a key purpose of these reforms is to send the message that there are serious consequences if a person is caught drink driving. One of the obvious deterrents to drink driving is the potential for a drink-driving conviction to result in loss of access to a driver licence. The review of the drink-driving laws indicated that existing ACT provisions are relatively lenient compared with interstate practice in terms of enabling convicted drink drivers to continue to drive.

Under current laws, while persons who are convicted of drink driving are liable to serve a period of licence disqualification, restricted licences, sometimes known as work licences, can be applied for by some persons convicted of drink driving, to enable them to continue to drive during a period of licence disqualification. The court, in granting a restricted licence, must be satisfied that exceptional circumstances exist to justify the grant of the licence.

It is evident that a substantial number of ACT drink drivers, including offenders with previous drink-driving convictions, are successful in persuading the court that their circumstances are exceptional and are obtaining a restricted licence—558 of these licences were issued in 2008-09. Of the approximately 1,500 people charged each year with drink driving, it would seem that around a third of them are being granted a restricted licence, rather than serving any period of licence disqualification.

It is critical to deterring drink driving that the community understands that drink-drive offenders will face appropriate consequences for their actions, including loss of the privilege of using the roads for a period of time. The rate of dispensation of restricted licences has contributed to a view in the community that a drink-driving conviction will not necessarily mean the loss of access to a driver licence.

The approach taken in this bill is to allow an application for a restricted licence only in circumstances where it is possible that a person has made an honest and genuine mistake. To achieve this, the definition of "repeat offender" has been amended. Currently a repeat offender cannot apply for a restricted licence. However, presently, the definition of "repeat offender" only applies to a person who has had a drink-driving conviction in the past five years.

The changes made by the bill will mean that a person will be a repeat offender if that person has been convicted or found guilty of a drink-driving offence at any time, no matter how long ago. A person will also be a repeat offender where two drink-driving charges are dealt with concurrently. Consequently, in the future, only genuine first offenders will be eligible to apply for a restricted licence.

Further, the bill provides that only low-range first offenders will be able to apply for a restricted licence. If the offender has a BAC which is .05 or more higher than the BAC limit for that person, he or she will not be able to apply for a restricted licence. This means that a special driver who records a BAC of .05 or more or a full licence

holder who records a BAC of .1 or higher will not be able to apply for a restricted licence.

Based on recent AFP data showing that around half of persons charged with drink driving have a BAC of .1 or more, this will mean that around half those caught drink driving will not be eligible to apply for a restricted licence, based on their BAC reading alone. Some others with a lower BAC, but who are also repeat offenders, will also not be eligible to apply for a restricted licence. The remainder who are eligible to apply will need to demonstrate to the court the exceptional circumstances justifying the grant of the licence. Based on current data, it could be expected that the number of restricted licences being granted would be at least halved.

Another new measure effected by this bill, to protect other road users and to reinforce that a consequence of drink driving is loss of the privilege of holding a driver licence, is immediate licence suspension by police for high-range offenders. Where a driver exceeds the BAC applicable to that person by .05 or more, police will be required to immediately suspend the person's licence. Similar provisions have been in place in other jurisdictions for some years.

The bill provides for a person whose licence is suspended by police to apply to the Magistrates Court for a stay of the suspension and the court may stay the suspension if satisfied that there are exceptional circumstances warranting a stay. The court's primary consideration in deciding whether to stay the suspension will be the risk to the safety of road users.

Even where persons charged with drink driving successfully pursue a stay of the suspension in order to get their licence restored before their court appearance, they will, nonetheless, serve a minimum period of licence disqualification. This is because the level of their BAC reading will make them ineligible, under the new laws, to apply for a restricted licence during the disqualification period.

The bill provides that, where a person serves a period of immediate licence suspension, the licence disqualification period imposed by the court, on conviction, will be reduced by the period of licence suspension already served.

Even where a person seeks a stay of an immediate licence suspension and succeeds, the process will take a period of time. So one effect of this new provision will be that for high-range offenders there will be an immediate consequence of being caught drink driving—a period of time off the road.

Both the new immediate licence suspension provisions and the tougher rules on eligibility to apply for a restricted licence treat the threshold for high-range offending for a full licence holder as .1. I can advise the Assembly that there was some consideration in finalising the bill as to whether the high-range threshold should be .15, as it is in some other jurisdictions. However, there was a view strongly expressed by road safety roundtable participants that, at .1, a person is double the legal limit and it should not be necessary to reach triple the limit to be regarded as a high-range offender. In addition, there is evidence which clearly demonstrates that the degree of crash risk, including the likelihood that these crashes result in a fatality,

rises substantially with increased BAC levels. The degree of crash risk rises for drivers with a BAC of .1 and is almost five times that of drivers with no alcohol in their system and around double that of a driver with a BAC of .05.

While .15 is currently the high-range threshold in a number of other jurisdictions, this is already under review in at least one of them, with a suggestion that it be lowered to .1 for the purpose of eligibility for restricted licences. On balance, the government is satisfied that .1 is the appropriate threshold to regard drink driving as high-range drink driving and to exclude persons from eligibility to apply for a restricted licence and to impose immediate licence suspension.

While many of the amendments made by the bill are directed at deterring drink driving through the imposition of restrictions on access to a licence, the package of amendments made by the bill also includes an initiative to better educate drivers about the dangers and impact of drink driving. New provisions will require every convicted drink driver to complete an alcohol awareness course before the driver can obtain a probationary licence, following a period of licence disqualification, or be issued a restricted licence where the court is satisfied that it is appropriate to do so.

There is currently an alcohol education course for drivers available in the ACT. It is the sober driver course run by the Alcohol and Drug Foundation ACT, or ADFACT. However, concerns have been raised that, even where the court currently makes an order for a drink driver to complete this course, there is no means of effectively enforcing this requirement. Some persons charged with drink driving enrol in the course, before attending court, to improve their prospects of making a case for a restricted licence. However, available information suggests that more than half the people who enrol in the course do not complete it, with many people pulling out as soon as they have a restricted licence or a probationary licence.

Under new provisions included in the bill, all convicted drink drivers and people found guilty of a drink-driving offence will be required to complete an alcohol awareness course before they can get their licence back.

In practice, what will happen is that when a person is caught drink driving by police the person will be provided with information to the effect that, if the person is convicted or found guilty of drink driving, the person will have to complete an approved alcohol awareness course before getting access to any form of driver licence. It is anticipated that many persons charged with an offence will complete the course before their court appearance, particularly if they propose to apply for a restricted licence. Others may wait until they have been convicted and disqualified from driving before completing a course. It will be up to the individuals as to when they complete the course but the bottom line is that they will have to provide evidence to the RTA that they have completed an approved course. They will not have a driver licence issued without that.

Over the coming months, the Department of Territory and Municipal Services will be working with other government and non-government agencies to settle the requirements for approved courses and will invite providers of alcohol education courses that meet those requirements to seek approval of their courses. It will be

important to ensure that there is adequate capacity to accommodate all persons required to complete the course in a timely way so that they are able to be issued a driver licence once eligible to hold one.

Accordingly, the relevant provisions of the bill have a 12-month delayed commencement to allow for requirements such as the content, structure and duration of approved courses to be developed. The legislative provisions are sufficiently flexible to allow different courses to be approved for different situations. For example, a more detailed course may be approved for repeat offenders and high-range first offenders and a shorter course for low-range first offenders. As with the current ADFACT sober driver course, participants will be responsible for meeting their own course costs.

Apart from the measures in this bill to deter drink driving and provide for alcohol awareness education, there are some other amendments that have been included to improve the administration of the drink-driving legislation. Given the time, I will not go into these in any detail at this time. Finally in relation to drink-driving provisions, the bill includes a new provision for a register of approved operators of breath analysis devices. This provision should assist in enabling police to manage and monitor the status of police officers as approved operators of breath analysis devices. It replaces the more unwieldy existing arrangements which have resulted in the details of the approved operators only being able to be ascertained by reference to a series of instruments. These arrangements contributed to a drink-driving matter being dismissed earlier this year where it was established that the police officer using the breath analysing instrument, though properly trained, had not been properly appointed. *(Extension of time granted.)*

One noteworthy change that has been made to the drink-driving reforms following the withdrawal of the earlier bill and the development of this bill is to correct an oversight in that earlier bill, arising from the remaking of the principal drink-driving offence. As members would be aware, since the adoption by the ACT of the Criminal Code, through the Criminal Code Act 2002, as offence provisions are remade, the opportunity is taken to ensure that they are remade in terms which accommodate the application of the Criminal Code. This includes specifying the fault elements or, where applicable, that strict liability applies to the physical elements of the offence and any specific defences that may be available in addition to those available under the Criminal Code. The principal drink-driving offence in the ACT will be a strict liability offence, in line with current practice in the territory and across Australia.

As well as reintroducing the drink-driving reforms previously introduced to this Assembly, the bill includes a number of new provisions to support an effective random drug-driving scheme because, despite repeated warnings by the Chief Minister to members that Mr Hanson's bill would not work and that such complex legislation needs thorough consultation and review to ensure it will work in the field and that our law enforcement officials can physically carry out tests, the opposition and the crossbench did not listen.

Consultation with the agencies which will have responsibility for implementing Liberal-Green legislation, primarily ACT Policing and ACT Health, and discussions

with other jurisdictions which already undertake random drug testing of drivers, have disclosed the need for these additional provisions and have identified a number of flaws, flaws so fatal that the legislation, as it currently stands in the statute book, is essentially useless, given current drug-screening and testing technology.

The first change is to the definitions "drug screening test" and "oral fluid analysis" to reflect the way these tests function in practice, following consultation with the manufacturers of the testing devices and ACT Policing. The amendments in the bill also separate the provisions for conducting alcohol-screening tests, drug-screening tests, breath analysis and oral fluid analysis into separate divisions in the act.

A new provision is included to allow the police to ask a person to undergo one or more screening tests, to take account of the fact that screening tests may break or fail to work properly, for a range of reasons that are not the fault of either the police or the person being tested. A similar provision is in New South Wales legislation.

A provision has been included to authorise police to require people to remain at the place where tests are being carried out until the tests are completed. This provision takes account of the fact that drug-screening tests, unlike alcohol-screening tests, may take up to 10 minutes to produce a result. A similar provision is included in the Victorian random roadside-testing legislation.

A further amendment provides for all oral fluid analysis samples to be sent to the laboratory for confirmation of the result. Prosecutions will be commenced on the basis of laboratory analysis of the presence of the drugs being tested for in oral fluid or blood, not on the basis of a screening test or police analysis results.

It is essential that the drug-driving offences are also Criminal Code compliant. An amendment is included to make it clear that this offence is a strict liability offence, like the equivalent drink-driving offence.

For the offence of failing to provide a sample of oral fluid, a defence that the person was medically incapable of providing the sample is proposed to be included. Amendments are proposed to evidentiary certificate provisions to extend these provisions to laboratory analysis of oral fluid, opinions by doctors or nurses about the capacity of a person to undergo oral fluid testing without detriment to their health, and New South Wales evidentiary certificates for drug-related tests.

An amendment is included to ensure that provisions which prohibit the use of evidence about blood or breath samples taken under the act as evidence that a person was intoxicated for use in legal proceedings relating to insurance matters also extend to prohibiting the use of evidence about drug-testing results in legal proceedings relating to insurance matters.

A further amendment ensures that the existing provisions to call witnesses to give evidence relating to evidentiary certificates all provide for calling witnesses relating to drug tests.

The proposed amendments include a police power to order persons whose ability to drive safely is affected by drugs not to drive for up to 12 hours, with a power of internal review.

Finally, an amendment is proposed to clarify that alcohol and drug-testing operations can be carried out at the same time.

The changes to the ACT's drink-driving laws and the more recently passed drug-driving laws are substantial reforms to deal with impaired driving, and some of them are the most substantial since self-government. They will complement other components of the government's road safety strategy such as broad public awareness of road safety risks, not just those caused by drink driving but also speed and inattention. I commend this bill to the Assembly.

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

First Home Owner Grant Amendment Bill 2010

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.29): I move:

> That this bill be agreed to in principle.

The First Home Owner Grant Amendment Bill 2010 makes three changes to the First Home Owner Grant Act 2000.

The first homeowner grant provides a $7,000 grant to first homebuyers to purchase their first home. Since the scheme was introduced in July 2000 it has paid over $187 million in grants, which has helped around 27,000 first homebuyers in the ACT achieve their dream of owning their own home. The grant, together with the ACT government's housing affordability initiatives, are important measures providing assistance to homebuyers in the ACT in difficult times.

To qualify for the grant an applicant must meet certain conditions such as living in the property within 12 months for a continuous period of six months. The grant is paid to an applicant in anticipation of these conditions being met. If an applicant does not meet the conditions of the grant they are required to notify the ACT Revenue Office and repay this grant.

Currently, under the ACT First Home Owner Grant Act, when an applicant does not notify the Revenue Office and repay the grant they are not eligible to apply for a further grant. The amendment to the First Home Owner Grant Act will allow an applicant to be eligible to apply for a further grant if the original grant together with any penalties and interest has been repaid. An applicant is still required to meet the other eligibility criteria of the grant.

The second amendment inserts a provision that will deem an applicant ineligible to apply for a further grant if the applicant has previously been convicted of an offence

under the ACT First Home Owner Grant Act or a first homeowner grant act in another jurisdiction. An offence would be, for example, knowingly providing false or misleading information.

The final amendment introduces a first homeowner grant cap. The Intergovernmental Agreement on Federal Financial Relations allows the states and territories to set a property value cap at not less than 1.4 times the jurisdiction's capital city median house price. The ACT median house price for the June 2010 quarter is $480,000. The ACT first homeowner grant cap in this bill is proposed to be set at $750,000; this is above the 1.4 times the median and equal with New South Wales, Victoria, Queensland and the Northern Territory. South Australia has introduced a property value cap of $575,000.

The ACT first homeowner grant cap applies to eligible transactions that would commence on or after 1 January 2011. I commend the First Home Owner Grant Amendment Bill 2010 to the Assembly.

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

Crimes (Child Sex Offenders) Amendment 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) (10.32): I move:

> That this bill be agreed to in principle.

The Crimes (Child Sex Offenders) Amendment Bill 2010 is an important bill. It updates the lists of offences which require a person to be registered on the ACT's register of child sex offenders following the person's conviction for a listed offence.

By way of background, members will be aware that the ACT's register of child sex offenders was established by the Crimes (Child Sex Offenders) Act in June 2005. The register was developed to combat child abuse and exploitation, and followed the agreement at the Australasian Police Ministers Council in 2003 to develop nationally consistent and mutually recognised child protection legislation to track child sex offenders across state and national borders.

The act created a legislative framework which requires child sex offenders, and other specified offenders, to keep police informed of personal information for a period of time, between four years and life, once they are released into the community, following sentencing by a court, or when the offender enters the ACT. This information can include the offender's address, any travel plans, details of their employment and car registration details.

The act also creates an offence to prevent registered child sex offenders from working in child-related employment. Other offences include a registered child sex offender failing to report to police, failing to report on entering the ACT and failing to report annually to police.

The ACT scheme complements the schemes across Australian jurisdictions, which are designed to track the movements of registered sex offenders across borders and allows for the multijurisdictional management of sex offenders.

Operationally, for a person to be required to be registered in the ACT, the offender will either be convicted of a registrable offence, or the court will make a child sex offender registration order. Registrable offences include offences committed in the ACT and interstate and child sex offences that are committed internationally.

The act also requires the registration of offenders who commit a commonwealth child sex offence. The commonwealth child sex offences criminalise sexual assault and exploitation of children that occurs across Australian jurisdictions and internationally.

The act lists the offences that require registration, including commonwealth offences. If a person convicted of a listed commonwealth offence resides in, or moves to, the ACT, then that person must be registered under the ACT's child sex offender scheme.

The commonwealth government recently amended the commonwealth Criminal Code in relation to sexual offences committed against children internationally. These amendments include strengthening the child sex tourism offences, the introduction of new offences for dealing in child pornography and child abuse material overseas and new offences for using a postal service for a child sex related activity. These new and reformed commonwealth offences ensure that sexual offences committed against children by Australians overseas are criminalised.

As a result of the commonwealth amendments the ACT must now amend our act to ensure that the new and amended commonwealth offences are correctly and consistently included in our lists of registrable offence. This will ensure that the objectives of the scheme can continue to be met in the event that a person convicted of a commonwealth offence chooses to live in the ACT.

The bill proposes amendments to the class 1 and 2 schedules of registrable offences in the ACT's act. The amendments include the revision and introduction of seven class 1 offences. Class 1 offences are serious child sex offences that include sexual intercourse offences with a child or the persistent sexual abuse or murder of a child, where the murder involves an express sexual element.

The bill also proposes the inclusion and revision of 28 class 2 offences. These offences include sexual activity with a child outside Australia, procuring a child to engage in sexual activity outside Australia and preparing to engage in child sex tourism.

This bill supports the government's ongoing commitment to protect our most valuable residents—and our most vulnerable—our children, from the most evil of crimes. I commend the bill to the Assembly.

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

Environment Protection Amendment 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) (10.37): I move:

> That this bill be agreed to in principle.

The Environment Protection Act 1997 is an important piece of legislation, providing the framework for the protection of the environment in the ACT. It regulates activities through a range of tools administered by the Environment Protection Authority. This bill seeks to maintain the safeguards incorporated within this legislation while, where appropriate, removing unnecessary regulatory burdens on industry and business.

One of the tools through which the Environment Protection Authority protects the environment is environmental authorisations. These are a form of licence to conduct an activity which has a significant potential to cause environmental harm. As such, an environmental authorisation sets out strict conditions, parameters and standards under which the activity may be conducted.

There are three classes of environmental authorisations which can be issued: standard, accredited and special environmental authorisations.

The most common is the standard environmental authorisation, which can be issued for an unlimited period or for a specified period of up to three years. An accredited authorisation can be issued to a person who is applying for an environmental improvement initiative as defined by the Environment Protection Act whilst a special authorisation is issued for up to three years for research and development including the trialling of experimental equipment.

It should be noted that since the commencement of the Environment Protection Act 1997, only standard environmental authorisations have been issued. Currently, there are 47 activities contained in schedule 1 of the act which require an environmental authorisation. These activities vary widely in both the nature of the activity and their potential effects on the environment.

For example, the extraction of material from a waterway has the potential to change the flow path of water within a waterway and increase sedimentation. This in turn can affect downstream ecology, change the waterway bed profile and increase erosion of waterway banks. Likewise, the noise generated from an outdoor concert that uses amplifying equipment can obviously affect those people living in the vicinity of the event.

The risks of environmental harm posed by such activities are assessed throughout the lifespan of the activity. Before authorisations are granted for activities, risk assessments are carried out by the EPA. These assessments examine the economic and social benefits of the activity, the applicant's environmental record, relevant environment protection policies and the potential of the activity to cause environmental harm. There are also activity-specific requirements imposed by the environmental authorisation to ensure that the potential environmental risks associated with the activity are minimised.

Currently, the Environment Protection Act requires an annual review of any standard environmental authorisation granted for an unlimited period or on any standard or special environmental authorisation granted for longer than one year. The Environment Protection Amendment Bill, this bill, will allow the Environment Protection Authority to review any standard environmental authorisation granted for an unlimited period at more appropriate intervals, and at least once every five years. The authority will still be required to annually review both standard authorisations issued for a specified period of not longer than three years and all special environmental authorisations.

The bill does not affect the current review requirements of accredited environmental authorisations. The bill does not prevent the Environment Protection Authority from reviewing standard environmental authorisations or special environmental authorisations at any time the authorisation is in effect.

Although the bill introduces a new five-year time frame for reviewing standard environmental authorisations issued for an unlimited period, the Environment Protection Authority is anticipating a gradual, incremental increase to this new period. Initially, it is expected that the review period for certain authorisations will be within two years. There may, however, be instances where environmental awareness and technological advances increase the review period to the five-year limit.

The review period for standard environmental authorisations granted for an unlimited period would be based upon a risk assessment of the activity and the authorisation holder's past environmental performance. The bill will allow the authority to review these environmental authorisations at a more appropriate interval. The bill will also allow the period for activities which are deemed to have a relatively lower risk to be reviewed at a greater interval than those deemed to have a more significant risk.

For example, the operation of a sewage treatment plant which has greater potential impact on a waterway's ecology, water quality and a greater health risk to the public would be deemed to have greater environmental risk. This activity would have more stringent conditions imposed as well as having a more frequent review period. In comparison, the production of concrete and concrete products would be deemed to have less risk due to technological advances and current industry practices which have resulted in a good environmental record in the ACT.

Introduction of appropriate review periods for activities will reduce costs to both industry and the government. Where reviews are conducted at intervals of longer than one year there will be a reduction in time spent by industry with environment

protection officers carrying out a review on site and therefore a reduction in costs to industry, while costs to the government would be reduced through less publishing of notices.

This bill will lighten the regulatory burden on business and industry without compromising the need to safeguard the environment; it simply introduces more appropriate regulation.

The bill also makes the ACT legislation consistent with the New South Wales Protection of the Environment Operations Act 1997, which requires the regulatory authority to review each licence at intervals not exceeding five years after the issue of the licence.

The bill provides consistency for business working within both jurisdictions, essentially facilitating business cross-border activity. Furthermore, the bill is consistent with the COAG agenda promoting national harmonisation of environmental regulation.

I commend the bill to the Assembly.

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

Plastic Shopping Bags Ban 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) (10.44): I move:

> That this bill be agreed to in principle.

This legislation will ban plastic shopping bags in the ACT, building on the government's and the community's successful work in waste management and introducing further protection for our environment. Good waste management is fundamental to creating a sustainable city.

Mr Speaker, there is no doubting that plastic bags are incredibly convenient. We all know that. But we have to look at the flip side. These bags are made from a non-renewable resource and most eventually find their way into a landfill. On average, an Australian will use 345 plastic bags per year, generating landfill waste that will take more than 50 generations to decompose, or take about 1,000 years.

That is why the government is introducing legislation to ban lightweight plastic shopping bags, the type usually provided at the supermarket counter—that is, single-use, lightweight polyethylene plastic bags of less than 35 microns in thickness. The ban approach has been adopted by the government in recognition of the

environmental damage associated with plastic bag use, and the contribution to litter, and the loss of amenity in our public spaces.

This ban is not an action that has appeared overnight or without significant consultation. The 2009-2010 budget allocated $85,000 to consult with the community about the best approach the government should take to reduce the use of plastic bags in the ACT. This comprehensive consultation included a random telephone survey across the ACT and a survey of shoppers at nine shopping locations, including markets and shopping centres. Further, an online forum allowed all Canberrans to have their say about plastic bags. Consultations with other stakeholders included retailers and key interest groups.

The consultations explored support for measures to reduce the use of plastic bags, including voluntary and mandatory levies as well as a ban on lightweight plastic shopping bags. This consultation showed strong community support for action to reduce plastic bag pollution. Some 58 per cent of people contacted through the telephone survey thought that there should be some form of restrictive action on plastic bags such as a ban or levy. Interviews carried out in shopping locations showed even stronger support, with 82 per cent in favour of the ACT government taking restrictive action.

The government believes that Canberrans are ready for, and will be supportive of, this initiative. The results of the community consultation showed that many Canberrans have already implemented their own measures to reduce plastic bag use. Eighty-seven per cent of respondents who participated in the telephone survey said self-supplied calico or green bags were their primary means for carrying groceries home and 72 per cent said they use self-supplied bags "always" or "mostly".

Mr Speaker, the ban will be similar to that successfully adopted in South Australia where single-use, lightweight polyethylene bags of less than 35 microns will not be able to be given away or sold by retailers for carrying goods. Retailers will be able to charge for alternative bags that they supply.

I will bring forward a government amendment to this bill around the commencement provisions. The amendment will specify that the act shall commence on 1 July 2011 with a four-month transition period, with a complete ban starting on 1 November 2011. This will give retailers clarity on timing and certainty to allow them to gear up for the change and to plan for the transition.

All retailers, including supermarkets and small and medium shops, will be prohibited from supplying the banned plastic shopping bags. The prohibition will be enforced by the Office of Regulatory Services, who will be able to impose penalties. An offence carries a maximum penalty of 50 penalty units, equivalent to $110 for an individual and $550 for a corporation. The offence is a strict liability offence.

Some bags will not be banned. These include barrier bags, the type dispensed from a roll to hold items such as loose fruit and vegetables; heavier-style retail bags, or boutique bags—the type usually used by clothing and department stores; bags designed for multiple use such as "green" bags; bin liners for purchase; and biodegradable bags that meet the Australian standard for biodegradability and, of

course, paper bags. The biodegradable bags are usually made of some form of starch or other compostable material.

The legislation enables retailers to charge for substitute bags. This will be the same as the existing practice, where consumers can purchase reusable "green" bags or paper bags. However, retailers cannot choose to supply banned bags to consumers for a charge.

Mr Speaker, although there is a widespread community support for this ban, the government recognises that it will require a change in behaviour. During the four-month transition period any retailer who still provides single-use plastic bags must also provide alternatives for carrying.

Retailers will also be required to prominently display a sign indicating that beginning on 1 November 2011 the ACT government will ban the supply of lightweight checkout-style plastic shopping bags and that alternative shopping bags are available from the retailer.

The government is committed to working with retailers to raise awareness and bring about participation in this transition period. The bill allows for penalties of a maximum of 50 penalty units for those who do not comply. On the basis of the success of the South Australian Plastic Bag Ban Taskforce in minimising shopper and retailer inconvenience by way of good communications around the intent and the scope of the ban, it is proposed that an ACT plastic bag advisory group will be established with similar terms of reference.

The government will invite retailers, peak retail bodies and local associations from within the ACT to join the plastic bag advisory group to promote a smooth transition. The government will also assist retailers by undertaking a comprehensive communications campaign to help businesses, retail workers and consumers get ready for the ban and the transition arrangements.

The campaign will include advertising, direct mail-outs, training materials, and signage. Whether through addressing climate change, increasing use of renewable energy or reducing waste sent to landfill, time and again Canberrans have shown their willingness to make significant changes in the pursuit of a more sustainable future.

The key to this is the participation of all sectors of the community, from the government to business, community groups and residents. This bill is simply another step in this ongoing process for our city. I commend the bill to the Assembly.

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

Prostitution Act 1992
Referral to committee

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.52): I move:

> That this Assembly refer to the Standing Committee on Justice and Community Safety the operation of the Prostitution Act 1992 for inquiry and report to the Assembly by 1 July 2011:
>
> In undertaking its inquiry, the Committee will have regard to:
>
> (1) possible regulation of commercially operated brothels to ensure that all sex workers are over the age of 18 years;
>
> (2) options for ensuring that appropriate proof of identity and age is produced before a person is permitted to work in a commercially operated brothel;
>
> (3) the desirability of commercially operated brothels being required to maintain records of workers and of relevant proof of age documents; and
>
> (4) any other relevant matters.

Mr Speaker, today I am moving that the Assembly refer to the Standing Committee on Justice and Community Safety a request to review the operation of the Prostitution Act 1992. The terms of reference I propose for the review are as follows: that the committee will inquire into, and report on, the operation of the Prostitution Act 1992. In undertaking its inquiry, the committee will have regard to:

> (1) possible regulation of commercially operated brothels to ensure that all sex workers are over the age of 18 years;
>
> (2) options for ensuring that appropriate proof of identity and age is produced before a person is permitted to work in a commercially operated brothel;
>
> (3) the desirability of commercially operated brothels being required to maintain records of workers and of relevant proof of age documents; and
>
> (4) any other relevant matters.

I would like to start this debate by looking at some of the background to the regulation of the sex industry here in the ACT. In April 1992, a former member of this place, Mr Michael Moore, presented a bill to regulate prostitution in the ACT in a substantially different form from that which is now reflected in our act. For the benefit of members, I make a number of observations about Mr Moore's original proposal.

In presenting his Prostitution Bill 1992, Mr Moore said:

> … the Prostitution Bill, "A Bill for an Act to regulate certain aspects of prostitution", looks particularly at limiting the brothels in the ACT to Fyshwick, Mitchell and Hume. It looks at the participation of minors and ensures that there is no participation of minors, and prevents soliciting in public places.

Consequential amendments repealed or amended a number of provisions in acts to remove some old offences, such as one relating to a person working in a bar or coffee shop serving a person who is known to be a prostitute. Mr Moore had presented an

earlier prostitution bill, on 16 October 1991. That bill provided for a much more complex and highly regulatory system of licensing, overseen by a board, similar to the Victorian system. That bill lapsed on 14 February 1992, as a result of an impending ACT election.

The second Moore bill reflected a more workable proposal which, in part at least, responded to the position put to him by the then Labor government. The government formally tabled its position on the 1992 bill in June of that year. On the basis of that position, the then Attorney-General, the late Terry Connelly, in debating the bill on 18 November 1992, proposed a number of amendments to it.

The proposed amendments focused principally on a policy of removing criminal laws based on the outdated and failed policy of prohibition of prostitution, and replacing them with laws designed to ensure that the community is protected from harm in relation to public health, that children are protected, and to ensure that people in the industry meet appropriate community standards in relation to health and other matters.

The amendments therefore provided, amongst other things, for a register of brothels and escort agencies. Registration would not be a pre-condition of legal establishment, but it would be an offence to fail to provide information to be recorded in the register. Mr Connelly said at the time:

> By this means the location of businesses can be known and the identity of persons owning and running the business can also be known. This information will facilitate the regulation of the industry and also enable the Assembly and the public to be satisfied that it is open and above board.
>
> The obligations of operators of brothels and escort agencies will include an obligation to take reasonable steps to ensure that persons infected with a sexually transmitted disease … do not work in the operator's business.

The attorney also moved amendments relating to the location of brothels and for an objects clause. This bill was passed with support across the Assembly. At that time, other jurisdictions had taken varying approaches to the regulation of the sex industry. Victoria had adopted a highly regulated licensing system, which was cumbersome. Other states moved to a broad deregulatory approach, which did not address public health issues.

The Prostitution Act in its current form reflects a progressive and socially responsible approach to regulation of the commercial sex industry in the territory, which this government wishes to continue and to improve on. It must, however, be acknowledged that this act, being now not much short of two decades old, does need review. I expect that the committee inquiry will attract much debate about whether prohibition should be prohibited or deregulated, about whether licensing is beneficial for or invasive of human rights, and about whether regulation is effective in protecting the community or exposes people to greater danger.

Successive ACT governments have received a variety of submissions and recommendations from a wide range of stakeholders. There are many in our community who remain, or perhaps have become, strongly opposed to any system that

does not prohibit prostitution. Most strongly stated objections are morally based, but some relate to concerns about protection of the health of our community.

Whatever the reason for this, often heartfelt, opposition may be, it is important that we acknowledge and understand it. Any complete analysis or proposal for change demands that. One would expect the views of those in, or supportive of, the sex industry would be in stark contrast to those who oppose it. The situation is, however, quite the contrary.

While some strongly support the maintenance of a registration requirement, others argue that it has the adverse impact of driving prostitutes "underground" rather than bringing them into a safe, regulated environment. Similarly, it has been argued that section 25 of the act, which prescribes an offence in relation to knowingly infecting another person with a sexually transmissible infection, has a negative impact on community health. The argument put is that a sex worker who is infected will not disclose that infection because disclosure immediately disqualifies the person from practising in their occupation.

Of course, a significant development in the life of the territory since the Prostitution Act has been the adoption of a formal human rights framework. It has been put to me that the prohibition of prostitution is contrary to the Human Rights Act 2004. Against that, the government would put the balance in favour of protecting the community from infection. These are all issues that it would be appropriate for the committee to inquire into. Operationally, the Prostitution Act falls within the responsibilities of several areas of ACT administration. The main responsibilities are divided between the Office of Regulatory Services and ACT Policing.

Some concerns have been expressed about the powers of those organisations to ensure a high level of compliance, and it would be useful to examine what compliance and enforcement powers are appropriate. No regulatory system can realistically be expected to be perfect, either in its form or its operation. In relation to the Prostitution Act, there are some specific events that the government has considerable concern about, not because the various regulatory agencies have failed to operate in the most effective manner possible in the circumstances, but because there may be opportunities to reform the law in this area to better protect licensees, employees, young people, migrants, visitors and clients of the sex industry.

The regulatory performance of agencies in this area since passage of the Prostitution Act has been good, but there have been some notable experiences that we should learn from. A few years ago, a male sex worker from interstate provided unprotected sexual services to another man in the ACT knowing that he was infected with HIV. The Australian Sex Workers Association submitted that this case supported the removal of section 25 of the act—the offence of providing or receiving sexual services knowing that you are infected—because sex workers who are aware of the offence are reluctant to reveal their health status. Similarly, in September 2008, a 17-year-old died in a Canberra brothel from an overdose of drugs. This raised concerns about the oversight of employment of sex workers.

A standing committee inquiry would examine the processes in place for regulation of the industry, with the aim of identifying reforms that protect sex

workers and their clients. It would also be useful at this time to examine the extent to which the ACT system prevents the employment of sex workers outside of the law. How many unregistered local workers, unregistered overseas workers, underage workers or infected workers find their way into the ACT system, and what can be done to improve the capacity of government agencies, and the industry itself, to maximise compliance.

I would like to make it clear that the government is pleased with the approach, and the performance, of agencies and operators in achieving a generally very compliant industry. Our industry is not cast in darkness. Our industry does not see organised crime or other criminal activities that we might see in other industries around Australia. But there is always benefit in reviewing regulatory systems, particularly after so many years of operation.

I will not list here in detail all of the matters that might be discussed in the inquiry, although I have mentioned a number of areas where I believe inquiry would be worth while. That will ultimately be, of course, a matter for the submissions. Most people within our community have a view, at some level, about the existence and operation of the commercial sex industry. Some views on this subject cannot be reconciled, either because their proponents are fundamentally philosophically at odds or, in some cases, because people are poorly informed about the many issues involved.

Whatever the views expressed, and regardless of the prospects of broad consensus on the issue, the government believes that the time is right to review the performance of the regulatory system for prostitution in the ACT—to hear and analyse the response of stakeholders and the ACT community with the benefit of 18 years of operational experience, and to examine what, if anything, may be done to further improve the system. I commend the motion to the Assembly.

MRS DUNNE (Ginninderra) (11.04): I move the amendment to Mr Corbell's motion circulated in my name:

> Omit all words, substitute:
>
> "That this Assembly refers to the Standing Committee on Justice and Community Safety a review into the operation of the *Prostitution Act 1992* for inquiry and report to the Assembly by the end of 2011.
>
> In reviewing the operation of the Act the Committee have regard to a range of issues including but not limited to:
>
> (1) the form and operation of the Act;
>
> (2) the regulation, enforcement and monitoring of commercially operated brothels;
>
> (3) identifying regulatory options, including the desirability of requiring commercially operated brothels to maintain records of workers and relevant proof of age, to ensure that all sex workers are over the age of 18 years;

(4) the adequacy of, and compliance with, occupational health and safety requirements for sex workers;

(5) any links with criminal activity;

(6) the extent to which unlicensed operators exist within the ACT, and

(7) other relevant matter."

The Canberra Liberals welcome the motion from the minister today, as do the members of the Standing Committee on Justice and Community Safety, who have discussed this matter over quite a long period of time. I think it is useful to put a little more background onto why we are here today. Just after the 2008 election, the issue of the operation of the Prostitution Act came to the attention of the people of the ACT with the revelation of the death of a 17-year-old girl at an ACT brothel. The revelation at the time was that the Office of Regulatory Services had not inspected any of Canberra's brothels for, I think, five years prior to that, and that was a matter of some public comment. I know that I made comment on it, and Ms Bresnan at the time also expressed concerns about that apparent failure of the legislation.

In the course of a number of discussions over time by the Standing Committee on Justice and Community Safety, the committee expressed a view that, when we had a little clear air, we would like to look at the operation of the Prostitution Act. There seemed to be since 2008 some growing support for that. In the middle of this year, the attorney himself made public statements to the effect that he would welcome an inquiry. At that stage the members of the justice and community safety committee revisited their discussions on the matter and agreed that early next year, when we had cleared the decks of two major inquiries that we had, we would look at this matter, and we began to discuss some possible terms of reference.

It was with some surprise a few weeks ago that the attorney made a statement to the media to the effect that he was going to move this motion here today, because previously there had been general agreement that the justice and community safety committee would inquire into the matter, and we had embarked slowly upon that process. Whether or not the justice and community safety committee self-refers or a matter is referred by the Assembly really does not make much difference to the sort of inquiry that we have.

I was a little surprised when the draft terms of reference were circulated by the minister a couple of weeks ago. The minister said that he would be happy to discuss these with me and, I presume, other members of the committee. There were not any discussions, and the committee took the view that the terms of reference of the sort the attorney has moved today were far too narrow for a proper inquiry into a piece of legislation that has been operating for 18 years, I think.

The committee communicated with the attorney that we had had some preliminary thoughts, and we communicated our preliminary thoughts to the attorney. In doing so, members of the committee have refined our thinking on that, and I think that the amendment I move today represents the collective thinking of the members of the justice and community safety committee about an appropriate way to expand the terms of reference.

I was very disappointed—and I think that I can speak for most members of the committee—at the narrow scope of the attorney's terms of reference, which seem to reflect almost entirely the issue about proof of age. That is a very important issue, but it is not the only thing that we need to look at when we are looking at a piece of legislation that has been operating unreviewed for such a long period of time. While we welcome the interest of the attorney in this, I think it is fair to say that I do not think that his amendments go far enough.

The amendment I have circulated is still general in nature, but it covers a whole range of other issues. The amendment says that, in reviewing the operation of the act, the committee should have regard to a range of issues including but not limited to the form and operation of the act; the regulation, enforcement and monitoring of commercially operated brothels; identifying regulatory options, including the desirability of requiring commercially operated brothels to maintain records of workers and relevant proof of age, to ensure that all sex workers are over the age of 18 years; the adequacy of, and compliance with occupational health and safety requirements for sex workers; any links with criminal activity; the extent to which unlicensed operators exist within the ACT; and any other relevant matters.

Most of those issues were touched on by the minister in his remarks, but his draft terms of reference do not pick them up. I think the amendment I have moved, which is the distilled views of the members of the committee, will give us the scope for a much more rounded inquiry.

The problem with the terms of reference as the attorney has proposed them is that, although it does start with "inquire into the operation of the Prostitution Act", because it only really speaks about proof of age, it might send the message to members of the public that that is the only thing that we are interested in and it might actually limit the scope of submissions that we receive. I think we need to make it clear that, after 18 years, it is open for us to look at all matters in this legislation. We need to encourage members of the public to express their views on the full breadth of issues that arise when we discuss this matter. I commend the amendment to the Assembly, and also thank the minister for raising this matter today.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.11): I support the amendment that has been put forward by Mrs Dunne. This was a process of consensus and discussion within the committee. I believe the amendment captures the range of issues without excluding other issues that may arise. One of the key things that Mrs Dunne did pick up was to ensure that members of the public who may think about engaging with the inquiry have that level of detail or description in the terms of reference that will encourage those people to either put in a submission or to give some oral evidence to the inquiry. It is important that we have more comprehensive terms of reference in that way, of course—as is referred to in the first paragraph—understanding quite clearly that this is a review into the operation of the Prostitution Act. That was certainly something that the Attorney-General had wanted and had in his version of the terms of reference.

I believe that these terms of reference capture issues raised by the Attorney-General as well as those raised by members of the committee. I will be supporting Mrs Dunne's

amendment today. I believe these are good terms of reference for this important inquiry.

MS BRESNAN (Brindabella) (11.12): I just want to make some brief comments regarding the referral of the Prostitution Act to the justice and community safety committee. The ACT was fortunate to take a progressive approach to the legislation and regulation of the sex industry early in the days of self-government. For nearly 20 years we have been operating in an environment where the government recognises that the most appropriate approach to the sex industry is to license brothels rather than to attempt to pursue sex workers in the courts. This has allowed the majority of sex work conducted in the ACT to operate within the legal system and allows sex workers to access protections without fear of reprisal.

The ACT Greens support investigating whether the Prostitution Act needs updating and welcomes a committee inquiry into the best way of doing so, as this will enable a collaborative, evidence-based approach to updating the laws to reflect current best practice. However, we want to see the continuation of the original intent of the act—that is, to provide a safe and regulated prostitution industry in the ACT.

Sex worker trafficking and child prostitution are abhorrent acts and are rightly recognised in our legislation as serious crimes. It is entirely appropriate that, in modernising the Prostitution Act, we examine the possibility of regulatory changes to improve our ability to prevent these crimes. We should not assume that the sex industry in the ACT is automatically involved in serious or organised crime. Sex workers are legitimate workers and, in the ACT, brothel owners are largely regular business people.

The health, safety and wellbeing of sex workers should also be a primary consideration when considering any reforms. Promoting the wellbeing of sex workers requires more than just health and safety regulations. The manner in which laws are implemented is also important, as invasive enforcement has the potential to damage the ability for community health workers to be trusted by sex workers and provide the necessary services that promote sex workers' wellbeing through drug and alcohol, HIV/AIDS and STI programs.

Consideration must also be given to those sex workers who have come from overseas, and how they can be educated about the rights they have as workers here in Australia and how education can be given to them prior to their immigration so that they do not enter into unnecessary and unfair bondage arrangements. I would just like to quote from a submission made by the Scarlet Alliance to a federal government investigation into increasing employer penalties for employing illegal migrants:

> Sex worker organisations conduct regular outreach, including multicultural outreach to sex workers of Thai, Chinese and Korean background. Our peer educators are migrant sex workers also, and speak the languages of the sex workers they are outreaching to.
>
> The increased penalty places the employer at greater risk if they are found to be supporting the employment of an illegal migrant sex worker.

> When outreach is occurring an employer may choose to tell an illegal worker to go into a workroom and pretend to be busy in a booking so that the outreach team does not get to talk to the illegal worker. Even though we do not ask people what their visa status is, an employer may choose not to risk the illegal worker being discovered.
>
> Many sex workers who have travelled here as migrants and do not speak English may not be aware of the laws, safe sex, their rights, and other issues that are common knowledge to local sex workers. Sex workers here illegally may require even MORE outreach support than those who are here legally.
>
> Increased penalties has the effect of distancing illegal migrant sex workers from outreach services.

It is therefore crucial that we consider the views of the sex workers themselves, including hearing the views of the Scarlet Alliance and the sex workers outreach program. They are the representatives of the workers in the industry, and they have arguably the most in-depth knowledge of the current regulatory system and its impact as well as the current issues on the ground.

The Prostitution Act as it is currently written allows for protection of personal details, in particular, names and addresses. This acknowledges that outing sex workers without their consent can have serious personal consequences. We need to recognise that protection of privacy is of particular importance in this industry. Onerous burdens on individual sex workers or fears for their privacy may drive sex workers out of the regulated environment into unlicensed sex work, which undermines the benefits of having a licensing system in the first place.

The ACT needs a modern, regulated industry that takes into account both the need to combat the serious crimes of child prostitution and sex trafficking whilst maintaining a licensing and enforcement system that does not compromise the basic health and wellbeing of sex workers. I understand that the amended terms of reference moved by Mrs Dunne have been developed by consensus by the JACS committee. As Ms Hunter has already stated, the Greens support those terms of reference and look forward to seeing the results of the committee inquiry.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.18): I will close the debate, and I will also speak to the amendment. The government has no objection to the amendment. Indeed, the purpose of my proposed terms of reference was to provide for as broad a review as possible but drawing particular attention to the issue of proof of age. I accept that members would like some more specificity in terms of the actual terms of reference so as to not see an unnecessary narrowing. I am quite comfortable with that, and I am very happy to support the amendment as suggested.

I would also like to thank members for their support of the motion. It is timely that we look at the operation of the Prostitution Act. A well-regulated industry is the best way of delivering a safe industry—a safe industry for workers and clients and a safe

industry for the community that keeps crime out of the sector and that protects the health of the community as well as the health of those who work within it. For all these reasons, I think it is important that we keep our legislation up to date and contemporary. After 20 years of generally successful operation, it is time to review the act's operation, and I wish the Assembly committee well in its inquiry.

I note that the only other substantive change is in relation to the report date. I do have some reservations about providing over a year for this inquiry. That seems quite generous, particularly when you look at some of the time frames that are imposed on the government in this place from time to time. I will just make that observation in passing. But, that said, if that is the view of the committee as to its time frame, I trust that they will deliver a good product in that time frame. I am sure they will. I thank them for their support of the motion, and I look forward to seeing the inquiry get underway. The government will make a submission to the inquiry and be quite happy to give evidence in due course.

MRS DUNNE (Ginninderra): Under standing order 47 I would like leave to explain an item that has arisen in the debate.

Leave granted.

MRS DUNNE: The attorney reminds me that there was one matter that I did intend to raise, which was the changed time, and I omitted to do that in my remarks. This was a matter that was discussed. The justice and community safety committee has two fairly extensive inquiries on foot. We do not expect that it will take us to the end of next year to complete this one, but it will take us into the second half of next year. Our desire is to get this done as quickly as possible, but we did not want to be in a situation where we had a date that we could not actually meet and had to come back to the Assembly. It has given us some flexibility. Although we will be calling for submissions, we will not really be able to look at this in a great deal of detail probably until March next year, and that is why there is that change. I should have explained that in my earlier remarks, Mr Assistant Speaker, so thank you for your leave.

Amendment agreed to.

Motion, as amended, agreed to.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts.

On 13 April 2010, Auditor-General's report No 1 of 2010 was referred to the Standing Committee on Public Accounts for review. The report presented the results of a performance audit that reviewed performance reporting by selected agencies, mainly for the period 2008-09.

The committee received a briefing from the Auditor-General in relation to the report on 12 August 2010, and a submission from the government on 3 August 2010. The committee has resolved to inquire further into the report and is expecting to report to the Assembly as soon as practicable.

Statement by chair

MS LE COUTEUR (Molonglo) (11.22): Pursuant to Standing Order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to the committee's inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010.

At its meeting on Wednesday, 22 September 2010, the Legislative Assembly passed the following resolution:

> That the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill be referred to the Standing Committee on Public Accounts for inquiry and report.

I wish to inform the Assembly as to how the Standing Committee on Public Accounts has determined and agreed to progress its inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill.

It is on the public record that I hold 4.98 per cent of the shares in Australian Ethical Investment and that I was an executive director of Australian Ethical Investment for 17 years. Australian Ethical Investment is an ASX listed company based in Canberra that is a retail funds manager specialising in ethical investments.

Since the first meeting at which the committee considered the referral, it has carefully reflected on and discussed whether or not there is any possible—real or perceived—conflict of interest by a member in the inquiry. As part of this process I also provided advice, which I had previously sought, to the committee from the Assembly's ethics adviser indicating that, in his opinion, no conflict of interest existed.

The committee unanimously agreed that no member has a real conflict of interest. The committee came to this conclusion because no recommendations of the committee could directly cause investment changes by the ACT government or any other entity. The committee also believes that even if the Legislative Assembly was to fully or partly pass the Financial Management (Ethical Investment) Legislation Amendment Bill 2010 there is no reason to believe that I would benefit financially from that decision.

However, to avoid any possible perception of a conflict of interest, I, as chair of the committee, offered to relinquish this role for the purposes of this inquiry and the deputy chair agreed to chair the inquiry.

The committee is also aware of standing order 224, pecuniary interest, which states:

> A member may not sit on a committee if that member has any direct pecuniary interest in the inquiry before such committee.

The committee has also carefully considered the requirements of standing order 224 and has unanimously resolved that my participation in the inquiry would not contravene standing order 224. The committee will be calling for submissions to its inquiry shortly and is intending to hold public hearings in February and March 2010. The committee is expecting to report to the Legislative Assembly for the ACT as soon as practicable.

MR ASSISTANT SPEAKER (Mr Hargreaves): Before we proceed, Ms Le Couteur, could I just draw your attention to the last paragraph in your speech when you indicated the committee was intending to hold public hearings in February and March 2010. Is that 2010 or—

MS LE COUTEUR: No, that was because I did not read it out correctly. It is 2011, as admirably noted by you. That would be a much more realistic expectation.

MR ASSISANT SPEAKER: Thank you very much, Ms Le Couteur.

Standing and temporary orders—suspension

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.26): I move:

> That so much of the standing and temporary orders be suspended as would prevent Ms Gallagher from moving a motion to appoint an Independent Reviewer of government campaign advertising.

I understand that because this is a motion that has been considered by the Assembly within the last 12 months we are required to suspend standing and temporary orders in order to reconsider this issue today. That is the reason for moving this procedural motion. It really is to give us the opportunity to break the deadlock that exists over the Government Agencies (Campaign Advertising) Act 2009.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.27): We will be supporting the suspension of standing orders. We believe that this issue needs to be resolved. Certainly, I wrote to the Chief Minister a couple of months ago after receiving, I think, about the third letter notifying me that there was another advertising campaign that was going to be exempted. I wrote back to say that this issue could not continue in this fashion and needed to be resolved. We will be supporting the suspension of standing orders today so that we can resolve this matter.

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

Government advertising—independent reviewer

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.29): I move:

> That, in accordance with section 12 of the *Government Agencies (Campaign Advertising) Act 2009*, this Assembly approves the appointment of:

(1) Derek Volker as the Independent Reviewer—ACT Government Campaign Advertising, for a period of three years commencing 1 November 2010; and

(2) in instances when the Independent Reviewer is unavailable to review proposed government campaign advertising, Crispin Hull as Alternative Independent Reviewer—ACT Government Campaign Advertising, for a period of three years commencing 1 November 2010.

The motion that the government brings to the Assembly today really is seeking to attempt to break the deadlock that exists between the government and the opposition over the operations of the Government Agencies (Campaign Advertising) Act 2009.

The appointments that the government proposes both have extensive experience which make them eminently qualified for these positions. Derek Volker has experience in both the private and public sectors, making him aware of the realities and sensitivities of agency advertising within government. His experience has equipped him to judge what is and is not appropriate in the expenditure of public funding.

He has extensive public service experience, including being a former departmental secretary of the commonwealth departments of veterans' affairs, social security and education. He was also the chairman of the government relations group in Corrs Chambers Westgarth and more recently he chaired the ACT government Skills Commission. He has also chaired the Australian Capital Tourism Corporation. He is currently the chair of Defence Housing Australia, the city west precinct committee and the OzHelp Foundation.

Crispin Hull as the alternative reviewer could be called upon in the event that Mr Volker is unavailable or absent. Mr Hull has extensive experience in media and communications and formal legal qualifications. He has a deep understanding of all the issues upon which the reviewer would be expected to exercise judgement. He has written for the *Canberra Times* for 30 years with seven years as editor. He is currently a lecturer in journalism at the University of Canberra, which involves teaching media law.

As members of the Assembly would be aware, the issue of the appointment of the independent reviewer has dragged on since June, when the opposition refused to endorse Mr Volker's appointment. Under the clause in the legislation, the appointment of the independent reviewer required a two-thirds majority of the Assembly. The act clearly states that the minister must appoint an independent reviewer and this was done following an expression of interest process facilitated by the Chief Minister's Department.

The opposition blocked the appointment of Mr Volker and Mr Hull with the reason that they wanted to see the list of the other applicants for the position. Nowhere in the legislation did it state that the selection of the independent reviewer was to be by a panel chaired by the Canberra Liberals. As a result of the Liberals' refusal to endorse the appointment of the independent reviewer, the government has had no other option

but to exempt six campaigns from the legislation under part 6—exemptions of the act—where the minister may be able to exempt campaigns under extraordinary circumstances.

I would add that all of these campaigns have been assessed by Mr Volker in accordance with the spirit of the legislation prior to being exempt by the Chief Minister. There are also two further campaigns that I am aware of that will require exemption if we do not pass this motion today.

We are serious about fulfilling the obligations to the spirit of this legislation, which is why we have asked Mr Volker to assess each of these campaigns. I am aware of a number of recommendations he has made in changes to those campaigns which have been adopted. But there were a number of campaigns that did require a decision prior to the Assembly being able to resolve this deadlock. These campaigns have crossed ACT Health, LDA, CMD, Actew and DECCEW. There is one more coming from LDA and the Department of the Environment, Climate Change, Energy and Water.

We have sought, with correspondence between the Leader of the Opposition and the Chief Minister, to resolve this issue. The government is quite concerned that the legislation cannot operate as was intended by a vote of this place and that we are in the position of exempting these campaigns.

I wrote to the Leader of the Opposition last Thursday. I provided a list of the other applicants through the expression of interest proposal and I honestly believe that we should abide by the legislation and seek to break this impasse that exists. I think the two appointments are eminently qualified for these positions. The act did not allow for the opposition to select the person they felt most comfortable with. I think the credentials of Mr Volker and Mr Hull speak for themselves and that really we should just get on now and allow the legislation proposed by the Canberra Liberals and passed by this place to operate.

MR SESELJA (Molonglo—Leader of the Opposition) (11.34): The Liberals will not be supporting this motion today. I will go through the process we have reached. I have had discussions with Ms Gallagher this morning; I think that we are at a point where we could find some resolution. That was what I put to Ms Gallagher today during our discussions—that I believe that, through some discussions which have not yet taken place other than a very brief discussion this morning between Ms Gallagher and me, we could come to a resolution in relation to some of our concerns.

It is worth going through the process. What I said to Ms Gallagher today was that if she took the opportunity to actually sit down with us and have a negotiation we would be in a position, I think, to pass this or in one way or another resolve this by the next sitting. Ms Gallagher came and informed me some time later that that would not be the case and that she would push ahead today. I informed her that as a result we would not be supporting it. So before I get into the reasons, I will just say that, as I said to Ms Gallagher when she came and informed me that she would be pushing ahead, I think we can still sit down after this and work it out fairly quickly. But that negotiation needs to take place.

Going to the legislation, the legislation does have a two-thirds requirement, and there is a reason for that. To be fair to Ms Gallagher, it has not been Ms Gallagher's fault that it has played out as it has. It has been the Chief Minister who has treated it as if there was no two-thirds requirement—right from the beginning. We had the situation where the Chief Minister announced, before consulting with the Assembly—

Mr Corbell: How can you say that with a straight face?

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! Mr Seselja has the floor.

Mr Corbell: He can't say it with a straight face. Look at him.

MR SESELJA: Mr Corbell does not like it.

MR ASSISTANT SPEAKER: Order, members! We will not continue this banter across the chamber, thank you. Mr Seselja, you have the floor.

MR SESELJA: Thank you, Mr Assistant Speaker; I appreciate you bringing Mr Corbell to heel. Mr Stanhope did not follow a good-faith process where he actually sought to engage with the Assembly. There is no point in having a two-thirds requirement other than to ensure that the government actually negotiates. And there was no negotiation. There was an announcement about particular reviewers that were going to be put forward. It was on a take-it-or-leave-it basis. We were in a position where we had to leave it.

What we have had since then is a back and forth about viewing the entire list, which is what I put on the record last time. The Chief Minister's office has been less than helpful in putting ridiculous restrictions on the ability to view it. I have got to contrast that with the attitude and the progress that we have seen with the Acting Chief Minister. With the Acting Chief Minister we have actually seen it. We felt that we were in a position where we are close, and I still believe we are close.

We had a letter last week from Ms Gallagher which gave us the names of the other applicants for the position, which is a major step forward for our considerations. We had no further correspondence on that, and we are in the process of considering that. There was no notice given of this today, which I found a little bit odd. I would have thought that if you were serious about this, you would have put it on the notice paper in one form or another and then sat down and had the negotiation.

This morning, as I said, I contacted the Acting Chief Minister and put to her that I thought we could have negotiations. I raised concerns particularly about one of the nominees on the list. I said that it would be my preference if we did not have to play out our concerns in the Assembly. Ms Gallagher chose to push ahead.

There is no doubt that putting Crispin Hull forward creates potential conflicts of interest. There is no doubt about that. Any reasonable observer—

Ms Gallagher: He writes a column for the paper.

MR SESELJA: I know that Crispin Hull is the Greens' nominee, because it was put to me by the Greens before this process started that he would be the best for the job. So clearly the lobbying has gone on from the Greens. That is their right. But our position is—

Ms Hunter: That is the most bizarre story all year.

MR ASSISTANT SPEAKER: Order, members! There is a speaking list; you can get on it if you are good.

MR SESELJA: Indeed. Our position is that there is a potential conflict of interest. We have got a situation where someone employed by a major media organisation in this town is being asked to make decisions in relation to decisions by government.

Members interjecting—

MR ASSISTANT SPEAKER: Members, will you cease conversations across the chamber, please. Otherwise, we shall do something about it.

MR SESELJA: Decisions by government which potentially have an impact on an employer and on the *Canberra Times*, which Mr Hull has written for over a long period of time. So there is no doubt. I raised those concerns. That is something that we could easily discuss, have negotiations on, come to a conclusion on. We have also looked at the entire list.

Members interjecting—

Mr Hanson: Mr Assistant Speaker, on a point of order, you have continually told those members opposite to stop interjecting. They are ignoring your direction. In order to be consistent—when the opposition has done such we have been warned by the Speaker—I would ask that you take on notice the continuing interjections and, if they continue to do so, warn those opposite.

Mr Corbell: People in glass houses, Jeremy. It is a big glass house around you, Jeremy.

MR ASSISTANT SPEAKER: Mr Corbell, please do not place me in an invidious position. Mr Hanson, on your point of order: I will ask you to check the *Hansard*. You will notice that my entreaties to people to stop behaving like schoolchildren were aimed at both sides of the chamber—indeed, at those two immediately in front of me. I will not, let me tell you, put up with it much more. I do not care where people are in the chamber. I have asked people to engage in mature debate, and that will have to do. Mr Seselja, you have the floor.

MR SESELJA: Thank you, Mr Assistant Speaker. We have concerns about one in particular which we have raised. It would have been far more mature and sensible to have had a proper discussion and negotiation. I think we could have had a resolution very quickly. I think that can still happen with a decent discussion, but the

government have chosen to bring this debate on today so we will not be supporting it. We are happy to sit down with the government. If they are willing to actually sit down in good faith and deal with this, we are willing to do that. I think it could be resolved in the next sitting of the Assembly if there is the goodwill on the other side. For those reasons, we will not be supporting the motion today.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.41): I thank the Acting Chief Minister for bringing this matter back to the Assembly. Obviously, we are not going to resolve it. We had hoped to resolve it today.

We have already had several exemptions made to the act. As I mentioned earlier, the scrutiny of bills committee has raised issues about this unsatisfactory ongoing issue. Clearly, it is a matter we do need to resolve.

Let us be absolutely clear about what is supposed to happen here. The legislation provides in section 12 that the minister must appoint a person to be the campaign advertising reviewer. The section then sets out the criteria for appointment and requires that the minister must not appoint the person unless two-thirds of the Legislative Assembly approves the appointment. In no way whatsoever is there any role for any person other than the minister to select the person to be appointed. The only role for the Assembly is to say that it does or does not agree with the person being nominated.

There is no explanatory statement to guide us in the application of the provision. However, I think it would be fair to say that the plain and ordinary meaning and the evident intention from the text of the act is that the Assembly is intended to provide a check on the appointment to guarantee that there is sufficient consensus that the person appointed to the job is suitable and therefore the community can have confidence in the appointee being able to acquit the task well.

The test to be applied is not that they are or are not the best candidate possible. It is solely whether the Assembly believes that they are a suitable person for appointment to the position. In considering suitability, it is plain that the criteria to be applied by members in their determination of suitability will extend beyond what is identified as the minimum requirement set out in the act.

As I said in my speech last time this motion came before the Assembly and we debated this issue, the most pressing and obvious concern is that of bias. I spoke about bias and the tests of bias. The act addresses the widely held—and, I would add, in my view very valid—concern at the capacity to use public money for an inappropriate political end. It is absolutely necessary that the person appointed to the role cannot reasonably be said to have or be perceived to have a political bias that would interfere with their ability to apply the law as intended by the Assembly.

As I said, in my last speech I went to great lengths in evaluating this bias, putting forward the tests and so forth. It cannot be said that either of the proposed candidates—Derek Volker as the reviewer and the alternate Crispin Hull—can be said to have either actual or apprehended bias. As members of this place we have an obligation to explain why we adopt the positions we do and in this case to explain

why we do or do not believe that the nominated candidates can acquit the task so that the community can or cannot have confidence in the decision made.

I will note that Mr Seselja has finally let the Assembly know what the Canberra Liberals' objections are around this matter. I find it interesting. Mr Seselja has rightly raised today that he did not want this matter played out in the chamber—that it was about people, Mr Volker and Mr Hull, and he did not want that necessarily played out publicly. I can recall that, several months ago, the Chief Minister approached both Mr Seselja and me with the nominations, Mr Volker and Mr Hull, and wanted some idea around what our thoughts were. That was the point at which issues could have been raised. The next I heard was that the problem appeared to be that the Canberra Liberals were asking for the full list of names.

This has gone on for several months, which did lead me to write to the Chief Minister about my concern about the number of exemptions that were coming through when the Greens are very supportive of this legislation. We believe that there does need to be some independent reviewer ensuring that taxpayers' dollars—

Mr Seselja: A doormat, Meredith—a doormat.

MS HUNTER: are not being spent on what could be seen as party political advertising. I find it interesting that issues were not raised at that time that would have avoided—

MR ASSISTANT SPEAKER: Ms Hunter, excuse me. Mr Rattenbury—a point of order, is it?

Mr Rattenbury: Yes, Mr Assistant Speaker. I believe that Mr Seselja just described Ms Hunter as a doormat. I invite him to withdraw what would be, by his standards, unparliamentary language normally.

MR ASSISTANT SPEAKER: Mr Seselja, there is an invitation to you.

Mr Seselja: Mr Assistant Speaker, if it is deemed by you now to be one of the new words that is unparliamentary, I will withdraw it.

MR ASSISTANT SPEAKER: I do not think that the withdrawal should be accompanied by a qualification, Mr Seselja.

Mr Seselja: I am asking.

MR ASSISTANT SPEAKER: Please either do it or don't.

Mr Seselja: If I am asked to, I will.

MR ASSISTANT SPEAKER: I am asking you to withdraw it.

Mr Seselja: Just to clarify, Mr Assistant Speaker, are you saying that the term "doormat" is unparliamentary?

MR ASSISTANT SPEAKER: I am saying that that is a pejorative reflection on a member in this chamber and it should be withdrawn.

Mr Seselja: All right then; I withdraw.

MR ASSISTANT SPEAKER: Ms Hunter, you have the floor.

MS HUNTER: Thank you, Mr Assistant Speaker. I am starting to get used to the fact that whenever there is a different opinion raised, then from certain people in this place it seems to just be straight to personal abuse—name calling and so forth, the names that seem to get thrown around here at times.

The Greens do have a different view. We believe that the act is quite clear about how these appointments are made. We were shown the names of those that were proposed to fill these roles. There was Mr Volker in the main role and Mr Hull as an alternate in case Mr Volker was not available. We do not believe that the tests of bias have been proven to be the case here. We believe that the act is being followed and therefore we support the motion being put forward today.

It is nothing to do with being a doormat. It is to do with the fact that an act was brought into this parliament. It was put forward by the Liberal Party and was supported by the Greens, because we very much agree with and believe in the purpose of this legislation. We find ourselves in this ridiculous position where the main part of that legislation cannot be fulfilled. We really need to push past this deadlock. We need to move on and we need to get an independent reviewer into place.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.49): At least now we know that the fig leaf that Mr Seselja has been hiding behind when it comes to his reasons to not support this motion today has been finally removed. We had in the last debate that this was all about Mr Seselja demanding to see the list. He wanted to see the list of who the other nominations were from different people and individuals. He wanted to see the list.

I am aware that the Chief Minister's office has sought to provide his office with the list on numerous occasions and it has been declined.

Mr Seselja: No, that is not true.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Seselja, please!

MR CORBELL: In fact, every time the list has been offered it is like: "No, do not show us the list just yet. We do not really want to see the list right now." It had to be physically thrust into their hands like a document service. "This is the document. You cannot run away from it any more. Here is the list." It is like a process server. We had to send the process server down to Mr Seselja and say: "Here it is. You have got the list. You cannot deny it any more." Now that he has got that list,—

Opposition members interjecting—

MR ASSISTANT SPEAKER: Members of the opposition will desist. Otherwise some of them will cop a warning.

MR CORBELL: Now that he has got that list, he cannot use that as an argument any more; so now we hear the truth. The truth is that he does not like Mr Hull. But he has not given us any reason why he does not like Mr Hull. We have got this confected reason that Mr Hull has some conflict of interest. What is the conflict of interest?

Mr Hanson: He writes for the *Canberra Times*.

MR CORBELL: He writes for the *Canberra Times*. He writes for the *Canberra Times* as a freelance writer and gets the occasional payment from the *Canberra Times*. How is that a conflict of interest? He is not employed by the *Canberra Times* in any permanent role. He gets paid for pieces of work that he provides to the *Canberra Times*, but how is that a conflict of interest? Does it really affect him?

Does the payment he receives affect whether or not the *Canberra Times* gets advertising from the ACT government? Is the Liberal Party seriously suggesting that because he writes for the *Canberra Times* he is able to in some way influence whether or not the *Canberra Times* gets advertising material? And even if he could, is that to his direct benefit? Or is that even to his indirect benefit? It is not to his benefit, positive or negative. How is it to his benefit? What conflict of interest arises? There is no conflict of interest. It is a confected excuse on the part of the Liberal Party to make unworkable a piece of legislation that they demanded should be in place.

Mr Seselja made it one of his great champion reforms. "I am going to introduce this piece of legislation." And now Mr Seselja is the only person in this place that is making the legislation unworkable. He is a hypocrite.

Mr Seselja: On a point of order, I think that is out of order.

MR CORBELL: I withdraw the comment.

MR ASSISTANT SPEAKER: Mr Corbell has withdrawn the comment. Mrs Dunne, your point of order?

Mrs Dunne: Mr Assistant Speaker, in relation to unparliamentary language, I would like you to advise Mr Corbell about the appropriateness of deliberately making a comment and withdrawing it in the next sentence. It was not a slip of the tongue. It was a deliberate thing that he did, knowing that he would have to withdraw. This is quite inappropriate. I think you should bring Mr Corbell to order on this matter.

MR ASSISTANT SPEAKER: On the point of order, Mr Corbell?

MR CORBELL: No, I have nothing to add in relation to the point of order.

MR ASSISTANT SPEAKER: Mrs Dunne, it is my view that propriety is in the hands of the members and the members need to consider their own conduct when

conducting themselves in debates. I do not think this particular case warrants my intervention.

MR CORBELL: Thank you, Mr Assistant Speaker. Mrs Dunne should reflect on her own point of order in relation to her own conduct in this place from time to time. It is a completely hypocritical approach on the part of the Liberal Party. Here they are, the champions of advertising campaign reform. "This must be done. There must be this process."

The Assembly supports that legislation. The government seeks to implement that legislation. And what does Mr Seselja do? He wrecks it. He makes it unworkable. He makes his own legislation a joke. That is what he has done.

There is no conflict of interest in relation to Mr Hull, and I would like to hear the argument about how there is. I would like to hear the argument about how there is a conflict of interest. Mr Hull does not own the newspaper. He receives no financial benefit whether the *Canberra Times* receives advertising activity or does not. I am sure the *Canberra Times* can afford to pay Mr Hull regardless of whether or not they receive any advertising revenue from the ACT government. I am sure they will continue to pay him probably the quite measly sum that he receives from the *Canberra Times* for providing the 500-odd words every week.

It is an absurd argument. It is an argument really beneath Mr Seselja, and it just shows that he is a wrecker. He is not interested in a constructive approach in this place. He is not even interested in making his own legislation work.

This motion deserves to be supported today. The government wants to get on with the business of implementing an act passed by this place, and the only people who are stopping it are the Liberal Party.

MR SMYTH (Brindabella) (11.56): That was an interesting presentation from Mr Corbell and it is like everything that Mr Corbell says in this place. You have got to take it with a grain of salt. Remember, of course, he is the only member to be found guilty by the Assembly of persistently and wilfully misleading the Assembly. And he has done so again today. He made this confection where he said—

Mr Corbell: On a point of order, Mr Smyth knows that, if he wants to accuse a member of misleading this place, he must do so by substantive motion. I would ask you to direct him to withdraw the comment.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Smyth, I think it would be appropriate for you to withdraw.

MR SMYTH: I withdraw. But what he says is not correct. He says that Mr Seselja somehow avoided getting the information from the Chief Minister. The Chief Minister initially refused to give it up. Then there were all sorts of conditions. Mr Corbell has not told the Assembly this, has he? No, he forgot those parts. He confects the story. He confects the scene. He forgets to tell the full truth.

The Chief Minister's office then put conditions. "You can come and you can see but you cannot take notes. You cannot hold it. You cannot touch it." When times were sought to be arranged, those times were denied. Why do you not tell the full story, for a change? It is all that we get from Mr Corbell. It is interesting that he is the only member to be found to have persistently and wilfully misled the Assembly. Why the secrecy? That is the question for the government. Why the secrecy?

We have heard so often in the last two years from the Greens about the new paradigm, about consensus, about working together. Indeed this bill says, "The Assembly must work together to deliver the outcome." It is implicit in the decision to have a two-thirds majority that there must be discussion. It is not an executive appointment. "Here, we have made a decision," drop it on the table, off you go. It is not an executive appointment in that sense. It is a decision. It is a decision of the Assembly. It is a two-thirds decision of the Assembly.

Members interjecting—

MR ASSISTANT SPEAKER: Members will come to order. Conversations across the chamber are not on.

MR SMYTH: If you do not understand what a two-thirds decision of the Assembly means, go back and read the act. It has to come to this place. You would have thought the government would at least try to reach some consensus before we got to the position that we got to today.

Now we see the strange position where, if the Greens are consulted or suggest or agree, it is okay, but if the Liberals have an opinion on a matter, that is not allowed. That is the new paradigm. But it strikes me that the new paradigm is not very different from the old paradigm where the Greens-Labor coalition will decide what they want and will not negotiate. But they have come a cropper on this one, because everyone agreed that there should be a two-thirds majority. So it is different from probably every other executive appointment that we have outlined in legislation passed by this place. The case is quite clear. If people do not get the case then they really need to go back and look at themselves.

Ms Le Couteur, 10, 15 or 20 minutes ago now, got up and said that because of the discussion, three sides working together, she would stand aside as the chair of the public accounts committee. She does not believe she has a conflict of interest but, to avoid the perception of a conflict of interest and keep matters above board, she has taken this course and I will now handle the inquiry into ethical investment. That is a good process. That is a proper process.

But we could not even get into the process in this regard because the Chief Minister and his office refused us. Give the would-be Chief Minister her due, she at least came down and spoke to the Leader of the Opposition to try to get this to work a little better. But at the end of the day, bound to the party that she is a member of, it is the old crash or crash through process that the Labor Party knows.

The problem here is that Mr Corbell, again in his way, describes it as some sort of fig leaf. Let us make it very simple. Crispin Hull gets a financial benefit from the *Canberra Times*. Whether he is employed or not is an irrelevant consideration. If the *Canberra Times* does not get its advertising dollar, Crispin Hull does not get paid. It is in his interests to do everything he can to assure that advertising revenue. That is a conflict of interest. It is as simple as that.

Mr Corbell laughs. This is, of course, Mr Corbell who has voted against reforms to poker machine licences and who does not see that he has a conflict of interest in receiving money from problem gamblers when he is a legislator, a regulator and a moaner all at the same time.

Mr Corbell: Relevance.

MR SMYTH: Relevance? It is entirely relevant. If you do not understand the argument, perhaps you should look at yourself. The problem for those opposite —

Mr Corbell: The only person who understands your arguments is you.

MR ASSISTANT SPEAKER: Minister, please! I have been a bit tough on the opposition and I think you can help me out a bit here, thank you.

MR SMYTH: I am disappointed. I thought there was a warning coming but there are no warnings for that side either. I forgot about that.

MR ASSISTANT SPEAKER: Do not hold your breath.

MR SMYTH: It is a decision for this place. It is a two-thirds majority. Everybody talks about consultation. Everybody talks about getting a briefing, except when they do not get the outcome that they want. And it is a very hypocritical approach by some in the way they go about business in this place. It is unfortunate.

This bill was put forward to clarify the situation and ensure that we did not have this conflict of interest. It was put forward to ensure that there was no advantage gained by the government in the use of their advertising and it was put forward to ensure that taxpayers got the best out of their taxpayers' spend. It should be that way. It was put forward that there be a two-thirds majority. That was passed by this place. And in that two-thirds majority you have to get that agreement.

If, in the way that you look at the bill, you cannot read this into it, then you need to go back and read the bill perhaps with more clarity. But it does imply that there must be a coming together of the Assembly to ensure that this occurs. That involves consultation and agreement. We can do it here on the floor of the Assembly or we can do it by discussions and working through a process.

If people do not like that, they can change the legislation. That would be a very bad reflection on this place if we just changed legislation to get the outcome that we wanted because we did not like having a process.

We talk a lot about the new paradigm. I suspect all we have got is the old paradigm. That is what you have got when you have got a coalition. We have a coalition of the Greens and the Labor Party. In that coalition they will always attempt to get what they want. What we are about is getting what is best for the people of the ACT and ensuring that this legislation delivers what it was put in place to do.

MR RATTENBURY (Molonglo) (12.03): I think that this is an unfortunate discussion that we are having this morning. I certainly never anticipated when we worked quite hard on this legislation to pass it that we would end up with this sort of impasse. I do not believe that it meets the spirit of the discussion we are having. The irony, of course, is that Mr Smyth in his last few remarks has talked about the coalition between the Greens and the Labor Party. Of course, it was the Greens and the Liberal Party who worked together to pass this legislation. But I am sure that that irony is lost only on Mr Smyth.

Ms Hunter: Yes, remember that one.

Mr Smyth: But we are not in coalition with you guys.

MR ASSISTANT SPEAKER (Mr Hargreaves): Order! Members from the Greens and the Liberal opposition will desist. Mr Rattenbury has the floor.

MR RATTENBURY: In his opening remarks in this discussion, Mr Seselja talked about wanting a more mature and sensible conversation, process and approach around this matter. In light of those comments it is instructive to consider the history of this matter. Mr Seselja talked about the first time he heard about the names was when the Chief Minister made a public announcement.

Ms Hunter brought up this inconvenient truth—inconvenient for Mr Seselja's narrative at least—before. In fact, the Chief Minister provided the proposed names to both Ms Hunter and Mr Seselja before publicly releasing them. He invited both of them to give him any feedback on either of those names before they were publicly released.

I know this is a fact because Ms Hunter received the names. She approached our party room and said: "I'm comfortable with these names. I've looked at the CVs. Does anybody else in the party room have any comments?" We all looked at the CVs and we felt—

Mr Seselja: You nominated one of them.

MR RATTENBURY: I will come to that in a moment, Mr Seselja.

MR ASSISTANT SPEAKER: Order! Mr Rattenbury, please do not bait them.

MR RATTENBURY: Thank you, Mr Assistant Speaker. Let us just focus on the facts here for a moment. Mr Seselja, when he stood up this morning, said that the first that he heard of it was when it was publicly announced. Yet the facts are clear that the

Chief Minister provided the names before that. So I would welcome Mr Seselja's clarification of that little piece of history and whether he has a different understanding.

We then debated this matter in the chamber on 22 June this year, quite a number of months ago now. At the time, Mr Seselja came in here and he said that he would not support the nominations that were put forward. He said, and I quote from the *Hansard*:

> In the end we cannot make a judgement on whether or not Mr Volker is indeed the best applicant for the job without actually seeing who all of the applicants are.

He went on to say:

> … we need to ensure that the person reviewing the legislation and how the government complies with the guidelines is absolutely the best person for the job and is beyond reproach.

That was the stated reason at the time. So what Mr Seselja came in here and said on that occasion was that they could not possibly approve this person because they had not seen the whole list. He said that they had not seen the whole list. We disputed that at the time. I said privately to either Mr Seselja or to some of his staff—there was a discussion going on about this—that I did not believe the original intent of the legislation was that the test in the legislation was "the best person". The test in the legislation is: is this a suitable person to do the job? We certainly hold—

Mr Seselja: Change the legislation, Shane. Change it.

MR ASSISTANT SPEAKER: Mr Seselja, you have had your chance.

MR RATTENBURY: The challenge here, of course, is that the legislation is silent on this matter. But I think if you take the spirit of the legislation, it is not about the best possible person. It is: is this person suitable for the job? Does this person have an issue of bias? It is our view that neither of the people proposed are a problem under either of those standards.

But, of course, today we finally become aware of Mr Seselja and the Liberal Party having a specific concern about a specific candidate. Months and months and months after this process started, finally the real reasons are put on the table—finally. What is mature and sensible about that? For months and months and months we have had little games, we have been a little bit embarrassed to state our real reasons and put them on the table. But today, at least, it is finally out there.

It actually gets better because it turns out that Mr Seselja has catcalled across the chamber, he actually apparently said it earlier today—Ms Hunter just passed it on to me—that Crispin Hull is my nomination. I find that very extraordinary.

Mr Seselja: He is. You told me. He was your first suggestion to me.

MR ASSISTANT SPEAKER: Mr Seselja!

MR RATTENBURY: Mr Seselja is now shouting out that it was my first suggestion. Let us just come back to my recollection of those events. As members know, I was involved on behalf of the Greens on working on this legislation with the opposition. I recall that we had quite some conversations about what was the right kind of review mechanism, whether we wanted one person, whether we wanted a panel and what style of people might be suitable for that panel.

We talked around it. I am going to stand here and say it. I did mention Mr Hull's name—

Opposition members interjecting—

MR RATTENBURY: and the reason—now listen to the facts: we talked about the type of people that would be suitable for this kind of role. I said, "I could imagine somebody like Crispin Hull would be suitable with an academic background, experience in the media and a good understanding of ACT politics."

I have no embarrassment about walking in here and saying that I made that observation in private conversations to Mr Seselja and his staff. How he then becomes my candidate for a publicly advertised position is extraordinary. Let us hear Mr Seselja's little conspiracy theory on that because I would love to know what it is. I can stand here in this chamber and say that I have never, ever spoken to Mr Hull about this matter.

The only time I mentioned Mr Hull's name was in a private conversation with Mr Seselja and he has turned that into a conspiracy theory about Mr Hull being my preferred appointment.

Mr Seselja: We can see why you are defending so hard—

MR ASSISTANT SPEAKER: Mr Seselja, that is the last time I will ask you.

MR RATTENBURY: I am not sure what Mr Seselja has been smoking but frankly I do not know who should be more offended by the suggestion—

Mr Seselja: Mr Assistant Speaker—

MR ASSISTANT SPEAKER: Mr Rattenbury! Resume your seat please, Mr Seselja. Mr Rattenbury, I think you can withdraw that comment about Mr Seselja. That was a pejorative comment about a member. I would ask you to withdraw it.

MR RATTENBURY: I withdraw, Mr Assistant Speaker. The thing I am unsure about is who should be more offended by the suggestion that Mr Hull is some sort of stooge of the Greens. Frankly, I know that on various occasions Mr Hull has written some articles in the *Canberra Times* that have been quite critical of the Greens. I suspect on occasions he has given us some credit for some good ideas. That is what I expect journalists to do.

It is just the most bizarre conspiracy theory that I have heard since I have been in this place—in fact, probably for even longer than that. I think we just need to take a step back, draw breath and remind ourselves of the purpose of this legislation. The Greens did support the Liberal Party to pass this legislation because we believe it is appropriate to have some sort of check and balance on government advertising.

Certainly, at a federal level—some would argue at an ACT level—we have seen occasions when government advertising perhaps has not been what taxpayers would have expected from it, where it has perhaps promoted a government program. I think having an independent reviewer to ensure that that does not happen is a good thing.

Mr Smyth picked up on the rationale for having a two-thirds majority. He talked about this new paradigm—consensus, working together. My sense was that the two-thirds provided a useful check and balance to make sure that the government did not come into this place in a different situation at some time in the future. It is always good to think about future configurations of this place, not just the current one. Perhaps at some future time a government may have an absolute majority in this place. We wanted to actually have an ability to not just have the government appoint the person that they wanted.

Again, that was the rationale for the discussion of why we went for a two-thirds majority. I never anticipated in those conversations, which actually were quite positive and quite constructive—I appreciated the spirit in which we pushed back and forth, shared ideas, critiqued the various suggestions—that we would find ourselves in a situation where we would be at such an impasse, such a block, for no apparent good reason, except based on, as it turns out we have learned today, some quite fascinating conspiracy theory that has been cooked up on the first floor of this building.

It begs the question of how we move forward from here. I do not want this legislation to fall over because of the intransigence of those opposite. This legislation is good legislation. The intention of it is a good intention. I think in the end it was reasonably well-designed legislation. We may find down the line that we want to tweak it but in essence it is good legislation. I guess the question we are going to have to ask now is: what do we do if we cannot actually move past this silly act of blocking because of a conspiracy theory?

MR ASSISTANT SPEAKER (Mr Hargreaves): Members, I draw your attention to the fact that subsection 12(4) of the Government Agencies (Campaign Advertising) Act 2009 requires that the motion be passed by a two-thirds majority of members. I therefore direct that a vote be taken. I understand that there is one pair in operation. Mr Coe and Ms Porter will take that pair.

Question put:

> That **Ms Gallagher's** motion be agreed to.

The Assembly voted—

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

MR ASSISTANT SPEAKER: The result of the division is ayes 9, noes 5. The required two-thirds majority of members, as required under subsection 12(4) of the Government Agencies (Campaign Advertising) Act 2009 not being achieved, the question is therefore determined in the negative.

Liquor (Consequential Amendments) Bill 2010

Clauses 1 to 3.

Debate resumed from 26 October 2010.

Clauses 1 to 3 agreed to.

Schedule 1, amendments 1.1 to 1.23, by leave, taken together and agreed to.

Proposed new amendment 1.23A.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.18): I seek leave, pursuant to standing order 182A, to move amendments which are minor and technical in nature.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name which inserts a new amendment 1.23A. *[see schedule 1 at page 5349]*. I present a supplementary explanatory statement to these amendments.

The government is moving this amendment to further clarify the difference between section 69 and 78 of the Liquor Act. Section 69 defines suitability information about a person, in contrast with section 78, which defines suitability information about premises. The amendment clarifies that criterion (a) in section 78 relates only to offences against the Liquor Act involving compliance of the premises.

MRS DUNNE (Ginninderra) (12.19): The Liberal opposition will be opposing the government's amendment No 1. During the debate on the principal act in August this year, I proposed an amendment to section 78 which sought to link the consideration of the suitability of the premises with the licence or permit applicant. The section as it currently stands provides that an assessment of the suitability of premises includes, amongst other things, consideration of, firstly—and I quote directly from section 78(a)—"any conviction of, or finding of guilty against, a person for an offence against

this Act involving the premises" and, secondly—and I quote again from section 78(b)—"any proven noncompliance of the premises with a legal obligation in relation to the supply of liquor".

Unfortunately, the government's proposed amendment does not clarify this position. It does not provide the link of the premises with the applicant. It still continues to make the premises stand on its own in terms of assessing the application for a licence.

Section 25 provides that a person may apply for a stated licence for stated premises and outline the information about the people, premises and operations that must be supplied to the commissioner. Section 27 requires the commissioner to decide on the application based on a number of criteria. Two of those criteria relate, firstly, to whether the relevant people are suitable persons under section 67 and, secondly, to whether the premises are suitable under section 75.

Section 78, the one that we are proposing to amend, sets out the suitability information which section 76 requires the commissioner to consider when deciding whether premises are suitable under section 75. I hope you are getting all of that, Mr Assistant Speaker. It is quite clear—and it really is quite clear if you read it—

MR ASSISTANT SPEAKER (Mr Hargreaves): We believe you, Mrs Dunne.

MRS DUNNE: that, contrary to Mr Corbell's statements during the debate in the principal act in August, the suitability of premises is to be considered in the decision as to whether to grant a licence application. This amendment provides no clarification on this issue. It still potentially exposes an applicant to a refusal of a licence if the premises had a previous record of non-compliance with the act, notwithstanding that the applicant had no prior direct or even indirect connection with the premises at the time.

The application process requires the submission of risk assessment management plans. These plans should cover the management of the premises in the future. This way the commissioner can make an assessment based on proposed management practices rather than the past performance of the premises over which the applicant might have had no control. The Canberra Liberals will not support this amendment and will be proposing an amendment that will link the premises with the person.

MR RATTENBURY (Molonglo) (12.22): The Greens will not be supporting the government amendment on this occasion either. Mrs Dunne has just foreshadowed the amendments that she will be moving and we believe that those are the better amendments. The amendment proposed by the government would require new licence applicants to provide information on previous owners' convictions regarding the venue, as opposed to the current wording which is for any conviction relating to the premises. That in itself is an improvement, but I believe that the amendments that Mrs Dunne is going to move are better because they restrict new applicants and renewal applicants to provide information about convictions they themselves have committed rather than the past owners.

The Greens believe that it is fair that a new licence applicant not be judged by the convictions of past licensees. The suitability of the venue itself, we believe, will be

more than satisfactorily taken into account in existing sections 78(d) to (j), which take account of things such as noise to come from the venue, the fire safety of the building, the number of people likely to be attracted to the venue and, importantly, any other relevant matter. We believe these are ample grounds to judge the suitability of the venue without resorting to the convictions of past licensees.

Proposed new amendment 1.23A negatived.

MRS DUNNE (Ginninderra) (12.23): I move amendment No 1 circulated in my name which inserts new amendment 1.23A *[see schedule 2 at page 5351]*.

This amendment, along with amendment No 2, which I will move in a little while, addresses the issue that the minister has raised in his amendment which has just failed. As I said in the debate on Mr Corbell's amendment, it is important that decisions about issuing, amending or renewing a licence should link the performance of the premises with the licence applicant. This section, particularly subsections (a) and (b), as they are currently drafted, do not do that. This is confirmed by the operations of sections 25, 27, 75 and 76. I will not elaborate further on those.

Members will note that this amendment and the one that I will move in a moment are identical to those I proposed during the debate on the principal act in August. You will recall, Mr Assistant Speaker, that I wrote to the Speaker about that matter, and the fact that this was in the same terms as the previous one, to seek his advice on whether it was possible to move this amendment. There has been general agreement that there is sufficient difference from Mr Corbell's amendment today to make it possible to move this amendment.

In that debate Mr Corbell commented that sections 78(a) and 78(b) did not apply to new licence applications. However, this bill carries an amendment to that section adding a note to the effect that the section does indeed require that the commissioner consider the suitability of premises when deciding to issue, amend or renew a licence permit. Issuing a licence could include issuing a licence to a new licence applicant. The approach that the minister was proposing to take does change the tenor somewhat, but they do not provide specific legislative amendment and I think the problem was that the note is not sufficient.

As I said before, in the August debate I wrote to the Speaker. Mr Rattenbury, as the Greens spokesman on justice and community safety, also expressed some reservations about the intent of the sections and commented:

> … 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.

I note Mr Rattenbury's comments on this in his previous remarks. It is clear, and my staff and I have had extensive discussions with officials about this, that there is a great deal of ambiguity about what this means. The clear words of the act in section 78 leave it open to interpretation that still the past performance of the premises will be taken into account even though the current licence applicant had nothing to do with that performance.

I feel it is justified to put these two amendments—the one that I move now and the one that I will move in a moment—forward for reconsideration. It is clear that the discussion on this section demonstrates that in its current drafting it creates the potential for a licence applicant who is independent of the previous performance of the premises to be disadvantaged because of the previous performance. This would be most unfortunate and an undesirable outcome. Therefore I commend the amendment circulated in my name.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.28): The government will not be supporting this amendment. The practical effect of this amendment is extremely detrimental to the ability of the commissioner to deem premises suitable to supply liquor.

Section 78 sets out a list of matters to assist in the commissioner's consideration of whether premises are suitable for a liquor licence or permit. Section 78(a) relates to past convictions or findings of guilt under the Liquor Act involving the premises, irrespective of who the person might have been.

Past convictions involving the premises should not be limited to particular individuals. Why, Mr Assistant Speaker? Because the information in section 78(a) is designed to capture problems associated with the premises which may have caused a person to be convicted of an offence under the Liquor Act or subject to occupational disciplinary action by the ACT Civil and Administrative Tribunal. The emphasis here is on resolving issues of problems inherent in the actual premises which may have caused a person not to comply with the act.

The commissioner needs to know about any previous problems with the premises which may have led to a criminal conviction or finding of guilt, yet continue to be unresolved. For example, where problems with inferior design of the premises left insufficient space for proper storage of product or waste that led to fire exits being blocked, causing a safety issue for the public, then, because the emphasis in section 78(a) is on resolving issues with the premises, the identity of the person convicted is immaterial. The section needs to capture any person so that past problems with the actual premises can be addressed and resolved before the commissioner issues, renews or amends a liquor licence or permit.

The Assembly should note that in the case of a transfer of a licence, to facilitate commercial expediencies the decision whether or not to transfer to a new licence fee would not be based on prior convictions against the act involving the premises. I refer the Assembly to clause 31 of the act, where there is no requirement for the commissioner to consider the suitability of premises criteria in deciding an application for a transfer. This assessment would occur, however, when the licence next comes up for renewal.

If passed, Mrs Dunne's amendment will impact negatively on the integrity of the licensing scheme. The government cannot support it.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

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 12.34 to 2 pm.

Questions without notice

Land—grants

MR SESELJA: My question is to the Acting Chief Minister. Minister, recently the ACT government announced that it would make direct grants of land to Supabarn, thereby excluding Coles, Woolworths, IGA and others on some sites. The government says that this policy is designed to create more competition in the grocery market for Coles and Woolworths, who are dominant players in the market. Minister, what conditions have been placed on the direct grants in the event that Supabarn is sold either to Coles or Woolworths?

MS GALLAGHER: I do not believe that the direct grants of land have been made. We have signalled our intention that that is what we intend to do. I am sure that someone will correct me but I do not believe that those direct grants have been made yet. So the conditions would not be specified at this point in time.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you, Mr Speaker. Minister, what contingency plans will the ACT government be preparing in the case of the ownership of Supabarn changing?

MS GALLAGHER: It is a bit hypothetical, I think. The direct grants have not been made; Supabarn has not changed hands. This is something that the government will consider when and if both of those events occur.

Mr Hanson: Isn't that part of your planning process?

MS GALLAGHER: That would go to the conditions of the direct grant of land, wouldn't it, which have not been made.

Mr Seselja: Indeed. So are you putting them in the conditions? That is the question.

MR SPEAKER: Thank you.

MS GALLAGHER: I am trying to explain that those conditions would be considered at the time that the government made that final decision on the direct grant of land.

MR SMYTH: A supplementary, Mr Smyth.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, would the ACT government intervene in any way to prevent the sale of Supabarn to one of the major other supermarkets?

MS GALLAGHER: I am not sure we could, Mr Smyth. Again, I do not know—with the information available to us at this point in time, we have not made the direct grants. We have signalled our intention to do that, as we would like to see an increased presence of supermarkets outside of Coles and Woolworths, as they do have the highest concentration of ownership of supermarkets anywhere in the country in the ACT. But, of course, when the government goes to make those final decisions they will be made on the information that is available at that point in time.

MR SMYTH: Mr Speaker, a supplementary?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, has the ACT government had any discussions with the ACCC about this scenario?

MS GALLAGHER: I do not believe so.

Housing—OwnPlace

MS HUNTER: My question is to the Acting Minister for Land and Property Services and is about the OwnPlace program. Minister, when a person buys a house and land package through the OwnPlace scheme, is it true that only six months after the final transaction the owner can then resell the property?

MS GALLAGHER: I will have to take that question on notice. I am not across the detail of that but I am sure I will be able to answer it during question time.

MR SPEAKER: Ms Hunter?

MS HUNTER: Minister, how many OwnPlace properties have been resold since the introduction of the scheme?

MS GALLAGHER: I will have to take that question on notice too. I have some detail. Two hundred and forty-eight blocks have been taken up by the OwnPlace builders panel. One hundred and one of these have been built on. One hundred and forty-seven have dwellings under construction. But I do not have the detail of the

numbers that may have been sold since that time. I will see whether I can provide that at the same time.

MS LE COUTEUR: A supplementary?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, I fear you will have to take this on notice also. Given that all OwnPlace properties are purchased for less than $328,000, what is the range of profits that people have made from reselling their properties?

MS GALLAGHER: I will take that on notice and get that detail from Land and Property Services, if it is available.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, has Community Housing Canberra resold any of the properties it has acquired under the OwnPlace scheme?

MS GALLAGHER: I do not believe so. Again, I will bring a comprehensive answer back to the Assembly around all those matters.

Visitors

MR SPEAKER: Members, before we proceed with any further questions, I would like to draw your attention to the fact that members of the Weston Creek Probus Club have joined us in the Assembly today at question time. I welcome you to the Assembly.

Questions without notice

Superannuation—liabilities

MR SMYTH: My question is to the Treasurer. Treasurer, on Tuesday in question time, I asked you about the coverage of the liabilities of the superannuation provision account and about the valuation of the assets in this account. This information was included, in part, in a report that you tabled in the Assembly in August this year. In your reply, you noted that it was the performance of the global financial markets which caused a loss of gross earnings of the superannuation provision account in the last six weeks of the previous financial year.

Treasurer, your own documents show that the value of assets in the superannuation provision account fell by $96 million between 31 March 2010 and 30 June 2010, while the value of liabilities increased by $343 million over the same period. Treasurer, why did the value of superannuation liabilities increase by $343 million in the June quarter of 2009-10?

MS GALLAGHER: Mr Smyth is right; the increase in liabilities offset by the loss in earnings creates the difference between what had been predicted in the budget and what was tabled, I think, in the annual report.

Mr Smyth: No, no, one is 96.

MS GALLAGHER: I am just saying you were right, Mr Smyth. I do not know that you need to argue with me about that.

Mr Seselja: Were you right on Tuesday?

MR SPEAKER: Order! Let us have the Treasurer answer the question.

MS GALLAGHER: Well, yes, I was right on Tuesday, but I did not go to the point of liabilities. I am just saying in response to what you have just said in your question, Mr Smyth, that it is a rare and beautiful moment when you have been correct with your numbers.

Mr Smyth: Which you fail to understand.

MS GALLAGHER: No, I did not fail to understand.

Mr Hanson: Yes, you did.

MS GALLAGHER: No, I did not fail to understand.

Mr Hanson: You were wrong on Tuesday, now you come back sneering at Mr Smyth.

MR SPEAKER: Thank you, Mr Hanson. Treasurer, just answer the question, thank you.

MS GALLAGHER: Thank you, Mr Speaker. I do not recall the reason around the increase in liabilities. I did get that information, Mr Smyth, and I will find it for you. I just cannot recall what the reason was around the increase in liabilities.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Treasurer, what proportion of the territory's aggregate liabilities is comprised of the liabilities of the superannuation provision account?

MS GALLAGHER: Can Mr Smyth just repeat that question, please? I am sorry, I did not follow it.

MR SMYTH: I can indeed. Treasurer, what proportion of the territory's aggregate liabilities is comprised of the liabilities of the superannuation provision account?

MS GALLAGHER: I will have to take that question on notice, Mr Speaker.

MR SPEAKER: A supplementary question, Mr Doszpot?

MR DOSZPOT: Treasurer, what effect will a change in interest rates have on the value of liabilities in the superannuation provision account?

MS GALLAGHER: I will take that on notice as well, Mr Speaker.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Treasurer—

Mr Hanson: She's not doing very well today.

Ms Gallagher: I don't know what—

MR SPEAKER: Order! Mr Doszpot has the floor.

Mr Hanson: Is your enormous brain not working today?

MR SPEAKER: Mr Hanson, Ms Gallagher! Let's not prosecute it across the chamber. Mr Doszpot has the floor.

Ms Gallagher: I am trying not to.

MR DOSZPOT: Treasurer, will the value of assets in the superannuation provision account balance the value of liabilities by 2030?

MS GALLAGHER: It is under review by the government. As I said on Tuesday or Wednesday, this is something that the government considers in each budget. If we need to up our investment in the superannuation account in order to meet our target then those are decisions that budget cabinet will take.

Childcare—costs

MRS DUNNE: My question is to the minister for women. Minister, yesterday, when asked what impact increasing childcare fees would have on the workforce participation rate in the ACT, particularly for women, you said:

> … there is no evidence to suggest that the provision of accessible, quality childcare excludes women from the workforce.

Minister, if the price of accessible, quality childcare rises, will that force parents, particularly women, from the workforce?

MS BURCH: I thank Ms Dunne for her ongoing interest in childcare and women's participation in the workforce. As I said yesterday, I am not aware of any evidence or claims that access to quality and affordable accommodation excludes women from the workforce.

The other figure that Ms Dunne brought to the chamber yesterday was a CPI increase of six per cent in childcare costs. I did go to have a look at that report, Ms Dunne, so thank you for drawing it to my attention. Since November 2007, can I say that the cost of childcare actually decreased by seven per cent. And from March 1996 to November

1997—I think that is the coalition's period—it actually increased by 42.9 per cent. So I should be asking Ms Dunne about the cost of childcare.

Members interjecting—

MR SPEAKER: Order, members! Mr Hanson! Mr Coe! Mr Smyth! Ms Burch, I am not sure if it is deliberate or inadvertent but I think Mrs Dunne does prefer to be known by the prefix "Mrs". If we could stick to that, I would appreciate it.

MS BURCH: Absolutely. I do apologise.

MRS DUNNE: Thank you for your intervention, Mr Speaker. I have a supplementary question.

MR SPEAKER: Mrs Dunne.

MRS DUNNE: Minister, are you or any of your staff or officials aware of any evidence that would support your assertion that the rising cost of childcare will not force parents out of the workforce?

MS BURCH: I do not have a name of studies, but I know that the RIS that came with the quality agenda outlined a range of proposals and propositions about inclusiveness and the impact of the new quality framework of childcare, which those opposite seem to oppose kicking and screaming. I think that Ms Dunne—Mrs Dunne; I do apologise—will find in the RIS that indeed there is nothing to say that the cost of childcare or women's participation in the workforce will be adversely affected by the quality agenda.

Childcare—costs

MR COE: My question is to the Minister for Women. Minister, the Commonwealth Treasury recently published a paper called "New estimates of the relationship between female labour supply and the cost, availability and quality of childcare". Minister, Treasury state in the paper that "if the gross childcare price increases by one per cent, the employment rate of married mothers with young children would be expected to decrease by 0.3 per cent". In that paper, Treasury concludes that "our new estimates suggest that the cost of childcare does have a significant negative effect on the labour supply of married mothers of young children". Minister, do you agree with this assessment by the Commonwealth Treasury?

MS BURCH: Again, I go to the habit of those opposite to have a piece of paper and to make some quotes that are sometimes outright incorrect and are sometimes, indeed, mischievously wrong. The information that I have in front of me indicates that there is no clear relationship between the female participation rate and cost in the ACT, and the current level of female participation in the trend in the ACT is slightly above its long-term average level. Moreover, the current female participation rate in the ACT is around an average 10 percentage points higher than the national female participation rate of 58.8 per cent. This shows that the ACT consistently records higher female participation compared to the national average.

In regard to Mr Coe's—I nearly called you Mrs Coe; I do apologise for that as well—I will—

Members interjecting—

MR SPEAKER: Thank you, order!

MS BURCH: Thank you.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Minister, have you read the Treasury's paper? If so, what assumptions and estimates do you disagree with?

MS BURCH: I look forward to reading it in detail and being able to come back to Mr Coe.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, given the evidence presented by Treasury in its paper—given that the evidence in the Treasury paper is that steadily rising childcare fees in the ACT—sorry, Mr Speaker, I distracted myself.

MR SPEAKER: Skip the preamble and go straight to the question, Mrs Dunne.

MRS DUNNE: You picked it. Minister, are the steadily rising childcare fees in the ACT sustainable or is childcare becoming a luxury for young married mothers?

MS BURCH: As I have repeated here a number of times, the childcare fees are indeed set by the childcare operators. We do have a new quality framework coming on. We have articulated that that will, indeed, incur some increased costs—55c a day, I understand, in 2012. But that is all about improving the quality of care for young children in Canberra families. Not one person I have spoken to has objected to bringing in quality childcare. If that comes with a 55c a day increased cost, that is something that the families that I speak to are more than happy to pay.

As far as what this government does to offset some increased costs to provide increased support to the sector, it is about the workforce activity that we do through fee waivers for CIT through the department of education. This is through the university placements for those young men and women who may be seeking to become early childhood teachers. It is around the many, many hundreds of thousands of dollars that we put through the sector in supporting them through minor capital improvements so their centre continues to meet the quality standards so we better support Canberra families.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, who is right in the assessment about the impact of the rising cost of childcare on young mothers' participation in the workforce—you or the commonwealth Treasury?

MS BURCH: The only answer I would give to that is that it certainly would not be Mrs Dunne.

Mrs Dunne: Mr Speaker, under standing order 213 I move:

> That Ms Burch table the document that she read from in answer to Mr Coe's question.

MR SPEAKER: Ms Burch, are you happy just to table the document, or should I put the motion?

Ms Burch: No, I am not prepared to at this point.

MR SPEAKER: In that case—

Mr Coe: Andrew said yes, and Katy said no.

MR SPEAKER: Order, Mr Coe! The question then is that Ms Burch table the document she just quoted from in relation to the question she just answered. That is the question. Does anybody wish to speak to it?

MRS DUNNE: The standing orders in this place are quite clear that the Assembly can call for these things. Ms Burch made no secret of the fact that she was quoting from a document, which she attributed some authority to. She did not actually explain to members what the source of this authority was. It is standard practice in the Assembly to use the standing orders to enable the tabling of documents. If Ms Burch is not prepared to table the document, that indicates that there is something to hide, and I encourage members to support this motion to bring on the tabling of this document.

MS GALLAGHER: The government will not be agreeing to this motion. Ministers have a range of material made available, either through their own offices or through the departments, to support the proceedings at question time. When these matters have been raised before, we have taken the decision not to support motions like this. This is material made available to ministers to assist in question time. The minister has provided that advice to the Assembly, and there is no need to table any further document.

Question resolved in the affirmative.

MS BURCH: I table the following paper:

> Childcare costs—briefing paper

Sport—community facilities

MS LE COUTEUR: My question is to the minister for sport and concerns support for community sporting and recreational venues. Minister, it is becoming increasingly difficult for community-run facilities such as bowling clubs, golf clubs and sailing clubs to ensure long-term financial viability in the current climate of club commercialisation. Minister, are you aware that the number of these facilities in the ACT is diminishing? What has the government done to investigate this trend further?

MR BARR: I am not sure that I can agree with some elements of Ms Le Couteur's question in terms of an alleged diminution of community sporting facilities. If you look at the totality of new facilities that have been added in the territory in recent times, there are, in fact, more sport and recreation facilities available across the board than has been the case in the past.

But I do acknowledge that, within the totality of the sport and recreation sector, some sports are less popular in 2010 than they perhaps were when the facilities were initially provided some time ago. That is certainly the case with golf. It is not as popular a sport now as it was than perhaps in Greg Norman's heyday when the levels of participation in this community and this country were much higher.

There are a range of factors that contribute to facilities viability. Some of those clearly relate to ageing infrastructure requiring more cost to service each year. If there are fewer people using those facilities and, therefore, less revenue coming in to the facilities owners, then there are challenges for commercial viability for a number of these facilities.

From time to time, there are clearly requests from facility owners to change the use of their facilities, be that within the existing zoning, say, to move to an alternative form of sport and recreation usage. In other instances, there are proposals to reduce the size of the sport and recreation facility to provide some form of redevelopment that would then finance consequential redevelopment of the sport and recreation facility.

There are examples of golf courses, clearly, where some housing has been allowed within the golf course precinct that has provided revenue not only for the sport and recreation facility but an opportunity for residents to live close to a sport and recreation amenity that they value. So you will see, then, the possibility for increased membership of golf clubs, for example, if people are living either on or adjacent to the golf course. There are examples of that around the city.

Equally, when it comes to bowls, there has been a rationalisation of the number of bowling sites across the territory. Sport and Recreation works with organisations like Bowls ACT to have sport-specific plans across the territory. We are working through, with a number of ACT sports, facilities plans for their sport across the territory. Bowls is one example. Swimming is another. We have been working with Basketball ACT and with a number of sport and recreation organisations.

Laid on top of that is the total territory facilities audit that was undertaken when the territory faced the prospect of stage 4 water restrictions. We worked through, with all

sport and recreation organisations in the territory, a full priority list of facilities that we would seek to maintain if we had to do so with significantly less water. Happily, we do not have that challenge now. It has rained and our dams are full. That said, though, the work that went into that particular strategy places us in a very good position to be able to assess the priority facilities that we have within the territory.

I have also convened a working group to outline a 10-year strategy for sport and recreation in the territory. That group has been meeting for some time. I look forward to having a further discussion with them. I think that is scheduled for early next month.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what measures has the government put in place to ensure that clubs can still deliver their core sporting activities and facilities without being dominated by revenue-raising activities such as licensed bars and poker machines?

MR BARR: Ms Le Couteur may be aware of an annual sports grants program that operates within my portfolio. She may also be aware of a range of budget initiatives over the last four or five years that have gone to a number of areas of critical need for sport and recreation organisations. I think overall, though, it is important that our policy settings are such that we are working with sports to enable them to diversify their income streams, to become less reliant on membership fees and government assistance and to be able to stand on their own two feet. I think that is important for the development of the industry overall.

We recently commissioned some work from Access Economics on the value of the sport and recreation industry to the territory. It is in the order of $250 million a year. There are nearly 4,000 people employed directly in sport and recreation industries across the territory, so it is an important part of our local economy and our local community. The government, through its ongoing grants programs and its industry development programs, through sport and recreation services, seeks to work with individual sport and recreation organisations to ensure that not only are they financially viable but also they continue to grow their participation. The evidence is clearly in in each of the annual surveys that are conducted by the ABS that Canberra is the most active community in terms of sport and recreation participation in Australia.

MS HUNTER: Mr Speaker, a supplementary question.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, when a sporting club has a change of ownership or management, does the government routinely check that the new lessees continue to honour lease purpose clauses?

MR BARR: The lease compliance area within the Planning and Land Authority obviously has responsibility in those areas. Yes, the ACT government seeks to uphold both the territory plan and the relevant laws that apply to the use of land.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, what is the government doing to ensure that there are still community-based recreational and sporting facilities in town centres which are easily accessible by public transport, especially given the development pressure in these town centres?

MR BARR: I think overall there will be a reduction in the number of facilities located within those town centre precincts. That is simply because, over time, there will be demand for other uses for that land. However, that does not mean that, with those sport and recreation facilities within the regions and within those broader town centres—and by that I mean, for example, in Woden more broadly than just within the town centre—we cannot see an enhancement of facilities in those areas.

We have to recognise that there will be pressures on land within the commercial precincts of the city and that over time those pressures will mean that alternative uses for some land that is currently zoned for sport and recreation purposes will be of a higher order, and a higher economic order for the city. That does not mean, though, that we need to sacrifice the totality of sport and recreation facilities. It just means that new locations need to be found for the provision of those facilities and those should ideally be located in areas that are accessible by public transport.

Education—teachers

MR DOSZPOT: My question is to the Minister for Education and Training. Minister, the Australian Education Union have stated that the initial consultation process for the dividend cuts approved by you makes a mockery of the enterprise agreement the government has with the union and in effect will lead to increased workloads for teachers. Equally, your proposal to revamp teacher pay and promotion has been characterised as offensive. Minister, how will you be celebrating World Teachers Day tomorrow?

MR BARR: I will be attending a number of schools tomorrow. I am looking forward to that. I will be at a building the education revolution ceremony to acknowledge some new facilities that have been provided by the federal government. In partnership with the territory government, we are seeing record levels of investment in ACT schools.

From time to time there will be disagreements, amazingly, between union officials and the government over important matters of education reform. Whilst I acknowledge that the AEU are not happy with some elements of the government's reform agenda, that does not surprise me because it does go to challenge some long-held ideological views within the leadership of that union.

As I indicated in my answer to a question yesterday about the compelling need for reform within the ACT education system, and most particularly to address concerns raised by the AEU itself about our capacity to attract and retain quality teachers, I think it is clear that there is agreement on the problem. What is clear is that there is a need for further discussion on the best possible solutions. I have put forward some proposals; we will be discussing them through the course of our enterprise bargaining negotiations in the first half of 2011. I do not resile from the importance of tackling these issues.

Members interjecting—

MR BARR: In the data that I read out yesterday, and advised the Assembly of yesterday, teachers across Australia think that their performance evaluation systems are broken, that they do not get due recognition for improving the quality of their teaching and that we need a new system.

Members interjecting—

MR BARR: We need to ensure that the best and brightest classroom teachers are able to advance more quickly and that we do something to address the very flat career structure that is currently in place for ACT teachers. That, I think, is fundamental to achieving a rise in the status of the teaching profession. And that, I think, is something that there is agreement on.

Members interjecting—

MR SPEAKER: Order, members! There is too much interjecting while the minister is answering the question. I ask you to refrain.

MR BARR: Thank you, Mr Speaker. As I was saying, those opposite ask the questions but they do not appear to be very interested at all in hearing the answers.

Mr Smyth: We are always interested; it is just that you are laughable.

MR SPEAKER: Mr Smyth, you are now warned for interjecting. I just asked you to keep the noise down.

MR BARR: Thank you, Mr Speaker. The point I am making is that if we do not have fundamental structural reform, we will not raise the status of the teaching profession; we will not be able to attract and retain the best teachers in the ACT. That does mean change, and some people do not like change. That is very clear. But we need to move beyond the 1970s-style industrial relations arrangements that apply to teachers in the ACT at the moment and move to a model that is more in line with public sector arrangements in other areas of the ACT government that are in operation now in 2010.

Mr Hanson: Imagine how you lot would squeal if we tried to do something like this.

MR SPEAKER: Mr Hanson, you are now warned for interjecting.

MR BARR: It is disappointing that those opposite, who allegedly believe in some freeing up of the labour market, are seemingly so opposed to this reform agenda. It is important work, it is work that this government believes is critical to raising the status of the teaching profession, and we intend to work diligently to achieve this important reform for the teaching profession in the ACT.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Yes, Mr Speaker. Minister, in the spirit of the celebrations, how will your proposed changes to the school system pay respect to the efforts of teachers in an increasingly complex, multicultural and technological society?

MR BARR: Through investment in information and communication technology, through the ACT public education system having an ICT system that is the envy of the world and through investment in teacher quality—through the establishment of the ACT Teacher Quality Institute. Through the work, at a national level, of the Australian Institute for Teaching and School Leadership, we are embarking, along with other jurisdictions in Australia, on a significant reform for the teaching profession.

We all agree—all Australian governments agree—that reform is needed to raise the status of the teaching profession. We as education ministers, through the ministerial council for education, are embarking on a significant reform project. We want to raise the status of the profession and we want to ensure that the best and brightest teachers can be rewarded for their efforts and have a clear career structure that enables them to progress higher than the current flat structure does. This is important work, Mr Speaker, and one would hope that people of goodwill who do not want to politicise the education system would support this.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, will the government be organising any special events to honour the contributions made by teachers to the ACT community on International Teachers Day?

MR BARR: Yes, the department does recognise this important day. It is normally the case that there is a message published through media within the territory. I will, of course, be attending a number of schools tomorrow in relation to some important events for those schools.

Mr Hanson: Photo opportunities.

MR BARR: Mr Hanson, there may well be media interest in the day tomorrow and I am sure that the questions that you have raised today might spark a little bit more interest. That would be a good thing. One would hope that through the good work of ACT teachers that tomorrow will attract a high level of media and community interest and we can look forward to a very good day.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, in the events tomorrow, will you again repeat the comments that you made yesterday in the Assembly that teachers were somewhat Stalinist and only just turned up?

MR BARR: I did not make such comments. Mrs Dunne has deliberately misconstrued what I said yesterday. I made the point that the current career structure and remuneration for teachers are such that it does not matter how well you teach or how much you devote to your job, your pay is exactly the same as that of another teacher who entered into the system at the same time. So it is a time-based reward, not a reward based on quality or on contribution. There is no serious way of advancing through the system quickly. It is all about promotion by exhaustion; advancement by exhaustion. And we have got to free up the labour market here. We have got to have some fundamental reform in this area.

I imagine that there will be some who will oppose this; I have no doubt that there will be some who will oppose this. But I also know, from the publications that the ACT principals association, amongst others, have made, and from the national research, that there is very strong support for reform in this area to give principals and teachers the opportunity to have—

Mr Coe: That's how Joy became a minister.

MR SPEAKER: Thank you, Mr Coe.

MR BARR: great and rewarding careers and to have the opportunity to advance more quickly through the professional ranks of the teaching profession.

Health—respecting patient choices program

MS BRESNAN: My question is to the Minister for Health and it relates to the respecting patient choices program which provides for advance care planning. Minister, can you please advise the Assembly what the size of this program is and if there are plans to decrease the program in the future?

MS GALLAGHER: Size in terms of the number of people who have used—

Ms Bresnan: Size in terms of employment.

MS GALLAGHER: advance care directives?

Ms Bresnan: Just for clarification: size in terms of the number of people employed as part of the program.

MS GALLAGHER: I will have to come back to the Assembly with that. I do not have that detail. In terms of whether there are any plans to stop the program—I think that was the second part—no, not to my knowledge; no, there are not.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, can you please advise whether patients are always treated in accordance with their advance care plan and, if not, why not?

MS GALLAGHER: It is certainly my understanding that that is the case when they come into hospital. I know this has been an issue that the Public Advocate and ACT Health and, indeed, the ACT Government Solicitor, have spent a fair bit of time working through. I think there have been individual cases where there have been some concerns around implementing advance care directives, whether they have come from family members or from clinical staff. But, to my knowledge, clinical staff are implementing advance care directives in accordance with patient wishes.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, can you advise what measures the government has taken to make patients and healthcare providers aware of the advance care program and have these measures been successful?

MS GALLAGHER: I will check whether ACT Health have done some specific staff information around this. At the time that it was being discussed with the Public Advocate I know the Public Advocate was certainly involved in the dissemination of information around this. But I will check whether Health have done any specific training.

I know that it is an issue that engages clinical staff very closely and I know, from all the discussions I have head with the health professionals involved in implementing advance care directives, they always try to abide by the wishes of patients. I am aware of some very complicated cases where there have been mixed views around individual patients but those have usually been worked through between the clinician and the families. But I will check.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what are the current limitations of advance care plans in the ACT with regard to patients' preference for how they wish to be treated when dying of a terminal illness?

MS GALLAGHER: I am sorry, just the end?

MS HUNTER: Of a terminal illness.

MS GALLAGHER: What are the limitations? There are some very complex issues here that do take up clinicians' time and lawyers' time. It really focuses on the issue

of what constitutes treatment and whether no treatment is treatment. It is a bit of a semantic argument, but it is one that has, I think, engaged lawyers and clinicians alike. I think there are some concerns for medical professionals who do not want to open themselves up to potential legal action.

There are mixed views around what constitutes treatment or non-treatment. An advance care directive assists there, but I think there have been questions raised about whether it is enough. Even if there is an advance care directive and the clinicians are working in accordance with that advance care directive—subsequently there may be some concerns raised if there is no treatment and, say, a patient passes away in accordance with their own advance care directive—there have been some concerns raised around whether clinical staff are protected.

It is not always clear that if you have an advance care directive that is what is to happen and medical staff will not have any concerns around that. I think there are cases where concerns have been raised and clinicians at times do feel vulnerable but, again, those are usually worked out at the patient level where, in the case of a terminal illness, whether treating with a painkiller constitutes sufficient treatment—

MR SPEAKER: I am sorry, Ms Gallagher, but your time has expired.

MS GALLAGHER: It is a long and philosophical debate, that one.

MR SPEAKER: It is and I invite you to perhaps take that one up with Ms Bresnan outside the chamber.

MS GALLAGHER: I will.

Taxation—change of use

MR HANSON: My question is to the Acting Chief Minister and Treasurer. Treasurer, your colleague, the Minister for Planning, informed the Assembly in an answer to a question on notice on 18 October 2010 that:

> No change of use charge for residential development has been paid since May 2010.

Treasurer, why has no change of use charge for residential development been paid since May 2010?

MS GALLAGHER: Because as far as I understand, the applications have not been finalised.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Treasurer, industry has advised us that they have paid hundreds of thousands of dollars in change of use charge since May 2010. Why is it that none has apparently been collected?

MS GALLAGHER: I will check. It may be around decisions that were made prior to May 2010 that money has been received. I will check. But my understanding is there are a number of change of use charge applications which are currently before ACAT. I will check the advice the Minister for Planning is getting and the advice from Treasury, and I will come back.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you, Mr Speaker. How has the uncertainty you have created in the residential development market by the delayed codification, the rectification and now the Quinlan review, impacted the collection of the charge?

MS GALLAGHER: The opposition are saying that we have delayed codification. I certainly got the distinct impression you do not support codification. In terms of rectification, I think there are a number of change of use charge applications which are currently before ACAT, and I do believe that is due to rectification, to people questioning valuations. But what is the alternative, Mr Seselja—that we just charge them the flat fee again; that we charge them $1,750 or $2½ thousand for a dual occupancy in Forrest? Do you think that is fair? Do you think that is the right return on that block of land?

The reason we moved to rectify is because the law sets out a view, passed by this place, about how change of use charge could be collected. So, yes, we could have allowed the system to remain in place, but that, I think, would have meant the government was not doing their job and ensuring that the community gets an appropriate return for the development rights granted to developers for change of lease that is granted for a particular block. We are merely applying the law. The law says we should get an appropriate return. The developers are questioning that return. And those matters will be decided by ACAT.

MR SPEAKER: A supplementary, Ms Seselja?

MR SESELJA: Minister, could you advise the Assembly, if the minister's answer is incorrect, how much change of use charge has been paid since May 2010?

MS GALLAGHER: I will certainly check and come back to the Assembly.

Children's Week

MS PORTER: My question is to the Minister for Children and Young People. Minister, could you please inform the Assembly about Children's Week and the support the ACT government provides for children, such as through the child and family centres?

MS BURCH: I thank Ms Porter for her interest in Children's Week. This is Children's Week, and I think that was noted yesterday with a motion from Ms Hunter where we spoke on quite confronting matters. A whole range of events and activities have been organised in the ACT for Children's Week. This year's theme is "A caring

world shares". Sharing is often one of those practical values that we teach our children early in their lives, mainly as a conflict-resolution mechanism with siblings and peers. But a caring world which shares is a theme that applies as much to adults as it does to children.

This week is a great chance for adults to celebrate our children—their talents, skills and abilities—and to be mindful of their needs at the same time. This week, schools, playgroups, childcare centres, kindergartens, cultural groups, libraries and community groups have all been involved. If members will indulge me for one moment, I would like to mention one fantastic event which relates to multicultural affairs.

Manuka childcare centre ran a multicultural day on Monday as part of Children's Week, inviting staff and children to bring in an item from another country to share with groups, such as a photo or souvenir. Various aspects of culture were explored with the children through storytelling and music.

Each year the ACT Children's Week Committee provides small grants to many groups to assist with the planning of their activity during Children's Week, which runs from 23 to 31 October. I would like to take the opportunity to thank the ACT Children's Week Committee, who have worked hard in partnership with many local organisations and agencies to deliver an interesting and varied program of events.

My department has also played a role this week, as the ACT government provides significant support for children and their families across the ACT. The child and family centres located in Gungahlin and Tuggeranong work for children, their families and the local community to improve outcomes to enable children to reach their full potential.

As members would be aware, a third child and family centre is currently being constructed at Kippax in west Belconnen, and I expect that this will be ready for operation early in 2011. The model of service delivery at child and family centres is very much focused on providing prevention and early intervention responses, which means intervening early in the life of a child and early in the life of the problem. Services are collaborative and well coordinated, and the centre's model is successful because it genuinely seeks to remove barriers and assertively connect children and families and actively support them across a range of services.

However, this is not a model that can be delivered by the centre staff alone. It is truly a whole-of-government and community response to families and young children. ACT Health provide a range of services, such as maternal and child health clinics, which focus on child health, development, growth and care of babies. Therapy ACT offer speech and physiotherapy drop-in services, and the Department of Education and Training work in partnership with the centre staff to deliver programs, such as paint and play at Kambah and the Southern Cross early childhood school.

I note that some members here recently took up an opportunity to visit the Gungahlin child and family centre to hear about and see first hand what a great addition it is to Canberra families. I think it is great that in Children's Week we can reflect on the partnership not only of those here but across the Canberra community where government and non-government agencies alike work to support children in the ACT.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Could the minister update the Assembly on the book *Just Change the Channel* launched on Monday as part of Children's Week?

MS BURCH: I thank Ms Porter for her question. The book titled *Just Change the Channel* was launched on Monday at the Tuggeranong Child and Family Centre as part of Children's Week activities. The publication was developed by Communities@Work and drew on the innocent but, indeed, most powerful voices of children about their views of this year's Children's Week theme, which is "A caring world shares".

Ms Molly Rhodin, the director of Communities@Work childcare and education centres, decided to speak with children who attend their childcare centres about their views on caring, happiness and respect. While Mollie was speaking with one child about her views, she observed two boys having a discussion about a bike. The young girl commented, "It's a bit like watching the news." When Molly asked what she meant by that, the young girl said, "TV news is sad. Bad things happen on TV news but you can always change the channel." I think that is quite insightful of the young girl's reflection on the world around her.

In June of this year, I launched the children's plan for the ACT, which strives to build Canberra as a child-friendly city. In the book *Just Change the Channel* Molly asks children what is important to them and it has captured their commentary. It is, indeed, well worth a read. Stopping to think what children are telling us helps to better understand and support children in our community.

Mr Hanson: Advice you should have taken, perhaps.

MR SPEAKER: Mr Hanson, you are on a warning.

MS BURCH: Children who participated in the development of the booklet, their parents and staff at Communities@Work and the director should be congratulated for producing such a quality book. It will be used by Communities@Work as they move through the community and connect stronger with ACT families.

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

Supplementary answers to questions without notice

Environment—building materials

MR BARR: On Tuesday in question time, Ms Le Couteur, Ms Hunter and Ms Bresnan asked me a series of related questions on the regulations that govern the use of toxic and sustainable materials in buildings in the ACT. I responded to those questions, as I did to similar questions put to me in May this year. In May, I also provided some additional information on the government's position to Ms Le Couteur, and I am happy to table that information again for the benefit of members today. I present the following paper:

> Sustainable and toxic building materials—Information provided to Ms Le Couteur in May 2010.

In the interests of clarity and openness, I would like to reiterate the government's position on this issue. ACTPLA is participating in a three-year national building material project that is largely funded by the commonwealth government to the tune of about $800,000. The project, which is managed by the Building Products Innovation Council and AusIndustry, will establish a toolkit of resources that will permit comprehensive lifecycle assessment of building and construction materials and products. A draft report was released for comment in February of this year. The project toolkit is targeted for final publication next month.

As I said when the issue was first raised, this is a complex matter that ultimately needs to be informed by the national work being done by the Australian Building Codes Board, the Building Products Innovation Council and AusIndustry rather than the ACT government undertaking this work in isolation. Developing a comprehensive ACT sustainable building material policy before the national project's completion is likely to result in a duplication of that national project's effort. In my view, it will be very expensive and ultimately counterproductive for the ACT to seek to go it alone here as we are part of a national process. That toolkit will be available, I understand, next month.

Education—Indigenous students

MR BARR: Yesterday in question time, I indicated that I would table for members the Aboriginal and Torres Strait Islander education matters strategic plan 2010-13 outlining priorities and actions for Aboriginal and Torres Strait Islander education in ACT public schools. I present the following paper:

> Aboriginal and Torres Strait Islander Education Matters—Strategic Plan 2010-2013.

Trees—removal

MR CORBELL: Yesterday in question time, Ms Le Couteur asked me to explain why community members and shopkeepers in Ainslie say that they were excluded from consultation on the removal of a tree at the shops and did the consultation process meet the consultation benchmarks recently announced by the commissioner for the environment. I can advise Ms Le Couteur, through you, Mr Speaker, that, firstly, I cannot say why some members of the public say they were excluded from consultation in relation to the removal of this tree.

Public notification of the intention to remove the tree was undertaken according to the consultation benchmarks recently announced by the Commissioner for Sustainability and the Environment. This involved fixing a notification of tree removal notice to the tree and providing letters to adjacent lessees. The relevant time frames were provided for feedback.

Yesterday, I was asked by Ms Hunter whether the government has formal criteria that it uses to determine whether a tree poses a trip hazard and how any trip hazard is weighed against the other benefits that may be provided by the tree. I can advise Ms Hunter, through you, Mr Speaker, that, for capital works precinct upgrade projects such as the Ainslie shops upgrade, the process used to determine whether a tree poses a level of risk that justifies removal is undertaken on a case-by-case basis, applying a risk-benefit and cost analysis.

The risk assessment considers the likelihood of an incident occurring and the possible injury or damage that may result. In the example of the Ainslie shops, the risk of injury was considered to be high, as the tree was located on pavement in a high-pedestrian traffic area. With the planned relocation of the pharmacy, the volume of pedestrian traffic, particularly of older and disabled people, was likely to increase, thereby further raising the risk of injury.

The cost analysis weighs up the cost of managing the problem via maintenance work such as regular uplift and re-laying of paving and the cutting back of roots against the cost of removal and replanting with a less root-invasive species with appropriate root barrier treatments.

Gungahlin Drive extension—bridge collapse

MR CORBELL: Yesterday in question time, I was asked by Mr Coe about a number of matters relating to the collapse of the bridge on the Barton Highway on 14 August. He asked, regarding the government's response: what reports and advice are outstanding regarding the cause of the collapse, when will reconstruction take place and what legal advice had been sought, from whom had it been sought and what is the cost of this advice to taxpayers? I can advise Mr Coe that the WorkSafe ACT report is still to be finalised. The reconstruction of the bridge has recommenced and work will be completed by the end of March 2011. No legal advice has been sought. It was not considered necessary at this stage, pending the completion of the review by WorkSafe ACT.

In relation to the same bridge, Mr Hanson yesterday asked me: were the plans for the span of stage 2 over the Barton Highway the same as the span of stage 1 which was constructed a few years ago and what documents from stage 1 were given to contractors on stage 2? The answer to the first of his questions is yes; the plans for the span of stage 2 over the Barton Highway were the same as those for the span of stage 1. In relation to his second question, yes, a copy of the as-constructed drawings from stage 1 was provided to the contractors on stage 2.

Housing—OwnPlace

MS GALLAGHER: I apologise around OwnPlace. I have not been able to get the comprehensive answer I was seeking during that time, so I will provide it out of session to Ms Hunter.

Superannuation—liabilities

MS GALLAGHER: In relation to the questions from Mr Smyth—and I fear he might know the answers to these, as someone who studies reports very closely—the changes to liabilities are due to the changes in the bond rate, which fell from six per cent to 5.16 per cent. The superannuation liability is 64.9 per cent of total liabilities.

Document—tabling

MRS DUNNE (Ginninderra): During question time, I successfully moved a motion in relation to standing order 213, requiring Ms Burch to table the document from which she read. When Ms Burch was reading from that document, it was clear to me and my colleagues that she was reading from a document that was stapled together, so it was more than one page. But Ms Burch only tabled one page.

I would seek your guidance, Mr Speaker, in relation to standing order 213 because it is clear that the plain words say that you do not table a part of the document; you table the entire document. I would seek your ruling on that.

MR SPEAKER: Before I make a ruling, Mr Corbell.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): Ms Burch has tabled the relevant document that she was referring to—

Mr Seselja: No.

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

MR CORBELL: Attachments to that document should not be captured by that standing order; nor is it in the intention of the standing order to do so. Ms Burch has tabled the document that she was relying on. The purpose of the standing order is to demonstrate to members that the minister was referring to advice she has in a document. And that is what she has done. Attachments to that document are not captured by the standing order and there is no point of order.

MRS DUNNE (Ginninderra): Mr Speaker, it is clear that the document that was tabled was part of a document and I would contend that the standing order does require the tabling of the whole document. It is quite clear that that has not happened.

MR SPEAKER: Minister Burch, you might help with some clarification. It is evident that the document does have a staple hole in it. Can you provide me with some guidance on why you have only provided part of the document, please?

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): The question was for me to provide

the piece of paper which I read from—the document, the paper. I indeed have tabled every word which I have read. There is nothing here that I did not say in response to the answer.

MR SMYTH (Brindabella): Just for clarity, standing order 213 does not say "the page". It says "the document". If a document is 10 pages long then it is 10 pages, or two pages or three pages. The minister does not get to choose which part of the document she tables. The standing order is concise and she should comply with the standing order.

MR SPEAKER: Thank you, members. This is a matter for which there appears to be no precedent in the Assembly, which is a shame for the Speaker. There are two possible ways, I believe, to interpret standing order 213. There is the first, which Mrs Dunne and Mr Smyth have put. The other is that the sections that the minister has quoted from are the ones that should be tabled. I am of the view that the latter is an appropriate interpretation as long as the minister has tabled the document—the matters she has quoted from. I believe that fulfils the requirement of the standing order. That said, I will check the *Hansard* later to ensure that quotes that Ms Burch gave are contained in the documents tabled.

Mr Coe: You are not going to know.

MR SPEAKER: Order, Mr Coe! I will be able to know, as it happens, because I will be able to read the *Hansard* and if the text Ms Burch quoted from is not there it will be self-evident.

MR COE (Ginninderra): On your ruling, how would you know whether additional quotes and additional facts, which she said, were on that document? Surely based on that ruling, you are going to have a bit of a tough time doing so.

MR SPEAKER: Thank you for your contribution. I have given my answer.

Financial Management Act
Paper and statement by minister

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

> Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Department of Disability, Housing and Community Services, including a statement of reasons, dated 21 October 2010.

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

Leave granted.

MS GALLAGHER: Section 16B of the Financial Management Act "Rollover of undispersed appropriation" allows for appropriations to be preserved from one

financial year to the next, as outlined in an instrument signed by myself as Treasurer. As required by the act, I table a copy of a recent authorisation made to roll over undisbursed appropriation. This package includes one instrument signed under section 16B. The appropriation being rolled over was not spent during 2009-10 and is still required in 2010-11 for the completion of projects identified in the instrument. The instrument authorises a total of $4.797 million in rollovers for the Department of Disability, Housing and Community Services—$220,000 of recurrent appropriation, and $4.577 million of capital injection.

These rollovers have been made as the appropriation clearly relates to project funds or where commitments have been entered into but the related cash has not yet been required or expended during the year of appropriation—for example, where capital works projects or initiatives in which the timing of delivery has changed or been delayed or where outstanding contractual or pending claims exist or where there are delays in implementing budgeted recurrent initiatives.

Recurrent appropriation rollovers include $120,000 for the multicultural radio grants program and $100,000 for the business and industrial relations support for community organisations program. The capital injection rollovers include $4.007 million for the continuation and completion of the establishment of regional community facilities and neighbourhood halls project and $353,000 for costs associated with the construction of the third child and family centre. This project is funded by the commonwealth under a national partnership agreement and details relating to these and other rollovers are provided in the instrument. I commend the paper to the Assembly.

Financial Management Act
Paper and statement by minister

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

> Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Cultural Facilities Corporation, including a statement of reasons, dated 21 October 2010.

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

Leave granted.

MS GALLAGHER: Section 16B of the Financial Management Act "Rollover of undispersed appropriation" allows for appropriations to be preserved from one financial year to the next, as outlined in the instrument signed by myself as Treasurer. As required by the act, I table a copy of a recent authorisation made to roll over undisbursed appropriation from 2009-10 to 2010-11. This package includes one instrument signed under section 16B. The appropriation was not spent during 2009-10 and is still required in 2010-11 for the completion of the project identified in the instrument.

The instrument authorises a capital rollover of $348,000 for the historical places major project undertaken by the Cultural Facilities Corporation. This rollover has been made because the appropriation clearly relates to capital works for which the timing of the delivery has been delayed. Details relating to this rollover are provided in the instrument. I commend the paper to the Assembly.

Financial Management Act
Paper and statement by minister

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

> Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of Shared Services, including a statement of reasons, dated 27 October 2010.

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

Leave granted.

MS GALLAGHER: Section 16B of the Financial Management Act allows for appropriations to be preserved from one financial year to the next, as outlined in an instrument signed by myself as Treasurer. As required by the act, I table a copy of a recent authorisation made to roll over an undisbursed appropriation from 2009-10 to 2010-11. This package includes one instrument signed under section 16B.

The instrument authorises a total of $416,000 capital injection rollover for the Shared Services Centre. The rollover has been made as the appropriation clearly relates to project funds where commitments have been entered into but the related cash has not yet been required or expended during the year of appropriation—for example, where capital works projects or initiatives for which timing of delivery has been changed or delayed, where outstanding contractual or pending claims exist or where there are delays in implementing budgeted recurrent initiatives.

The capital injection rollover includes $416,000 for safeguarding government business: reducing the risk of communication blackouts. The delay to completion is a result of the unavailability of specialist personnel within InTACT's network communication services team and the vendor. The project is expected to be completed by Friday, 29 October 2010, which is tomorrow. Specific details regarding these rollovers are included in the instrument. I commend the paper to the Assembly.

Jerrabomberra wetlands nature reserve plan of management
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:

Jerrabomberra Wetlands Nature Reserve—Plan of Management 2010.

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

Leave granted.

MR CORBELL: The Jerrabomberra wetlands nature reserve plan of management has been prepared under the Planning and Development Act 2007 and I am pleased to be able to present the final plan to the Assembly today. The Jerrabomberra wetlands nature reserve is located on the Molonglo River floodplain, approximately four kilometres east of Canberra city and only a short distance from the Australian government parliamentary zone.

The reserve is small, covering approximately 200 hectares. It is bounded by Lake Burley Griffin to the west and by Dairy Road to the east. The reserve includes the Molonglo Reach to the north and the Jerrabomberra billabongs and silt trap to the south. The wetlands are formed by the backed up waters of Lake Burley Griffin and the pools, channels, streams and paddocks that make up the wetlands mean that it is one of the most valuable freshwater wetland habitats in the ACT.

The presence of permanent shallow water bodies means that Jerrabomberra wetlands are regionally important as a drought refuge and as seasonal habitat for migratory species. In dry periods when Lake Bathurst and Lake George are empty, large numbers of pelicans, cormorants and coots find shelter in the wetlands. Over 80 species of water bird have been recorded at Jerrabomberra, which represents most of the commonly occurring water bird species in south-eastern Australia.

Many other birds not specifically associated with water habitats also occur in the planted woodlands and nearby grasslands of Jerrabomberra. In total, 170 bird species have been sighted in the reserve. The wetlands also support platypus, water rats, invertebrates, amphibians, reptiles and fish. Some sections of the southern bank of the Molonglo Reach provide breeding sites for great cormorants, little pied cormorants and darters.

Internationally, Jerrabomberra wetlands is important because it provides reliable habitat for migratory bird species such as Latham's snipe, which are protected under international agreements that Australia has signed with Japan, China and the Republic of Korea. Locally, the Jerrabomberra wetlands is one of 13 ACT wetlands included in a directory of important wetlands in Australia. It is also listed on the ACT heritage register in recognition of the bird and other wildlife habitat that it provides.

The plan of management defines three management zones for the reserve. Zone 1 and zone 2 give priority to the goal of conserving wetland habitats, water bird populations and landscape character, with controlled and limited public access. Zone 3, while still retaining the conservation goal, provides for a range of public access. These zones largely accord with zoning identified in the national capital plan.

The scope of the plan is limited to the management of the Jerrabomberra wetlands nature reserve. Land use planning in future residential areas adjacent to the nature

reserve is the responsibility of the ACT Planning and Land Authority. By identifying the values of the reserve and the objectives and policies for the conservation of those values, the management plan is also intended to provide guidance for agencies in the planning, design and management of the Kingston Foreshore and East Lake areas.

The central location of Jerrabomberra wetlands means there are increasing pressures on the reserve. The Kingston Foreshore development is bringing higher density urban development close to the western boundary of the reserve, and planning is well underway for the redevelopment of the East Lake area on the south-western boundary. These developments are likely to result in significantly more people using the wetlands and this may have both positive and negative impacts.

The existing reserve infrastructure is currently limited to a number of bird hides, a walking trail, bridge and a recently upgraded bicycle track. The increasing number of people living adjacent to the wetlands will bring with it a range of requirements for additional recreation facilities, stormwater management infrastructure and better access for vehicles, pedestrians and cyclists.

Over the next four years the ACT government will invest over $2.4 million in capital works within the Jerrabomberra wetlands, which includes the development and implementation of a master plan. The Land Development Agency has also committed to investing around $1 million from the sale of the Kingston foreshores.

The master plan will create opportunities for enhancing the wetland habitats and providing new facilities to encourage visitors to learn about the value of the wetlands. It will include detailed site planning and concept designs for particular areas or facilities and will take account of planning for the interface area. The master plan will provide a unique opportunity to build on the existing biodiversity values of the wetland and to ensure that the wetland will attract local, interstate and, potentially, international visitors.

The ACT government has been keenly interested in ensuring that Jerrabomberra wetlands meets its full potential while at the same time protecting the habitat values. A number of roundtable discussions were held with local wetland experts and relevant government agencies to explore issues associated with the urban development adjacent to the wetlands, as well as governance options for the reserve. The Chief Minister also met with the Chief Executive of the UK-based Wildfowl and Wetlands Trust, Mr Martin Spray, when he was visiting Australia.

The ACT government has recently established an interim board of management for the Jerrabomberra wetlands nature reserve, which includes experts in the fields of wetland ecology, ornithology, wetland management and community engagement. These experts come from a mix of community, educational and government institutions and will guide the development and management of the reserve and the master planning process.

While Jerrabomberra wetlands nature reserve is territory land, it is also a designated area under the national capital plan. The National Capital Authority has been consulted throughout the preparation of the plan of management, and the plan is not inconsistent with the national capital plan.

As a disallowable instrument, the Jerrabomberra wetlands nature reserve plan of management does not come into effect until mid-December this year, as the Planning and Development Act requires a disallowance period of six sitting days after presentation to the Assembly. However, in order that members of the public have access to the plan, it will be made available on the Department of Territory and Municipal Services website from today. Printed copies of the plan will be available after it comes into effect. A copy of the final plan will be provided to those individuals and organisations that made comment on the draft.

ACT residents are privileged to have a wetland which provides habitat for more than 170 bird species. It supports Canberra's bush capital title. It is my pleasure to present the Jerrabomberra wetlands nature reserve plan of management to the Assembly.

Education—teachers

Discussion of matter of public importance

MR SPEAKER: I have received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, 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 Mr Smyth be submitted to the Assembly, namely:

> The importance of supporting teachers who assist students with a disability.

MR SMYTH (Brindabella) (3.18): Mr Speaker, I am delighted to present this matter of public importance today but, in another way, I am absolutely disappointed that we have to. It deals with a couple of the most significant issues: first, the way in which we deal with those people in our community, particularly students, who have a disability; and, secondly, the way in which we encourage and support those who teach and, in reality, work very closely with those students.

I am reminded of Minister Barr's words just from Tuesday this week where he opened his statement with the words:

> The most important job for any government is making sure young people get the best possible start in life.

So that is the premise from the minister: the most important job for any government is making sure people get the best possible start in life. Yet the reality of the last eight or nine months is that the families of those young people who most deserve government assistance to get the best possible start in life have been denied that assistance. It is only through the efforts of this place that we have been able to bring the minister to heel to ensure that those families get that assistance.

I refer to an email I had from a family whose child was at the Shepherd Centre, and this is where it all starts:

> The vast majority of kids that come out of the centre go onto main stream schools with normal or even above average communication skills, and are given

> the chance to get on with life by getting around their disability instead of it always holding them back.
>
> This is the sort of preventative health care that should be made a priority.

Indeed, in the *Vitality* publication of 18 April 2010, there is an article entitled "Hearing impaired children keeping pace at mainstream school". What does the article say? The article says:

> New research shows that children who go through the program at The Shepherd Centre do just as well at 'big school' as their mainstream peers. Their centre at Rivett, ACT provides world-class services to hearing-impaired children.

But we had the problem where this was all at threat. In the article the chief executive of the centre says:

> The integration of hearing impaired children into mainstream school is a great outcome for parents of children with hearing loss, as well as the children themselves who can go on to lead fully integrated lives with a chance to reach their … potential.

But of course, the words that the minister started his statement with earlier this week are not words that he believes in; they are words that his actions indicate he does not believe. It was the schools that provide assistance to the hearing impaired before they get to mainstream schools that were under threat, and we have had this flip-flop all year from the minister for backflips as he has stumbled from one position to another.

I would have thought that there would be universal and unanimous agreement about the place of those people who have disabilities in our community, yet what have we seen from this government? This ACT government—a government supposedly of compassion and concern—has set out to hit those who are among our most vulnerable, to disadvantage those who are most vulnerable and their families and pass that burden on to teachers they will encounter later in their education careers. If we truly are to support teachers who assist students with a disability, we must start early and give as much support as we can so that, as they progress, those students get the assistance and the opportunities they deserve.

This is an appalling indictment of this government and the way it is making critical resourcing decisions, particularly in the environment of coping with the silliest of blunt fiscal instruments—the efficiency dividend. However, this is not the time for that critique. This is a time to call the minister to account, and for those of us in the Assembly who genuinely care about children with a disability and their families and those that teach them to say that this minister needs to change his ways. The absolute irony of having the minister open his statement on Tuesday with the words that the most important job for any government is making sure young people get the best possible start in life was that the *Excellence in disability education in ACT public schools: strategic plan 2010-2013* conveniently turned up on the same day.

It is funny, because, when you open the cover, it talks about accessibility, and it says that if you have a difficulty reading a standard document, you can go to a certain

website. If English is not your first language you can go to another site. If you are deaf and hearing impaired, "Please telephone." On one hand the government is saying, "We're going to cut services for the deaf and hearing impaired. We're not going to give them the assistance that they deserve to be fully functioning members of our community. But then we'll provide a service so that, if you are deaf or hearing impaired, you can ring so we can give you some assistance later in life." It is illogical in the extreme, and I think it discriminates against those people as well.

It is interesting, because the minister's excellence in disability education document talks in the introduction about principles of excellence, accountability and fairness. It says:

> … and encourages meaningful, regular communication with all stakeholders, particularly parents.

Unless, of course, you are the parent of a child with a hearing or seeing disability, when the minister will not talk to you at all. He will make announcements; he will duck and run like the coward that he is; he will not stand up to scrutiny; he will not answer the questions. But then he has the absolute gall to produce a document that says that excellence results from a responsive system that supports professional learning and encourages meaningful, regular communication with all stakeholders, particularly parents—unless, of course, those parents have a different view to his.

This document is so discredited by the behaviour of this minister, and his words must be such an embarrassment to this government that it really calls into account his ability to manage his portfolio. Page 3 of the document says that everyone matters when it comes to excellence in disability education—"but I just won't talk to you". It says there are a number of key planks, one of which is building partnerships with families at the school level, at the system level—unless, of course, you disagree with the minister. "When there is uncertainty, I won't meet with you. When I can't answer your questions I won't meet with you. When you hold me to account, I won't meet with you. When the media want to ask me questions, I won't meet with you."

We have got a strategic plan that is absolutely worthless. It is about as worth while as the leadership of this minister on these matters—absolutely worthless. That this fiasco has unfolded raises a number of serious questions about the processes that have been followed by the minister, the role of the minister, the priorities in the department, how information that is critical for the community is promulgated and, indeed, how this government makes decisions.

There is particular concern about the processes that have been followed in this matter. Where was the minister when questions were to be answered? He was nowhere to be seen. He lets the department promulgate the bad news and then answer the questions. This is simply a fair-weather minister with no intestinal fortitude to face the community and argue issues, especially when those issues are contentious.

What do we know about this government's approach to managing teachers who work with students who have a disability? We know that most ACT government departments and agencies have had to cope with an inappropriately called efficiency

dividend. We know that Minister Barr initially accepted the cuts that were being proposed to teachers who deal with students with a disability. We know that, having been caught out by my colleague Mr Doszpot—well done, Mr Doszpot—with this completely unacceptable proposal, Mr Barr then agreed to consultation on the proposed cuts being extended to December 2010. We know that, following sustained pressure—again from Steve Doszpot, in association with concerns from other groups and people, including the parents and citizens association—this proposal has now been abandoned.

This fiasco reveals serious flaws in the decision-making process, if you could call it that, followed by this minister and this government. Indeed in this matter, the only satisfactory description that I can find for Mr Barr is that he is a coward in the way that he refuses to face people. We all know the proposal from the department would have been vetted by the minister and his office. Mr Barr was a coward in not stopping this proposal at that point. The promulgation of the decision—

MR SPEAKER: Order, Mr Smyth! I do not think "coward" is parliamentary language, and I would ask you to find another term.

MR SMYTH: I will find other words—poltroon, sissy—there are numerous words one can use here. The promulgation of this decision was clearly too hot for the minister to make, and Mr Barr left it to his department to front the media and answer questions about the backflip.

The pressure from the community—particularly from the parents of these children, the education fraternity and the Liberal Party—became too severe, and Mr Barr then failed to answer why the decision was made in the first place. The proposal has now become completely discredited, and the minister has moved away from it.

One wants to turn to the credentials of Mr Barr in this whole mess. Minister Barr takes every opportunity to proclaim his economic credentials. We all recall that earlier this week he described himself as an economic rationalist. Members will also recall that Minister Barr professes to know all about micro-economic reform. Unfortunately, all the evidence from this fiasco is that Minister Barr really has no understanding at all of micro-economic reform. He simply does not understand that what he was attempting to do by cutting teachers who work with students with a disability was very simply cost shifting.

This proposal was to shift downstream the costs of working with and caring for students with a disability when they were very young to teachers in the mainstream education system. We would have ended up having to devote even more resources at a much higher cost to working with those students at a later point in life and with a greater personal cost to those students who, for a much longer period of time, may not have been fully able to participate and realise their potential. Even Mr Barr would—or should—realise that it is much more cost effective to work with students with a disability at the earliest possible age. That provides those students with the best possible start to their lives, particularly in responding to some disabilities where early intervention can achieve good outcomes.

Indeed, I refer again to the article regarding the Shepherd Centre:

> The latest data shows that the vast majority of hearing impaired children who graduate from The Shepherd Centre to a mainstream school will score in the 'normal' range for vocabulary (79 per cent) and language (71 per cent) as they enter school.
>
> Meanwhile around 84 per cent of the general population of children will be in the normal range for language and vocabulary skills.

Why would we deny these children those skills at an early age, and why would the minister force this problem downstream so the teachers in mainstream schooling classes will be faced with this problem? When we intervene early, we get better outcomes. If there are good outcomes, this reduces any additional costs that might be required later in life, especially in relation to those caring for students as they move through life. Working with these students at the earliest possible point also assists the families of these students. Better outcomes for the students would be expected; hence, there would be less call on the families' resources to provide the best possible opportunities for these students.

Mr Barr's attempt at micro-economic reform which he told us was being taken to make the Department of Education and Training more efficient would in fact end up costing the community and the department even more in resources. It would simply transfer the cost of working with students with a disability onto teachers working in upper primary schools, high schools, colleges and tertiary institutions. Some sort of economic reform! All Minister Barr was doing was cost shifting, which would have resulted in greater disadvantage for some of our most vulnerable people.

The decision to remove teachers of students with disabilities was not efficient micro-economic reform; it was very, very bad policy. It was inefficient policy and it was a dismal failure. Mr Barr, for all his claimed economic credentials, should have known better. The proposal to remove or reduce teachers from a range of services for students with a disability was a thoughtless act by this minister, an unkind act by this minister and a lazy act by this minister. Ultimately, it was an act that he has had to recant through the pressure of this place. What is more, the hypocrisy demonstrated by this act was compounded by the words used by the minister in his statement made on Tuesday and the document released on Tuesday. There is clearly no commitment from this minister to those words, and it is a wonderful thing for this place to have held him to account.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.33): I thank Mr Smyth for bringing on this matter of public importance this afternoon. As Minister for Education and Training I am determined—as, in fact, I have just been quoted—to ensure that every young Canberran gets the best possible start in life. I am determined that every Canberran reaches their full potential and has the best possible chance to lead a happy, healthy and productive life.

This sometimes involves making tough decisions. It sometimes involves steering reform and change that some may find difficult. It often means copping flak, not least of all from the ill-informed who sit opposite. Clearly, this afternoon it also involves

being called a sissy. That is something that Mr Smyth might want to reflect upon at a quieter moment—whether that was really appropriate or necessary in this chamber this afternoon.

That is a small price to pay for being able to continue to improve and adapt the ACT's education system to meet the changing needs of students. This ACT Labor government has a proud record of investing in education. We are currently investing more than half a billion dollars in upgrading schools and building new schools where they are most needed in Gungahlin, Tuggeranong and soon in the Molonglo Valley development.

Every upgrade is designed to ensure that students with special needs can participate fully in daily school life. Our new schools are also designed to ensure that students with special needs can participate fully. Every time we invest in a facility or service that helps a student with a disability, we assist the teachers who are educating them. Whilst I note the wording of this MPI, for this government the student is at the centre of everything we do in education.

This will not change and I do not apologise to anyone for this. This is particularly the case in the area of disability education. In part, it is because of the growing need. Between 2004 and 2010 the number of special needs students in ACT public schools has increased from 1,606 to 1,869. Over the same period, the average complexity of student need as described by the student-centred appraisal of need has increased from 9.92 to 11.94.

In six years student numbers have increased by 16 per cent and the complexity has increased by 20 per cent. To meet this need, we have invested heavily. I would like to take a moment now to outline some of the measures that have been put in place over the last few years. The 2010-11 budget provided $1.6 million of additional funding over four years to meet increasing needs and the numbers of students with a disability.

Those opposite who have claimed loudly to care about students with disabilities voted against this funding increase. In 2009-10 Labor provided an additional $4 million over four years to non-government schools to assist students with special education needs. Again, the Liberals voted against this. In 2009-10 the budget contained three-quarters of a million dollars to refurbish the Turner school hydrotherapy pool. Students with special needs have benefited greatly from this upgrade. Again, the Liberals voted against it.

At Black Mountain school, numbers have increased from 82 students in 14 classrooms in 2004 to 110 students in 18 classrooms in 2010. Additionally, the student cohort changed significantly. This is reflected in the number of students who are wheelchair reliant increasing from eight to 38. To accommodate these changes it was necessary for the school to systematically upgrade its infrastructure. This work included minor projects such as improving classroom access with wider doors to upgrading bathrooms with safer disabled facilities.

Larger-scale projects included the relocation of two transportable buildings to provide additional classrooms, recreation areas, teacher preparation areas, meeting rooms and

offices. Yet again, these measures were voted against by the Liberals. In 2008-09 we invested $1.34 million to support people with a disability by providing lifts at Alfred Deakin, Lyneham high and Black Mountain school.

In 2009-10 we invested $1.37 million to support students with disabilities by providing new lifts at Belconnen high school and improved disabled access at Hawker college. Again, the Liberals voted against these measures. Unfortunately, the local Liberals, aping their federal colleagues, also do not support federal Labor's building the education revolution program. We, Mr Speaker, on the other hand do and have been pleased to work with the federal government to deliver improvements to every ACT school, benefiting every ACT student.

Under the BER program, students and teachers at the Black Mountain school have seen their school hall doubled in size. It features a new stage and air conditioning. The project, worth more than $1 million, received $850,000 from the BER program plus nearly $200,000 from the ACT government. Again, it is funding that was voted against by the ACT Liberals.

Cranleigh school received refurbished classrooms, wet areas and a storage area under their BER project. Additionally, the library has been refurbished with $210,000 from the ACT government. This is funding that, again, the ACT Liberals did not support. Students and teachers at Malkara school are being assisted with the extension and redesign of three classrooms in the early childhood wing and a range of other refurbishments.

This combined investment by federal and ACT Labor governments, which will cost close to $1 million, has been opposed by the ACT Liberals. At the Woden school students and their teachers are benefiting from the construction of three new classrooms plus a storage area worth more than $1 million under the BER—an investment opposed by the ACT Liberals. A very simple thing that we can do to support teachers who assist students with disabilities is to provide a budget to pay them.

The government does this annually through the budget which the Liberals have voted against for the past three years. In 2009, and again in 2010, the government, in cooperation with the independent and Catholic sectors, has implemented the positive partnership program to support staff and families of students on the autism spectrum. So good is this program that in 2009, 23 schools participated. This year it has grown to 39 schools. This is an in-depth and highly successful program that supports teachers and families working together to provide appropriate strategies for autistic students. The Liberals voted against these staff getting paid.

The inclusion support team comprises 14 teachers with specific experience and knowledge in teaching students with a disability. It provides support to teachers whose classes include students with a disability. This team provides individually tailored professional learning for teachers. The Liberals voted against these staff getting paid.

Our vision support teachers support teachers who have students with vision impairment. This requires specialised professional learning and dedication to enable

them to keep up with changing technologies in the field. For example, this year all of the vision support teachers attended a roundtable to get across the new rules for braille. The Liberals, who claim to care about students with disabilities, continually vote against these staff getting paid.

The hearing support team supports classroom teachers and helps them access professional learning to ensure that their skills remain current. In 2010 this team attended training in auditory skills for students with cochlear implants and they have all attended the international teachers of the deaf conference in Sydney. In addition, individual members of the hearing support team have attended workshops on literacy development for deaf students and specific learning assistance training at Renwick college. The Liberals voted against these staff getting paid. They voted against funding that enables these teachers to keep their skills up to date.

While the government has invested more than any other in this area of disability education in both government and non-government schools, clearly there is more to do. First, though, we must accept that the ACT budget is not a magic pudding, a point lost on those opposite and, perhaps most worryingly, on the man who wants to be Treasurer. We must accept the need to provide the best education possible for all students and to do so within the budget that we are allocated.

We must continue to review and improve the way that we use limited resources to ensure that the education system continues to cater for students with new and differing needs or who live in new or rejuvenating parts of the city. We must ensure that the education system prepares them for a changing world, and this means we must continue to review what we are doing to ensure that we get the best result for taxpayers and the best result—indeed, a better result—in terms of educational outcomes for all students. An efficiency dividend and the associated structural reforms are a small part of achieving this.

This challenge is not unique to government schools. Recently, I, along with the Catholic Education Office and the Association of Independent Schools, launched a series of strategic plans to guide us as we work together for the benefit of students with disabilities in the territory. As I have said in this place many times, the public versus private debate is over and this divide needs to be a thing of the past. At least that is the view of those on this side of the chamber. Labor's approach to disability education and our desire to work with non-government schools proves this.

Last year I commissioned Professor Shaddock to conduct an in-depth review into disability education in the territory. This review now forms a sound basis for long-term planning for disability education. Professor Shaddock in his report acknowledged that the options he put forward might take years to consider, pilot and implement. I think it is worth taking a moment to commend him and his team for such long-term thinking. The contribution made by the Catholic Education Office and the Association of Independent Schools in the development of their strategic plans has set in place a firm foundation for cooperation in this area.

Notably, of course, one of the key recommendations or key options within the Shaddock review was cross-sectoral collaboration—in other words, working together

and learning from each other, learning from each other's schools and from each other's principals and teachers—to share what has been learned from the failures as well as from the many successes and to work more closely together to turn possible failures into future success.

In government and non-government schools there are similar challenges and we are developing different ways to meet those challenges. But also we are developing ways that can be shared for the benefit of all students. That is why a strong partnership in this area is important. That is why I have established the cross-sectoral disability education steering group to draw on the experiences of all schools and to apply the lessons to the benefit of all students. I take this opportunity to thank Moira Najdecki and Andrew Wrigley from the CEO and AIS respectively, and Dr Watterston from the department for their hard work and dedication on this group.

Just as the old public-private debate is gone, so is the old family-school divide. We know that the two most important factors in a great education are, of course, a great teacher but equally the support a student receives from their family. Across the education system we strive to ensure that parents are able to participate more in the education of their child.

Just as we are embarking on a range of reforms to ensure that we continue to attract and retain the very best teachers in our schools, our virtual learning environment will provide students with remote and extra access to resources such as recorded lessons and video conferencing. However, it will also, importantly, offer parents a new and more convenient way to help their child succeed at school through the new parent portal.

When fully rolled out, the virtual learning environment will be another tool to assist students with a disability and their teachers. I am sure that as a result of strengthened partnerships between the public and non-government sectors—innovations like the virtual learning environment—we will see partnerships between families of students with disabilities grow even stronger within their school.

Mr Speaker, the final but most important piece in this puzzle is ensuring we have the very best teachers teaching all ACT students. There is nothing any government can do that will have a greater impact on ensuring that every ACT student gets the best education possible. That is why I believe it is important to change the way we do things. It is why I want to see teaching again become a profession that attracts the best and brightest. That is why I, and the best teachers, want to move away from the current career advancement practices that are in place for public school teachers.

It is why I want to give principals the power to pick who teaches in their school. It is why I want to give principals more power to take leadership roles in mentoring their teaching staff, and attracting and retaining the very best teachers with a faster promotion system, better pay and more recognition.

As I have said a number of times, none of this will come cheap, but I have already demonstrated just how this government is investing heavily in schools and in our students. We must continue to make sure that this investment goes where it will make

the most difference. We currently invest about 30 per cent more in each ACT school student than the national average. NAPLAN results show that we are not getting a 30 per cent better result in terms of education outcomes.

Some reform is needed to ensure that every ACT student gets the maximum benefit out of this significant territory investment. We are going to have to change the way we do things. To ensure that every ACT taxpayer gets the maximum benefit out of this education investment, we have to ensure we change the way we do things.

The same applies to any new investment, Mr Speaker. There can be no new investment without reform. Central to better outcomes is attracting and keeping the best teachers in our classrooms, giving them incentive to strive for better outcomes for their students and removing the shackles the currently highly regulated industrial relations landscape places on teacher creativity and innovation. We are negotiating a new EBA next year. It is a very important opportunity for reform in this area.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.48): I am very pleased to speak on this matter of public importance today and I thank Mr Smyth for bringing it forward.

In the February 2010 ACT school census, of the 65,412 students enrolled in all ACT schools and colleges, 2,348 were students with special needs or a disability. As the minister has stated today, the numbers of students with a disability are growing, and the range of disabilities is also increasing, which adds greater complexity. Therefore it does follow that addressing all the needs means ongoing challenges that need to be tackled. These are challenges that schools and teachers are responding to.

I would like to mention one of the schools in my electorate, Cranleigh special school. This is a wonderful education institution that has been going for many years and has provided a fantastic place for children to participate in learning. Cranleigh provides educational programs for children with developmental delays, autism and moderate to severe intellectual and multiple disabilities in the age range of three to 12 years. It has a range of facilities, including a hydrotherapy pool, a gymnasium, a multisensory room, a sensory garden and outdoor play areas. Its motto is "achieving potential together". It has a partnership with Therapy ACT, which works together with the children, teachers and parents. It collaborates with therapists and parents to develop individual learning plans. Communication, independence skills and information and communication technologies are taught across the curriculum, and assisted technologies allow students to access the curriculum.

I would very much like to congratulate the principal, Ms Karin Wetselaar, and also the deputy principal, Sue Roche, who are both dedicated, along with all their staff, on ensuring that this is a wonderful place for these children to attend. I have visited the school and was impressed by the staff, how they worked with the children and also the working with and connection to the families. Recently, I had the privilege of attending their art auction, along with Mr Coe and Ms Porter. It is a fantastic event that is held every year as part of the school's fundraising.

The principal, Ms Karin Wetselaar, has said:

> For me the most important thing educators can do for students is to help them become independent and to live lives that are rich, meaningful and connected with the community.
>
> I love the community feel of Cranleigh School. The staff are so professional and I learn everyday from the students, parents and carers.
>
> We have just finished writing our School Plan which focuses on improving student learning outcomes and finding useful, meaningful ways to measure progress.
>
> We are always looking at ways we can engage with families, local residents and businesses. I invite you to become part of our community and look forward to welcoming you to our school.

This is a school that is very much also welcomed. It is an incredibly important part of that neighbourhood.

My own children attend a primary school that has disability programs. It is about integration—that is, at the primary level. And at high school, my children have attended a school where there is integration of disability programs and students with disability. It is an important step forward, I believe, to give that opportunity to those students with disability and parents who want their children in a mainstream school being able to be part of that integration.

Of course, we also need to provide other options, because there are other students and other parents who prefer, and feel that their child is better served being in, one of the specialist programs in one of the special schools. We need to understand that this is not a case of one size fits all; there are many different types of disability and there need to be available a number of different programs and venues to deliver those programs. That is where I come to talking about, as I mentioned, the challenges that we have—not just now, but ahead of us.

The ACT Greens have as one of their key education principles a belief that learning for all children is a lifelong process, fostered in both formal education and informal settings from early childhood through to adult life. This is why, when coming into the Assembly in 2008, we insisted that in the ACT Labor-Greens parliamentary agreement there was a provision for an inquiry into programs designed to close the achievement gap and address unmet needs for students with a disability. As it turned out, it was agreed that these would be split into two separate inquiries: the inquiry into the achievement gap and the inquiry into the needs of ACT students with a disability. I am pleased to say that both inquiries have now been conducted and have provided reports to the Assembly, one just in the last fortnight.

It was my fellow Greens MLA Amanda Bresnan, as the chair of the Standing Committee on Education, Training and Youth Affairs, who ran those inquiries. As I said, both inquiries have been completed, but I want to focus on the inquiry into the needs of students with a disability. As I said, the report was tabled within the last fortnight. It contains 30 recommendations around assisting teachers of students with a

disability, the students and their families. The inquiry considered, in the terms of reference, the findings of the Shaddock special education review on leading international and Australian practice in curriculum and pedagogy for students with a disability.

It is important to make the point that the inquiry brought together a range of highly qualified witnesses. Parents came and gave evidence or put in written submissions and there were education practitioners with first-hand knowledge of managing students with a disability. We have their views, and they were taken into account by the committee when making the recommendations. It is important that we look forward to the government response, but it is also important that the Assembly and the government respond to those recommendations.

In the Assembly inquiry report, as I said, there were 30 recommendations; 18 of these call on the Department of Education and Training to implement measures aimed at assisting teachers, students and parents. This work will improve the lot of teachers by targeting areas identified by witnesses in the inquiry. This week the department issued their disability education strategic plan for 2010-13. It is incredibly important that we have a plan, but the critical part is how that plan is implemented. It will be interesting to see how the recommendations and evidence from the inquiry report are taken into account in the implementation of that strategic plan. It is pleasing to see that in that plan the number one strategic priority is to ensure that teaching staff are trained, qualified and well supported. The plan sets down the need for quality professional learning that targets a cooperative and collaborative team approach to supporting students with a disability.

I also want to raise the issue that has been around in regard to the efficiency dividend cuts—the proposals around the efficiency dividend. There were, in the first instance, proposals around blind and vision-impaired children. As we know, those decisions have been overturned. The latest paper from the department, on 19 October, states:

> The efficiency dividend has no impact on the quantum of resources provided to schools, or on Learning Support Assistants employed by schools.

I understand that some parents have organised a meeting to discuss this. I have received notice of a meeting this Sunday. I have contacted one of the organisers, who said that it is being held because there are parents who are still confused. They very much want to just clear the air so that parents of children with a hearing or vision impairment are clear that those cuts have been overturned and will not be proceeding. It really is important that the minister and department clarify that directly with the parents.

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) (3.58): I welcome the opportunity this MPI gives me to highlight some of the measures that Therapy ACT is involved in to support teachers who assist students with a disability. Developmental disabilities place students at a greater risk of compromised educational outcomes. This is why this government considers the provision and support to teachers working with students

who have a disability to be very important. This is reflected in the significant resources Therapy ACT allocates to achieve this objective.

Currently, Therapy ACT delivers a suite of services at a number of levels, including targeting the individual needs of individual students with a disability, working with teachers to support the needs of the general classroom and working with teachers to ensure that the whole school environment is conducive to supporting children with a disability. The flexibility built into Therapy ACT models of service for school-age children allows for teachers to access Therapy ACT support.

Therapy ACT also recognises that different families have differing resources to access therapy services. For some families, it is a lot easier to have services provided as part of a school curriculum. The diversity of service models used by Therapy ACT reflects this and, by working with schools to support particular students who are at risk of disadvantage, Therapy ACT aims to address issues around accessibility for ACT families.

DET and Therapy ACT have been meeting throughout 2010 to develop a service partnership agreement. This has facilitated discussions focusing on supporting teachers in special education settings, including early intervention playgroups, preschools, special education units and children with a disability in mainstream settings. An outcome of this agreement has been the establishment of a professional development working group, which includes membership not only from Therapy ACT and DET but also from the Catholic Education Office.

This group has met to discuss the professional learning needs of teachers and learning support staff, particularly those supporting students with a disability, to plan a calendar of workshops and conferences delivered by therapists from Therapy ACT throughout 2011. Some of the workshops will be collaboratively planned and delivered by Therapy ACT and DET to enable comprehensive content which aims to embed the therapy content into the school curriculum.

Management staff from Therapy ACT's early childhood and school-age teams meet regularly with the executive staff at Black Mountain high, Cranleigh and Malkara schools and, as Therapy ACT has considerable involvement in these schools, regular meetings help address planning, innovations and problem solving.

Therapy ACT is able to support teachers of students with a disability in many ways. Professional learning opportunities for teachers are available both through a comprehensive calendar of events available to all ACT teachers and, additionally, through individual service requests initiated by individual educational settings. Workshops include award-winning programs such as Occupational Therapy's write on program and workshops in areas such as speech pathology, physiotherapy and psychology. Other topics include supporting children with a disability, communication impairment, sensory processing difficulties and autism spectrum disorders.

Speech pathology resource packs have been developed for teachers to help support children with speech and language impairments. To assist schools to initiate referrals

for students they have concerns about, intake packages specifically for schools have been developed and these packs support schools to know how to refer to Therapy ACT and to seek the necessary advice to support students who have a disability.

Therapy ACT and DET have collaborated on the development of policies such as eating and drinking policies to support students with mealtime issues such as swallowing impairments. Therapy ACT also provides a range of service delivery models and programs which are underpinned by a recognition that the school environment is a key consideration in embedding therapy goals into the students' everyday environment.

DET and Therapy ACT have a number of collaborative programs which involve close working relationships between therapists and teacher staff to support students with a disability. These include the language intervention unit and support class language.

Therapy ACT also works closely with DET's specialist schools to support individual teachers of students with a disability. This includes assisting teachers to support individual students and to implement therapy programs in areas such as seating and positioning, communication devices and feeding.

Therapy ACT also visits students in mainstream schools, including special units such as the learning support units for students with autism. These visits are aimed at providing information and support to teachers to help them modify the class program to help the student with a disability access the curriculum. Therapy ACT is also available for advice and support through teachers, through phone consultations and attendance at individual learning plan meetings. In addition to working with teachers, Therapy ACT also works with other education staff who support students with a disability. This includes contributing to the up-skilling and professional learning of learning support assistants and therapy assistants.

At Malkara school this year, Therapy ACT, as part of a pilot project, has provided support through supervision and up-skilling of a therapy assistant. I have been pleased to see the positive impact of this pilot over the last few months. The therapy assistant has been involved in providing individual sessions to students, implementing speech pathology and physiotherapy programs. Additionally, the therapy assistant has assisted to deliver other programs such as equipment-based assistance, toileting, weight-body transfer practice and hydrotherapy aimed at meeting the goals set by parents and therapists, all in the integral learning plan for that particular child. Both DET and Therapy ACT have regarded this trial as having good outcomes and all stakeholders so far have provided positive feedback.

I believe that my department has a very strong track record in supporting teachers who assist students with a disability. The programs that I have just outlined very briefly, along with all the new work that we are doing around the transitions from school, represent a robust, coherent package of support to teachers.

I would like to take the opportunity to thank both the teachers across ACT schools and Therapy ACT staff for the important role they play in the personal and educational development of students with a disability. I commend their work to the Assembly.

MR DOSZPOT (Brindabella) (4.06): I thank Mr Smyth for bringing this matter of public importance into the Assembly today. I think Mr Smyth very appropriately captures what Minister Barr is all about with what he has just said. We indeed have here a fair-weather minister and a coward on the issue that we are debating this afternoon. All Mr Barr did during the 15 minutes allotted to him on the MPI was to give us a litany of budget related—

Mr Barr: On a point of order, Madam Assistant Speaker, I understand that only a matter of half an hour ago the Speaker ruled—

MR DOSZPOT: Can I have the clock stopped, please?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Yes, certainly.

Mr Barr: The Speaker ruled that the word "coward" was unparliamentary. Mr Smyth sought to replace that with "sissy". He can reflect upon that as well.

Mr Smyth: There are a number of words you can use.

MR DOSZPOT: There are quite a number of words, but we are splitting hairs here, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: I invite you to withdraw those words.

MR DOSZPOT: He is a minister who is afraid to address the issues.

MADAM ASSISTANT SPEAKER: Mr Doszpot, I invite you to withdraw.

MR DOSZPOT: I am; I am withdrawing it. I am trying to replace it with another word.

MADAM ASSISTANT SPEAKER: Mr Doszpot, you need to withdraw it. Then you may continue with your speech. You need to withdraw it.

MR DOSZPOT: This is farcical. I will withdraw it for the sake of you asking.

Mr Hargreaves: On a point of order, Madam Assistant Speaker, the imputation that your ruling is farcical is, in fact, a reflection on the chair and I would ask you—in fact, I will do it myself. I invite Mr Doszpot to withdraw that.

MR DOSZPOT: I withdraw that unhesitatingly. That certainly was not meant to be any reflection on the chair. Madam Assistant Speaker, I withdraw the comment to you, which was not a comment to you, and I withdraw the comment about Mr Barr being a coward. But I will replace it with a minister who is so afraid of addressing the real issues.

MADAM ASSISTANT SPEAKER: Thank you, Mr Doszpot. Please restart the clock.

MR DOSZPOT: Thank you. Minister Barr spent the major part of his allotted time talking to us about budget-related issues over the past eight or nine years, trying to denigrate the opposition—the tactical moves that the Stanhope opposition used year after year and, as Mr Barr often does when he paints himself into a circle, he goes on the attack. He has got no answers so he has to hit back in whatever way he can.

The unfortunate part of all this is that during his allotted time he did not for one minute address the matter of public importance that Mr Smyth has raised for us to consider this afternoon. There was one comment that he did make and that was that "education is not always about students". I hope I have quoted him correctly there, but that is to the best of my recollection. I would remind you that this matter of public importance is actually about the importance of supporting teachers who assist students with a disability.

Mr Barr: I'd go and check the *Hansard* before you—

MR DOSZPOT: We will check the *Hansard* and I am prepared to have a talk to you about that later. This is a timely subject in light of the changes Minister Barr has proposed. This MPI is a good grounding for focusing on the fundamentals of what education is all about—as a life enabler for all children. It has been an emotionally charged several weeks with the minister's proposed dividend cuts and lack of leadership. Over the last two weeks we have witnessed monkey and organ grinder politics at its best between Minister Barr and the Greens spokesperson for education, Ms Hunter. It was interesting to hear Ms Hunter accuse me in her remarks in the Assembly yesterday of not working with the Greens.

For the record, this is rather disingenuous. I am glad to hear from some parents this morning that she has finally got around to emailing some of the affected families I introduced her to, after she had rolled the motion to quarantine vital school support services from the dividend cuts last week. Again, leadership is very much about taking responsibility for one's actions. I hope that Ms Hunter in future strives for a clear conscience on this matter.

But back to the matter at hand: it is disheartening to see the government not understand that very basic principles like the need for disability support services is vital in enabling students and teachers to excel in what they do—that being learning and teaching. If the government took the time to listen to the concerns of the parents affected by the minister's targeting of school support services for their children, they would see the overwhelming support by parents for their children's support staff and teachers.

It was also inspirational to see members of the teaching profession step up in the name of defending their students. Madam Assistant Speaker, if I may quote the minister out of context and give the minister's words a less cynical spin, it was inspirational to see the "pure dedication to the profession and the joy of helping develop young minds". To paraphrase a teacher, here is an example:

> I am a Preschool relief teacher, and I see the widespread anxiety and disbelief that this decision has caused.

> I think that you have no idea of the detrimental effect that your decision will have on Early Childhood services across the ACT—immediately, and into the future. These support teachers pass on knowledge, skills, wisdom and expertise, as they visit all Preschools in fulfilling their primary roles of supporting children with difficulties in their class settings.
>
> The decision to cut five special support teachers, the only five, doesn't represent your 1 percent "efficiency dividend"—this is 100 percent of preschool support! There is no-one else who can adequately fulfil these roles.

And here is one we received from an anxious parent:

> I am writing as a concerned parent of a four year old who attends an Early Intervention Unit in Chisholm. We have recently been informed that as of next year we are going to lose our support teacher. This may not seem to be of huge effect to the EIU's but in reality it has a massive impact on our children.
>
> Support teachers give parents like myself a sense of ease as we know that we have the communication between EIU's and preschools and schools that is highly beneficial and necessary for our children to learn and have the education they deserve.

I think these excerpts speak for themselves about the vital importance of supporting teachers who assist students with disabilities. This has to be a holistic approach in combination with teacher professional development and adequate teacher support. Throughout this whole process we have worked closely with the affected families in forcing this government to backflip on key decisions it had proposed.

To name a few, we were successful in bringing about an extension to the government's consultation time frame from their initial period of only 12 days announced at the onset of school holidays, reversal of the government's decision to discontinue two teacher positions from the hearing support team, reversal on the government's decision to discontinue one teacher position from the vision support team, and reversal on the government's decision to discontinue the provision of the disability support officers. According to the minister, the government has reversed its position on the early intervention unit and there will be no change to resourcing or staffing. That said, the two itinerant teacher positions will be replaced by two SLC level positions at 1.5 full-time equivalent.

The inconsistency in the previous parent's letter and what the minister says is telling and highlights the lack of adequate communication, consultation and overall goodwill on the part of the government in its dealings with our school community. Still, there is much for us and the community to do, especially in light of the fact that there is another 1.5 per cent resource reduction in the coming two years.

What is particularly unsavoury is that much of this centres on just trying to get reliable, detailed information for concerned parents as to how support services no longer managed by central office will continue to be delivered in equal or enhanced capacity. This is insensitive on the part of the minister and cruel when we factor in vulnerable student communities.

Education is the great leveller, Madam Assistant Speaker. However, unlike ICT, which seems to be the minister's flavour of the month, students with disabilities is an aspect of education that is not sexy enough to warrant his attention. This is in light of the fact that over and over again teachers in our school system have consistently ranked additional support for student disabilities or behavioural issues in their first or second factor that would most improve student outcomes.

In fact, to add salt to the wound, Minister Barr is quite willing to shift support services to DHCS, as has already been proposed. First, the minister cuts support services to students with disabilities and then he ships them off to the department of disability. Now, Madam Assistant Speaker, this sounds like giving up on disabled students. There is a nuance here that the government fails to understand. Education takes the "dis" out of "disability". If I need to spell it out any further, education, even for students with disabilities, is about giving them ability. Again, it is about empowerment.

As a parent, I know what it means to send your child to school brimming with hope for their future, that they can someday look at themselves in the mirror and be proud of being who they are, no matter what their social station or standing in life might be. I do not think that the minister fully comprehends that in all his sophistry to defend his lack of leadership and cynicism throughout this episode, by targeting families that have always had to defend their children, he has made this personal. This is not micro-economic reform, as he likes to call it, for the many families that were affected. This is a personal attack. You cannot water down the future of people's children like a tick-and-flick checklist. There has to be consideration and consultation on the merits.

Again and again, Mr Barr speaks of changes in service delivery models or that services will be provided directly to schools, but he is scant on any further details. He says that the information is on the website, but it merely parrots the minister's superficial statements. Without being able to articulate specific efficiencies, the minister's first run on the department's efficiency dividend obligations is, in truth, an ugly resource cut.

Much of today's MPI bridges across broader issues in the education system, but we feel that special focus on disability in today's MPI is warranted as so much of the resource cuts were targeted at students with disabilities. It also targets the teachers who must work with these students and provide the best possible outcomes for them. Teachers need to be supported, and not just through professional development programs. Without adequate support staff it means that their work burden and responsibilities increase. *(Time expired.)*

MS BRESNAN (Brindabella) (4.17): I will be very quick. I just want to point out that I was chair of the education committee. The report that we put out on disability education looked at a number of the recommendations put out by Professor Shaddock. The key concerns that came out of that were around individual learning plans and how they are monitored, the way funding is distributed within schools, monitoring outcomes, post-school options and the definition of disability. Those were some of the key issues that came out.

I just want to clarify that Ms Hunter did email the parents on the same day that she met them and sent a link to the revised paper on the efficiency dividend. The point that Mr Doszpot raised was about complex amendments not being circulated in a timely way.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The time for the discussion has now expired.

Liquor (Consequential Amendments) Bill 2010

Debate resumed.

Proposed new amendment 1.23B.

MRS DUNNE (Ginninderra) (4.19): I move amendment No 2 circulated in my name, which inserts a new amendment 1.23B *[see schedule 2 at page 5351]*.

Madam Assistant Speaker, this amendment No 2, which inserts amendment 1.23B, goes hand in glove with the previous amendment that the Assembly passed before lunch. It is essential that they go hand in glove otherwise they will not make sense.

I listened again very carefully to the comments that the minister made in relation to clause 78. It is interesting because when this was debated with the original bill at the detail stage, the minister said that my interpretation was wrong and that it was not meant to look back at the performance of previous occupiers of the site. I thought that that was a wrong interpretation. I think that everybody finally came to the conclusion that that was a wrong interpretation. Now the minister is saying that in fact I was right and he does want to look back at the performance of the site under previous lessees.

The more that I listen to the minister on this, the more I would be concerned if we had the situation as it was. This is because if the Office of Regulatory Services is making a decision in relation to a new licence or the extension of a licence, they need to look at the premises now, as it is, when the licence application is being made.

It is incumbent upon them that they do a thorough inspection, that they are satisfied that it does meet the requirements of the act. If you look back and say that once upon a time it was a problem, you may not be taking into account any improvements that may have been made. I thank Mr Rattenbury and the Greens for their support for the previous amendment 1.23A. I understand that they will be supporting this amendment as well, which goes hand in glove.

MR RATTENBURY (Molonglo) (4.21): Yes, just to confirm off the back of Mrs Dunne's comments, the Greens will be supporting this amendment for the reasons that I stated earlier. Obviously this one does link with the amendment we have already passed. We will be supporting this one as well.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.22): The government will not be supporting this amendment

on the same grounds that we did not support Mrs Dunne's previous amendment. I think Mrs Dunne has misunderstood what I said during the debate on the primary bill, but I will not re-agitate those arguments now because clearly we are not in agreement.

I would simply make the point that, in determining the suitability of premises for a liquor licence or permit, it is essential that the commissioner be aware of any circumstances where the licensed premises have been the subject of criminal conviction or occupational discipline by the ACAT.

Once again, it is immaterial who was convicted or disciplined. What matters is that the commissioner is aware of the history of the premises so that proper consideration can be given to the suitability of the premises to supply liquor. Mrs Dunne's amendment means that is not going to be a power or consideration available to the commissioner and that is going to make the regulation of the industry just that little bit more difficult as a result.

Proposed new amendment 1.23B agreed to.

Amendment 1.24.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.23): I move amendment No 2 circulated in my name *[see schedule 1 at page 5349]*.

This amendment makes clear that the commissioner is not required to consider suitability information about the premises when the licence is being transferred to someone else to facilitate commercial expediency. The commissioner needs to consider suitability information when issuing, amending or renewing a licence or permit to ensure that only suitable premises are approved for a licence or permit.

Amendment agreed to.

Amendment 1.24, as amended, agreed to.

Amendments 1.25 and 1.26, by leave, taken together and agreed to.

Proposed new amendment 1.26A.

MRS DUNNE (Ginninderra) (4.25): I move amendment No 3, which inserts a new amendment 1.26A circulated in my name *[see schedule 2 at page 5351]*.

The bill presented by the government excuses licensees from having to make their risk assessment management plans or RAMPs available for public inspection. However, part of the process involves supplying the RAMP to the commissioner. There is a risk, albeit a minimal one, that a loophole might be available to the public affording them access to the RAMP through the commissioner.

Thus I am introducing an amendment to prevent public access to a RAMP through the commissioner but allowing the commissioner to supply it to the relevant licensee or

permit holder or otherwise as required by territory law, by law in force in the territory. If a person made a freedom of information application for access to a RAMP it would be dealt with under the relevant freedom of information laws and through that process. 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) (4.26): The government will not be supporting this amendment. This amendment is unnecessary because the existing law already protects the information on each licensee's risk assessment management plan preventing the commissioner from giving this information to anyone.

The Assembly should note that section 153 of the Crimes Act makes it a criminal offence for an officer to publish any document in their possession except, of course, to someone to whom he or she is authorised to publish, with a maximum penalty of $5,500 or two years imprisonment.

MR RATTENBURY (Molonglo) (4.27): I have just heard what the attorney said, but I must say that, having thought about this beforehand, certainly for the Greens our best understanding of the legislation is that there is a prospect of a small loophole here. I believe that it is warranted to support the amendment because it will put the issue beyond doubt. On that basis, we think that it seems like a sensible thing to do. I do not think that it is an issue that one should spend too much being concerned over.

Proposed new amendment 1.26A agreed to.

Amendments 1.27 to 1.29, by leave, taken together and agreed to.

Amendment 1.29A.

MRS DUNNE (Ginninderra) (4.29): I move amendment No 4 circulated in my name which inserts a new amendment 1.29A *[see schedule 2 at page 5352]*.

In moving this amendment, Madam Assistant Speaker, I will speak also to my amendments Nos 5 and 6, because they create a set. These amendments provide an alternative approach to that offered by the government in relation to the process to be followed when a staff member or crowd controller confiscates a false identification document from someone.

Under these amendments, confiscation of a false identification document becomes an incident and therefore must be recorded in the incident register. A receipt must be given to the person from whom the document was seized, but the receipt does not need to include the name or signature of the staff member or the crowd controller. It will, however, be required to show the name and address of the premises where the document was seized and the date and the time of the seizure.

Section 131 describes the information that must be recorded in the incident register, which includes dates, times and names. This will provide the necessary tracing trail between the information on the receipt and the information recorded in the incident

register. A later amendment will also require that the incident register record the date and time on which the document was given to the commissioner and a copy of the receipt must be held with the incident register.

These amendments provide efficiency of process and, importantly, they are a more effective way of protecting the privacy of people issuing receipts. This came about because the government has an amendment in the consequential amendment bill that provides some protection. It is very important. It is easy to provide protection and anonymity for a security guard, because a security guard is registered and has a registration number. For the government to provide protection and anonymity in that case just requires that the security guard insert his or her number on the receipt.

But at the same time, perhaps the 19-year-old girl behind the bar who has spotted this irregular documentation would be required to provide her name and possibly her address or phone number to someone who might be a little unhappy that they have been sprung with forged documents or irregular documents.

My staff and I thought for a long while about how it would be best to afford the same protection to behind-the-bar staff as you do to security staff. We came up with this approach which I commend to the Assembly. I think that it goes beyond what the minister set out to achieve. I think that the minister and the department saw that there was a problem with exposing groups of people to repercussions from someone who was being caught out doing something that is wrong.

It is easy to afford the protection of anonymity to someone who has a registration number. Short of coming up with a registration system for bar staff, which would be unconscionable from my point of view, I think that this is the better way of doing it. By making it a reportable incident in the incident register, all the necessary information is contained there. The incident register is not available to the public. The aggrieved person still has a receipt for the documents that they have handed over, but it is not the sort of thing where they could use the information there to pursue someone that had crossed them.

We have also put in an extra step of security which requires the incident register to report when that is handed over to the registrar. I do thank the parliamentary counsel for their assistance with this particular one. I think that they have taken what we wanted to do and come up with a much finer solution than we had originally envisaged.

Mr Rattenbury: It is an elegant solution.

MRS DUNNE: It is a very elegant solution which I think actually makes the act a whole lot better.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.34): The government will not be supporting this amendment. This amendment actually places further administrative costs onto licensees. The amendment, when taken with Mrs Dunne's amendment No 8, which this amendment

supports, would place a further red tape burden on licensees. It would require them to record in the register every occasion when false identification was confiscated at licensed premises.

Licensees are already required to send confiscated identification documents to the commissioner within seven days of seizing the documents and to keep a record. The purpose of the incident register is only to record those incidents which involve serious, violent or antisocial behaviour, which the commissioner should be made aware of so that a proper investigation of incidents can occur and it can be determined whether any licence or regulatory activity needs to be undertaken.

I think members should have regard to the logistics of this. Go to any large nightclub in the city and you will find that they seize hundreds of false IDs almost on a monthly basis. There is unfortunately widespread proffering of false IDs. This amendment will mean that they will have to keep reams and reams of paperwork on those documents. It is simply unnecessary.

There is sufficient provision already in relation to record keeping without this additional obligation. I think it is going to make the life of licensees much more difficult to impose this regulatory burden on them. I would ask members to think again in relation to this particular amendment. It is simply not necessary.

Mrs Dunne has mentioned her other amendments. I will deal with those as we proceed in the debate, but in relation to this matter, I simply ask members to think again about this. When I was out with the Chief Police Officer at one of the larger nightclubs in the city, I had the opportunity to speak with the manager of that large nightclub. It was a very well known nightclub in town that has thousands of patrons visit it every week.

They have hundreds of false IDs that they seize. This is going to require them to keep expansive records on each and every occasion of seizure. It would seem to me to be an unnecessary administrative burden. There is sufficient provision for them, first of all, to provide the seized document to the commissioner and then also to provide a record that they have done that. On top of that, the proposal is to require it to be recorded in the incident register. So they have to record it twice. It just does not make sense. Mrs Dunne is requiring licensees to record the seizure twice. It just does not make sense and the government does not support it.

MR RATTENBURY (Molonglo) (4.37): The Greens will be supporting this amendment and this grouping of amendments. Mrs Dunne has spoken to the whole set and I think it is relevant to do so. We have looked closely at both the point that Mrs Dunne has made and the amendment that Mr Corbell has on this as well. We have formed the view that the most important element here is to ensure that there is a level of protection or a level of anonymity available to the bar staff against what I think Mrs Dunne described as retribution or disgruntled customers who might wish to pursue a staff member who has been involved in the confiscation of their ID.

I think that while that is a protection that is available to security staff—that level of anonymity—there will still be the issuing of a receipt. So that side of things is covered.

The person with the alleged false ID still has a record and a course of action to come back to should they feel the need. But the proposals that Mrs Dunne has put forward I think are the stronger approach and the Greens will be supporting those amendments.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.38): I would invite Mr Rattenbury to reconsider. The amendment currently before us, Mr Rattenbury, is an amendment that makes the seizure of a document an incident under section 130 of the act, requiring it to be entered into the incident register. There is already a legislative obligation on licensees to provide the confiscated ID document to the commissioner within seven days of seizing it and to keep a record of that. So there is already a record-keeping obligation.

Mrs Dunne is proposing in this amendment to establish a second record-keeping obligation. In addition to that, she is now saying that this is also an incident under section 130 and it must be recorded in the incident register. If Mr Rattenbury's concern is about the identification of people who are seizing documents, then that can be dealt with in the other amendments that Mrs Dunne is moving, but it is not relevant to this amendment.

This amendment makes it a legislative requirement for the seizure of a document to be included on the incident register, in addition to the existing legislative requirement to keep a record of that seizure. That is unnecessary. In fact, that is just double handling. That is just recording an incident or recording an activity twice, and it does not make sense.

If Mr Rattenbury is concerned about the other issues that are being raised, about the identity of people who seize documents and protecting their anonymity and protecting them from retribution, then those relate to the other amendments that Mrs Dunne has not yet moved. I will deal with those when we come to them just for the sake of not confusing the debate. But it is very important to make clear that we are dealing with a separate issue here from the issue that Mr Rattenbury has raised in his comments about why this particular amendment should be supported.

MRS DUNNE (Ginninderra) (4.41): I think it is the minister who is confused on this. These sets of amendments go together to create a new approach—not an additional approach: a new approach. Let me just talk you through it here, and this will trespass into the other amendments which have not yet been moved.

As things stand under the current legislation, if someone enters a bar and proffers ID which is believed to be a false ID, the bar staff are required to take it from them and issue a receipt. If that is done by a security officer, they can just put their security number on it. If it is done by a security officer under the regime proposed by the minister in his amendment which is coming up, the security officer would just have to give their individual identifying number and that is it. However, if it is seized by a member of the bar staff, they have to give their full name and some contact details, either an address or a phone number. They cannot put "Joe Smith, c/o ABC Bar". It has actually got to be their address.

This is the issue. The minister has actually recognised this, because under the provisions as they now stand security officers had to do the same. A security officer had to say, "Fred Bloggs." He could not say "c/o Star Security" or "c/o ABC Security"; he had to give his contact details. That has been gotten around, or the minister proposes to get around that. They obviously recognised that it was a problem.

What we have done is come up with a different approach from that which is currently in the legislation. The minister needs to understand this. The receipt will still be issued. There will be a receipt and there will be the compulsory passing on of the information to the registrar. There is one more step, which is essentially a line in an incident register. There is one more step, and that is the place where the identifying information about who seized it will be put. So if Mary Smith who works at the bar seizes something, Mary Smith has to write it on the incident register and has to be on there. Then it has to be ticked off that it has been sent to the registrar within the legislated time.

That is it in a nutshell. There are a number of amendments that you have to do to create this, but what we are doing with these amendments is creating a different approach to dealing with the confiscation of illegal documents. It is still notified to the registrar and it ensures that confidential information about the people who seized the document that they are entitled to keep private is kept private.

Most of my older children have worked in licensed establishments. I know that they have confiscated information like this, and I would have a real problem, as a parent, knowing that, under the law, my children, because they are bar staff and do not have a registration scheme, would be forced to provide their name and address or their name and phone number to some drunk.

That is what it boils down to. It is about providing essentially an occupational health and safety precaution for bar staff, who are, for the most part, our kids. Bar staff out there are generally young people who are working their way through university or getting a second job to save up to do something. This is a mechanism to protect our young people who work behind bars. It is quite simple.

Yes, there is another step. I do not deny that. But it is not an onerous amount of paperwork. There is already paperwork associated with every one of these confiscations. Really what it boils down to is this: "I have received something. I write on a receipt that says, 'I give to Fred Bloggs a receipt for the documentation he provided me because I believe it is wrong'." And it has the name of the licensed establishment on it. Then the licensed establishment register of an incident has the name of the person who collected it. It is a simple step.

The minister obviously recognises that this issue of security is a problem, because he has partly addressed this issue himself. My staff and I spent a lot of time with parliamentary counsel coming up with this. It does look a bit complicated, because there are a number of amendments, but when you put it all together it is actually quite a neat solution. On behalf of the thousands of young people who work behind bars, I implore the minister to reconsider his position, because this is an important measure to look after the security of those young people.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.46): I think we are arguing at cross-purposes here. There are two distinct elements. The issue of anonymity and protection of the identity of people who seize documents is a separate question from the process that we are debating in this particular amendment.

This particular amendment relates to record keeping. That is what it relates to. What Mrs Dunne is proposing to do is to say that the record now becomes something that must be recorded in the incident register. When bar staff or security controllers confiscate an ID, they are doing the right thing. It is not an incident. The incident register is meant to be for something that is an adverse activity—an adverse incident, a problem, something that happens on the premises which is a problem.

The fact that a security controller or a member of the bar staff seizes an ID means that they are complying with the law, not that they are recording something that has occurred that is contrary to the law or is in some other way illegal. They are actually complying with the law. They have seized the document because it is false. So it should not be in the incident register. This duplicates the provision that already exists in terms of record keeping, and we believe that that is sufficient and satisfactory.

The other issues that Mrs Dunne raises are legitimate, and the government has itself got an amendment to deal with that. Because we are having the debate now, I might as well deal with it even though that is not the question before the chair. Because other members have dealt with it, I will ask the chair for some leniency to deal with it.

The other elements that we are talking about in Mrs Dunne's package relate to the issue of ensuring that staff are not identified. The government is proposing mechanisms to deal with that—to make sure that staff are not identified. Obviously, security controllers already have a number that they can use, so that is not an issue there. They are a regulated industry; they have a number and they can use that number.

The government is proposing to address the issue by including the option for the staff member to provide identification other than their name on the receipt, to protect the privacy of the employee. And there is no requirement under the law to sign the receipt. So there is no chance of the young person working in the establishment being identified as a result of doing the right thing and seizing a false ID. That is how that issue can be addressed, and that is the way the government believes it should be addressed.

That is a separate question from the amendment that is currently before the chair. The amendment before the chair is a record-keeping obligation and it is making it an incident that has to be recorded in the incident register. The incident register is for serious notes; it is not for instances where licensees are doing the right thing and confiscating false ID. This provision duplicates and misunderstands the purpose of the register; for that reason the government does not support it.

MR RATTENBURY (Molonglo) (4.50): The minister suggested that we are debating at cross-purposes. I am not quite sure if that is correct, but let me clarify my understanding of events and we will see how we go from there.

I am aware that this specific amendment is about adding a requirement that fake IDs be recorded for the purposes of the incident register. That is quite clear. I understand that that is what Mrs Dunne is seeking to do here. In the comments that I made, I did follow Mrs Dunne's lead to an extent and sought to speak about the whole package. Perhaps that is what has caused some of the confusion here. But I am quite clear, I think, in my understanding—and the minister has not said anything yet to persuade me otherwise—that this works as a package.

Mrs Dunne described it as being a different approach. If we go to Mrs Dunne's amendment 7, and again I seek indulgence to speak off the specific question, it removes the offence of failing to keep a record of all ID confiscated. I understood that Mrs Dunne was moving that amendment because she is seeking to remove the offence, because it is now redundant due to the fact that the confiscation of a false identification is picked up in the incident register, which will now record instances of fake IDs.

So I do not agree with the minister's interpretation that we are now duplicating the paperwork requirement, because we are actually removing it in one place and putting it in a different place.

We can have an argument, which the minister started to move to just now, that the incident register is not an appropriate place for this, but that is a different debate. From a process and paperwork point of view, I do not believe that we are duplicating it; we are moving it. On that basis, we are comfortable that then sits within a package that Mrs Dunne is intending to move, which then relates through to the anonymity question, which there is clearly some agreement on.

That is my understanding; that is the basis on which the Greens are supporting these provisions, this grouping of amendments. I hope that that clarifies our position and perhaps clarifies the discussion.

MR SMYTH (Brindabella) (4.52): Just to clarify the matter, Mr Corbell has had these amendments since Tuesday last week and was offered a briefing. Mr Rattenbury was also offered a briefing, which his staff took up on his behalf, and obviously he has clarity about what is going on here and about a process that reduces the paperwork. There are not two sets of paperwork; it will be kept in one place. Perhaps if the minister had taken up the offer of the briefing, he might be better across these amendments.

Proposed new amendment 1.29A agreed to.

Amendment 1.30.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.53): I move amendment No 3 circulated in my name *[see schedule 1 at page 5349]*.

This amendment deals with that other set of issues that I was referring to earlier. This amendment extends the information required to be included on a receipt given to the person whose identification document has been confiscated at a licensed premise by a crowd controller or staff employee.

It is important that the person who seizes property should provide their name or some other form of identification to the person whose property has been confiscated, for authentication purposes—that is, to establish that they are a person who has authority to seize ID in licensed premises. This information is important information, particularly in circumstances where it is alleged that the seizure was improper. Making provision for crowd controllers and staff members to give alternative means of identification instead of their name protects their privacy.

The government's amendment also includes on the receipt the date and time the false identification was seized and the name and address of the premises where the false identification was seized. This information is also important information to facilitate proper administrative practice. The government amendment goes further and removes the requirement for a crowd controller or staff employee to provide contact details to the person whose false identification was seized.

MRS DUNNE (Ginninderra) (4.55): The Canberra Liberals will not be supporting this amendment. In fact, it is logically inconsistent with our approach. We have to vote down this amendment because otherwise we would create two parallel regimes. The fact that the minister moved this after we agreed to the previous amendment shows that he does not understand the mechanism that is going to follow consequentially from the passing of that first amendment. We cannot have this amendment and the previous one, because then you would have two systems.

MR RATTENBURY (Molonglo) (4.55): Just to clarify the Greens' stance on this, let me say—as I have indicated earlier, and Mrs Dunne has touched on it—that, because we have now set in train and agreed to the package of amendments that Mrs Dunne has proposed, the Greens will not be able to support this one. We believe that it is an amendment that heads in the right direction; I think what the minister is trying to achieve in this amendment is correct. But having agreed to take the other approach, we cannot support this specific amendment.

Amendment negatived.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question is that amendment 1.30 be agreed to.

MRS DUNNE (Ginninderra) (4.56): I move amendment No 5 circulated in my name *[see schedule 2 at page 5352]*. This is the second of the series of amendments that create this new approach to dealing with confiscated documents. I think that we have had a lengthy enough discussion on that already.

Amendment agreed to.

Amendment 1.30, as amended, agreed to.

Proposed new amendment 1.30A.

MRS DUNNE (Ginninderra) (4.57): I move amendment No 6 circulated in my name *[see schedule 2 at page 5352]*.

This amendment inserts new amendment 1.30A. It is the third in the series of amendments that sets in place a new approach to dealing with the confiscation of illegal identification documents.

Proposed new amendment 1.30A agreed to.

Proposed new amendment 1.30B.

MRS DUNNE (Ginninderra) (4.58): I move amendment No 7 circulated in my name which inserts new amendment 1.30B *[see schedule 2 at page 5352]*.

This amendment omits the now redundant subsections 124(6) and (7) of the act, which Mr Rattenbury recently referred to. Subsection (6) creates a strict liability offence if a record is not made of a seized identification document. Seizing an identification document is now a matter that is caught by the requirements to record the details in the incident register. And section 131 sets out the information that must be recorded in the incident register, now including the date and time of seizure and the date at which the document was given to the commissioner.

Section 132 provides a strict liability offence for failure to keep an incident register. So recording the information about the seizure of documents is now covered by that strict liability offence. Therefore, given the provisions relating to the incident register, the need to maintain any separate or additional record for the seizure of an identification document becomes redundant.

Section 124(7), which this amendment also omits, creates another strict liability offence if the record keeping under subsection 124(6) is not kept at the premises for at least two years. This subsection becomes redundant if section 124(6) is omitted.

I commend the amendments to the Assembly.

Proposed new amendment 1.30B agreed to.

Amendments 1.31 and 1.34, by leave, taken together and agreed to.

Proposed new amendments 1.34A and 1.34B.

MRS DUNNE (Ginninderra) (5.00), by leave: I move amendments Nos 8 and 9 circulated in my name together *[see schedule 2 at page 5353]*. These amendments insert new amendments 134A and 134B.

These are the rest of the package. This amendment includes the seizure of false identification documents in the definition of an incident. It is necessary because my

previous amendments require the seizure of such documents to be recorded in the incident register. What needs to be done, just to reinforce it, is this. Firstly, the details of the date and time the seized identification documents were given to the commissioner are to be recorded in the incident register rather than as a separate record, which is the current requirement. So we are taking away one record and putting it somewhere else.

The second thing that this amendment does is require that a copy of the receipt given to the person from whom the identification was seized be kept in the incident register with the record of the incident. This will create an evidence trail that may be required in the conduct of future investigations.

I commend these 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) (5.02): I would imagine that the majority of members are not going to support the government's position, but, for the record, the government will not be supporting this amendment, for the reasons stated in relation to amendment 4. Requiring licensees to record details of confiscations in the incident register misunderstands the nature and purpose of the register, which relates to incidents that go to the licensee's operation of the premises. A licensee who confiscates many false IDs is operating appropriately and should not be burdened in the way proposed by Mrs Dunne.

Proposed new amendments 1.34A and 1.34B agreed to.

Amendment 1.35.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.03): I move amendment No 4 circulated in my name *[see schedule 1 at page 5350]*.

This amendment simply corrects a wrong section reference.

Amendment agreed to.

Amendment 1.35, as amended, agreed to.

Amendments 1.36 and 1.37, by leave, taken together and agreed to.

Amendment 1.38.

MRS DUNNE (Ginninderra) (5.04): I move amendment No 11 circulated in my name *[see schedule 2 at page 5353]*.

This amendment, No 11, and No 12 go together. These amendments omit the draconian measures of a heavy-handed government intent on making it as difficult as

possible for ordinary citizens to go about their daily business. The government bill would create an occupational discipline trigger if a licensee or permit holder contravenes or is contravening any provision in any one or more of a wide range of laws. This includes the Building Code, the Building Act, the Food Act and a whole range of other provisions.

If the government wants to link occupational discipline triggers to laws other than the law under which the licensee or permit holder operates primarily, it should identify the specific provisions that would trigger that process. To make a global provision, particularly across such a wide range of acts, shows, firstly, that the government has taken a high-handed attitude and, secondly, that the government has taken a high-level view of the issues. Its provision lacks detail and it lacks evidence of thought, consideration or consultation.

Each of the acts carries its own penalty provisions. It should be sufficient for those provisions to apply in the normal course. To apply them also as a trigger to occupational disciplinary action exposes licensees and permit holders not only to penalties under those acts but also to the potential or loss of their licence or permit.

The Canberra Liberals cannot support and will not support such wide-ranging and draconian measures, and I encourage members of the Assembly to 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) (5.06): The government will not support this amendment. Amendment 1.38, which the opposition is seeking to omit, makes contraventions of certain acts grounds for occupational discipline. The acts referred to are acts related to the safety of the public.

By making contraventions of the acts grounds for occupational discipline, the government is providing a more effective and immediate method of protecting the public. The opposition is seeking to remove these provisions and saying instead that the commissioner should rely on prosecutions alone. It should be a material consideration for the commissioner to have regard to contraventions of other acts. And that is what this provision allows for.

By seeking to omit it, this means that the commissioner cannot have regard to other unlawful behaviour in a licensed premise. It just does not make sense. It does not make sense for the commissioner to ignore the fact that the licensee may have broken other laws, potentially quite serious laws. And, apparently, Mrs Dunne believes those are not material considerations the commissioner can have regard to in determining the suitability of an applicant for a licence. The government does not support the amendment.

MR RATTENBURY (Molonglo) (5.08): The Greens will be supporting Mrs Dunne's amendment. We do form the view that it is inappropriate for a liquor licence to be potentially revoked because of an offence under another act—for example, the Food Act. An offence under one of the acts the government lists would have its own

occupational discipline processes and measures and should not be linked, we believe, to the Liquor Act occupational discipline measures.

Put simply, we do not believe that a breach of food laws reflects on the ability to hold a liquor licence. Such a breach may have an effect on the ability to serve food but will not reflect on the licensee's ability to safely and responsibly run a licensed venue. We think that there are sufficient measures contained within the Liquor Act to ensure that the licensee is running a safe and responsible venue.

There are sufficient other penalties under those other acts, with their enforcement capabilities, so that the overall safety of the public, which the minister was referring to, will be guarded by the various provisions that are set in place. And on that basis, we will be supporting Mrs Dunne's amendment.

MRS DUNNE (Ginninderra) (5.09): I thank Mr Rattenbury and the Greens for their support on this matter. I did not hold out much hope of shifting the minister on this but I think that it is worth saying that you have to draw a line in the sand. If a licensee breaches the Food Act, the Road and Public Places Act, the Smoking (Prohibition in Enclosed Public Places) Act, the Work Safety Act or any of those acts, there are penalty provisions and they should be dealt with according to those.

But it seems that the government wants to have two bites at the cherry: "If we get you for doing something wrong under those, notwithstanding the penalties that you may have faced in that, we will get you again and we will take your licence away from you." Your licence to run a licensed premises is about your capacity to run a safe and orderly public house, essentially.

As Mr Rattenbury said, there are a whole range of provisions in the legislation and penalties in the legislation and it is enough that they are all there. I think that this is a step too far and it will be making it very hard to do business in this town if these provisions are allowed to stand.

This, of course, is one of the issues. These are not consequential amendments in strict terms. These are new thought bubbles that the government has had on how to make life more difficult for people in business. And the Canberra Liberals are not about making life overly difficult for people in business. I thank Mr Rattenbury and the Greens for their support on this matter.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.11): The Canberra Liberals have just passed an amendment that makes life much more difficult for licensees in relation to the need to report every time they seize a fake ID. So let us just put that one to bed.

But in relation to this particular amendment, having a liquor licence involves a position of trust, a significant position of trust in the community, and the expectation of the community would be that not only are licensees abiding by their obligations under the Liquor Act and associated acts but are also abiding by the law more generally. If it is the case that liquor licensees are showing blatant disregard for

provisions of the Liquor Act and showing blatant disregard for or continuing to breach other laws of the territory, why should that not be a relevant consideration? I would have thought the community would want to know that liquor licensees are people who abide by the law and have regard to the law and do not simply think they can get away with other provisions as long as they abide by the obligations of the Liquor Act.

This is about whether we have people of good standing in the liquor industry or not, and breaches of other territory acts should be grounds for the commissioner to consider whether or not a licensee should continue to be a licensee or indeed become a licensee. And I think it is a reasonable position to put.

You can trivialise it by pointing to some acts like the Food Act and others but the fact is that this applies to all acts. It applies to all acts in the territory. There is a range of quite serious provisions that Mr Rattenbury and Mrs Dunne are saying can be breached and penalties can be brought against those people and then it is not a relevant consideration.

Mrs Dunne: But should they lose their licence?

MR CORBELL: That is not a view that the government supports and the government cannot support this amendment.

MR RATTENBURY (Molonglo) (5.13): The Greens are not seeking to trivialise any of these acts but rather illustrate the point. I think it is an interesting discussion. I think a more relevant one perhaps than the Food Act is the Smoking (Prohibition in Enclosed Public Places) Act which, you might argue, directly comes to the issue of the conduct of licensed premises.

The way I have thought about this is that under that act there is a series of penalties, including criminal sanctions, for breaches of that act, particularly where someone is repeatedly breaching that act, which you may say goes to their fitness to hold a liquor licence. But I am of the view that there are sufficient penalties under that act and if liquor licence holders continue to breach that act the level of penalties will reach a point where their ability to run the business will not be sustainable anyway. But I think that the two things are quite separate.

Mr Corbell just said, "We want to know that people who are holding a liquor licence are not breaching other laws." I cannot think of another circumstance—and I stand to be corrected—where, because of your profession, breaching some other law prohibits you continuing in that profession. There probably are some examples, as I am thinking through it, standing on my feet.

But there are requirements under the Liquor Act to hold a liquor licence. If you breach those, you will lose your licence. There are requirements under other acts and if you breach those you will be penalised for that purpose. And that is the basis on which we have agreed to support Mrs Dunne's amendment.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and

Emergency Services) (5.15): Perhaps to illustrate the government's point in relation to this matter, in relation to breaches of the Food Act, for example, obviously licensees are obliged to sell food as part of their licence conditions. Let us imagine a situation where the licensee is selling food which is contaminated. Let us say it has not been stored properly. Someone gets sick and someone dies, say. Let us say, in the extreme, somebody dies as a result of being serving unhealthy food, improperly stored or prepared food. That goes directly to the operation of the licensed premise. The provision of food is part of their obligation under the Liquor Act and then they have breached another act by selling food that is not fit to eat.

Surely that is a relevant consideration. Surely that is a relevant decision. Are you a fit and proper person to hold a liquor licence if, as part of the condition of a licence, you sell food but you cannot sell food that is not fit for consumption? That is a relevant consideration, I would have thought.

In relation to the broader principle—and this is entirely unrelated to the Liquor Act but Mr Rattenbury raised the issue of the broader principle—there are factors in the law where the breach of one act disqualifies you from having rights or opportunities under another act. And the most obvious of these—and it is an extreme example but I will use it because it is a simple one—is: if you go and murder somebody, you cannot then go and benefit from their will, even though the will may have been legally made.

So we do draw these connections under the law at this point in time. We do have these considerations. And that is an extreme example but I think it is worth while to illustrate the point. And that is exactly what the government is seeking to do.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

Amendment 1.38, as amended, agreed to.

Amendment 1.39.

MRS DUNNE (Ginninderra) (5.21): I move amendment No 12 circulated in my name *[see schedule 2 at page 5353]*.

Amendment No 12 goes hand in hand with amendment No 11, which we have just passed. It completes the process of taking out the occupational disciplinary provisions that would allow people to have occupational disciplinary provisions if they contravene that range of acts that we have already discussed—the Building Act, the Food Act, the Environment Protection Act, the Roads and Public Places Act, the Smoking (Prohibition in Enclosed Public Places) Act 2003 and the Work Safety Act. Seeing that we have already passed amendment 11, it is natural that we have to pass amendment 12 as well.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.22): The government will not be supporting this amendment for the same reasons I outlined in relation to the previous amendment.

Amendment agreed to.

Amendment 1.39, as amended, be agreed to.

Amendments 11.40 to 1.43, by leave, taken together and agreed to.

Amendment 1.44.

MRS DUNNE (Ginninderra) (5.23): I move amendment No 13 circulated in my name *[see schedule 2 at page 5353]*.

This amendment gives licensees and permit holders a bit more time to prepare and submit their risk assessment management plans, or RAMPs, after the implementation of this act. The present requirement is that all existing licensees making an application for a new licence under the new act has to be done by 30 November if they are to avoid having to go through a whole new licence application process, and they must submit a RAMP with their application.

After they have submitted the RAMP with their application, the commissioner has six months to make and communicate a decision in relation to those RAMPs. Albeit that RAMPs in this application phase do not have to include floor plans and ACTPLA certificates, there is a considerable amount of other information required to be included. I sat with a liquor licensee the other day as he took me through his draft RAMP, and it is an extensive amount of information.

All the requirements in relation to the RAMP only became available on 21 October, when the regulations were notified on the legislation register. This leaves licensees with less than six weeks to put their RAMPs together, along with their licence applications. Again, this is typical of this government's unwillingness to work with the industry to ensure that the process it expects people in the community to follow is reasonable and achievable.

My amendment would allow licensees a further period of three months to submit their RAMPs after the commencement of the act. This would give them a better time frame

in which to undertake the work involved and allow them the opportunity to develop a better informed and more consistent document. The amendment provides that the commissioner must not consider the application until the RAMP is submitted. This amendment aligns with the government's transitional amendments in the bill in relation to the provision of any police certificates that may be required to be submitted with the application.

A period of grace of three months is provided, and, until the certificates are received, the commissioner must not decide the application. In this context, I am reminded also that the transition arrangements provide that an old licence remains in force until the application for a new licence is decided. The bottom line effect of this is that the applicants must still submit RAMPs by 1 March 2011, but the commissioner must not decide on the application until the RAMP is submitted. The safeguard remains; the requirement for submission of a RAMP remains. Applications cannot be decided until the RAMPs are supplied, and old licences remain in force in the meantime.

I will put that in context: all of these provisions come into play on 1 December this year. As the situation currently stands, licensees must put in a licence application and a slightly modified RAMP, a RAMP that is lacking some documentation which must be provided later. Once the licence application and the RAMP are submitted, the commissioner has another six months until the beginning of June next year to go through the paper process and approve the licence.

There is already a period of grace that the minister has agreed to in relation to the providing of police check information in relation to the licence. The RAMP is a fairly complicated piece of material, and I think it might be useful for the minister to actually sit down with a licensee and see what they have to do. I did this the other day with a licensee for a smallish venue, and they have to provide a huge amount of information. You have to remember, Mr Assistant Speaker, that once this RAMP is approved, it has the force of law. If the licensee varies from what is in the RAMP, he is in trouble and he risks voiding his insurance.

If the situation remains as it currently is, all the decisions that go into the making of a RAMP have to be ticked off by 30 November, which is five weeks from now. That is a very difficult process for people to go through. We have had a lot of discussion about the importance of RAMPs. We want them to be right. After licensees lodge them, the commissioner has six months. What we are proposing is that, in that six-month period, we give three months to the licensee and three to the commissioner. That would be a reasonable and a fair approach for the very many small business people in the ACT who are going through a very new process without a great deal of information early in the piece from the Office of Regulatory Services and from the government.

All of the information that licensees need only became available a week ago. In five weeks, they are going to have to provide all that information. Then the government gives itself a leisurely six months to sign off on it. The licensees cannot add to that after the drop-dead date of 30 November. What we are asking for here is some leeway for the licensee in the same way as we have got leeway for the commissioner.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.29): The government will not be supporting this amendment. It is essential that licensees submit their RAMPs for consideration by the commissioner with their application packs before 30 November this year to enable the commissioner to determine the fees.

The commissioner needs to know the type of licence being sought and the trading hours to be able to determine the fee payable for the licence. Licensees who wish to trade past midnight to 2 am, 4 am or 5 am will need to pay the new risk-based licensing fees before they are issued with a liquor licence. Licensees who trade to midnight only will not be required to pay any additional risk-based fees.

This amendment does not have the same kind of effect as the amendment allowing more time to provide a police certificate. The RAMP is critical to assessing the risk posed to the community by a licensee and their establishment in the context of the new harm minimisation and community safety principles. It is the Assembly itself that has demanded commencement on 1 December. It needs to be considered carefully by the Office of Regulatory Services. It is the linchpin of the risk-based licensing scheme. An open-ended delay in provided a RAMP will seriously affect the ability of the ORS to license sellers of liquor.

MR RATTENBURY (Molonglo) (5.30): The Greens will not be supporting Mrs Dunne's amendment No 13. We are of the view that the RAMP time lines have been relatively clear. We think licensees are aware of the requirements and can meet them. The minister has just spelt out a number of the points that I was intending to make. We will not be supporting the amendment.

MRS DUNNE (Ginninderra) (5.30): I agree with Mr Rattenbury that the RAMP time lines are clear; they are just unreasonably short. It is not the case that the licence fee cannot be set without the submission of the RAMP. You have to put in your licence application, and that is where the licence fee is determined. The licence fee is determined by the licence, not by the RAMP. The minister and the Greens show by their rejection of this amendment that they do not care about the regulatory impact this will have on the people in the ACT. It is not about avoiding doing the RAMP; it is about giving a reasonable time line in which to do it.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.36), by leave: I move amendments Nos 5 and 6 circulated in my name together *[see schedule 1 at page 5350]*.

The government is moving these amendments to remove the requirement for licensees to provide information to the commissioner about the volume of liquor purchased for sale and the date of each purchase. After consultation with the industry, the government agreed that, on balance, this requirement would place an undue burden on licensees.

The amendment also corrects a reference to the term "the year" with "the financial year". Licensees are required to provide the purchase information for the financial year, not the calendar year. The other change relates to the description of the defined term from "gross price" to "gross wholesale price" to better reflect what is defined.

MR RATTENBURY (Molonglo) (5.37): The Greens will be supporting both of these amendments. Amendment No 5 streamlines the transitional process and makes the task of applying for a licence easier the first time around. Amendment No 6 just corrects a drafting error, and we will be supporting that.

MRS DUNNE (Ginninderra) (5.37): The Canberra Liberals will support the government's amendments in this case. These amendments reduce the detail of liquor purchase information required to be submitted to the commissioner during the term of the expiring licence. Information provided is to enable the commissioner to determine the relevant licence fee to be levied. I do not think it is necessary to get the blood type or the birth date of the wholesaler to do that. The level of detail required was unreasonable.

I think this is one of the few times in this debate that the government have listened and responded to the concerns of the industry, and I thank them for that small gesture. The liquor licensing fee restructure, on the other hand, is the exact opposite. I think there has been very little listening and response in that regard. We have a little movement on determining the fee, but the fee schedule itself is problematic and perhaps a debate for another day.

We will be supporting amendment No 5 and the other amendment, which clarifies the terminology used in relation to the gross wholesale price being the price used in providing the purchase data to the commissioner. These are worthy amendments which we will support.

Amendments agreed to.

MRS DUNNE (Ginninderra) (5.39), by leave: I move amendments Nos 14 and 15 circulated in my name together *[see schedule 2 at page 5354]*.

These amendments correct two minor drafting errors in which reference is made to "chapter" rather than a "part" in the act. There are no chapters in this act, and I commend the amendments to the Assembly.

Amendments agreed to.

Amendment 1.44, as amended, agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Document—tabling
Ruling by Speaker

MR SPEAKER: I would like to come back to a matter arising from question time today. Earlier today, Ms Burch was ordered to table a document she quoted from pursuant to standing order 213. At the time Mrs Dunne raised whether a single page tabled by Ms Burch fully complied with the order to table. Ms Burch stated she had tabled the relevant part, as she had only quoted from that page.

At that time I ruled in support of that but I did undertake to review the *Hansard* and report back to the Assembly, and I wish to do that today, given the timeliness of the matter. The *Companion to the Standing Orders*, at paragraph 13.16, observes that the intent of the standing order is to enable all members to have access to the material quoted from in a document so that they may judge its validity for themselves.

Having reviewed the *Hansard* and the document that was tabled, I am of the opinion that the material tabled is incomplete. Accordingly, I invite Ms Burch to table the remainder of the document. I have flagged with Ms Burch that this is the ruling I intend to make, so I trust she is returning to the chamber. But while she is doing that, as has been demonstrated this afternoon, I believe the application of this standing order does raise some practical difficulties.

On the broader question of what constitutes a document for the purposes of standing order 213, I do not propose to return to that point today, as I would like to give it some further consideration. I also believe it is appropriate for it to be considered and discussed further by the administration and procedure committee. Certainly, the *Companion* indicates that there are quite some matters on this. So I am seeking for Ms Burch to table the rest of the document.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): Mr Speaker, I will certainly ensure that Ms Burch is aware of your ruling. With your indulgence, if I may, can I simply make a comment in relation to your ruling?

MR SPEAKER: Certainly.

MR CORBELL: In regard to these matters, the Assembly needs to have regard to the fact that ministers have extensive portfolio responsibilities—more so in this place than in many other parliaments—and rely, in terms of providing factual advice to members, on a range of written materials to assist with the very broad range of questions that they may be asked during question time.

The ruling that you have just made does have implications for the level of written material that ministers may choose to rely on in the chamber during question time. A consequence of your ruling may be that ministers decline to rely on written material during the answering of questions in this place. That may mean that, given the very detailed questions that members sometimes ask in this place, ministers will simply have to take more questions on notice.

I do not know whether that is in the best interests of the effective operation of question time when the whole point of question time is, of course, to elicit information from ministers about government activities, operations and policy. I think that the Assembly does have to exercise some caution on this matter. And whilst the government is, of course, prepared to abide by your ruling, it does raise some other practical difficulties about ministers being able to be properly briefed on matters that they can reasonably expect to be asked of them in question time without having material—often extensive briefing documents—suddenly made available to all members in this place.

I just make that observation and advise that it may have consequences for how ministers approach the amount of information they have available to them for the purposes of answering questions during question time.

MR SPEAKER: Thank you, Mr Corbell. I am quite cognisant of the points you have made and I think they are important considerations for the Assembly. That is why I have specifically said on the broader question that I would like to give that some further consideration and undertake consultation—

Mr Corbell: I think you have already crossed that threshold.

MR SPEAKER: with members across the chamber. The specific issue with the document that Ms Burch has tabled today is that, in the latter part of the document, there is a specific reference to a figure. Ms Burch today said:

> The information that I have in front of me indicates that there is no clear relationship between the female participation rate and cost …

In the document she tabled it says:

> As illustrated in figure 1, there is no clear relationship between the female participation rate and childcare costs in the ACT.

It is clearly directly relevant. The figure is not in the document. I think that in this very specific instance we do have an incomplete document for the purposes. That is

the limit to which I am ruling at this point in time. I am recognising the points that you raise and I would like to discuss and consider those ones further.

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): I will table the document. I am sure you will be absolutely riveted when you get this document. But I do go to the point that what I said was:

> The information that I have in front of me indicates that there is no clear relationship …

And then I read, almost word for word, if not word for word, a number of dot points that were clearly in the paper that I handed over. I agree with Mr Corbell that if we run the risk of having to table every piece of paper in every bit of document in answer to a question, whether we use that information or not, I think is—

Mrs Dunne: On a point of order, Mr Speaker, I think we are getting to the stage where this is a challenge to your ruling. I think it is disorderly.

MS BURCH: I table the following paper:

> Childcare costs—Figure 1 Female participation rate and annual childcare cost inflation in Canberra—Graph.

MR SPEAKER: Thank you, Ms Burch. We will leave it at that.

Adjournment

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

> That the Assembly do now adjourn.

Taxation—change of use

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.47): In response to question on notice 1173 from Mr Seselja that I answered on 18 October, that "no change of use charge for residential development has been paid since 2010", I think it is important to, in light of the question that was asked in question time today, provide some further clarification of that matter.

No change of use charge for residential development assessed since rectification has been paid. And this is the period during which the full market valuation methodology for residential development proposals has been in effect. The point at which the methodology was corrected is commonly referred to as rectification, and rectification formally took place from 30 April 2010.

For the information of members, a total of $2.8 million has been paid for change of use charge from 1 July 2010 to 30 September 2010, but this relates to both

commercial and residential change of use charges. As members would know, rectification has no impact on the assessment of—

Mr Seselja: How much is ressie?

MR BARR: Hear me out. Rectification has no impact on the assessment of change of use charge for a commercial dwelling. All the change of use charge that was paid to September 2010 relating to residential development proposals was assessed before rectification. In other words, no change of use charge for residential development proposals assessed since rectification—that is, since 30 April 2010—has been paid. $2.8 million in charges have been paid since May 2010, but for the residential development these charges were assessed before rectification. So ambiguity lies in when the charge was assessed and then when it was paid.

I realise this is complicated but I will repeat it: no change of use charge for residential development proposals assessed since rectification has been paid. $2.8 million in charges have been paid since May 2010, but for residential development these charges were assessed before rectification.

Taxation—change of use

MR SESELJA (Molonglo—Leader of the Opposition) (5.49): What we have heard there is, I think, an acknowledgement that what we had was a misleading answer. I think we will need more detail from the minister, and I will put it on the record now. The answer to the question was very clear. It said none had been paid since May. The answer did not refer to when it was assessed, whether it was assessed before rectification or after rectification. It simply said that none had been paid for residential since May 2010.

Now we hear that $2.8 million has come in since June, some of that commercial. We have not been told how much is residential. The minister will have to go a fair bit further in clarifying what appears to be a misleading answer that was given to the Assembly. We look forward to getting more detail from the minister so that we can assess whether, indeed, the minister has misled the Assembly in his answer. It is clear, though, that some residential change of use was paid. We do not know how much. He said that there was none. The answer did not say anything about rectification. It did not say anything about whether or not it had been assessed before 1 May.

In light of what is an incomplete clarification there from the minister, we would seek further information as soon as possible. I think it should be provided to the Assembly before the next sitting so that we can assess exactly how much of an incorrect answer the minister has apparently given to the Assembly.

Community gardens

MS LE COUTEUR (Molonglo) (5.51): I rise tonight to talk briefly about one of my favourite subjects, gardens—and, to be precise, community gardens. I was very fortunate earlier this month to attend a conference about community gardens at the University of Canberra put on by the University of Canberra and COGS, the Canberra Organic Growers Society. It had over 100 participants from all around Australia.

The noticeable thing about it was that everybody there was enthusiastic about their garden. They had a wide variety of reasons why they were enthusiastic. It was an incredibly diverse group of people. Some of the community gardens have been set up, for instance, to help groups of refugees, particularly refugees who came from rural areas in their home countries and who really wanted to have a connection with the soil and actually be able to grow things again. There were long-term unemployed. There was even a community garden for people suffering from brain injury of various descriptions. Of course, there were a lot of community gardens whose major emphasis was growing things and plants.

One of the community gardens I visited earlier this year in St Kilda in Melbourne was a good example of a community garden with a number of agendas. It is a great place. If you are ever in St Kilda, I recommend that you pop by because it is open to the public, I think at all times. It has a covered kitchen space, a bit of lawn for you to sit around and a wonderful garden with some very nice little sculptures in it. People working in St Kilda will go down and sit there to have their lunch or a cup of coffee. There were clearly a lot of very interested people from the high-rise areas who came down there. That is their backyard. That is where they hang out. That is where they do their gardening.

In Canberra we have about 13 community gardens run by COGS and I am aware there is a long waiting list to join them. There is a couple of years waiting list for most of the community gardens in Canberra. COGS is finding itself somewhat stretched in terms of establishing new gardens because the demand certainly far outstrips the supply. One of the things that we should be looking to in our future development of Canberra is providing spaces for community gardens in new suburbs.

The other thing I would like to say, particularly based on some of the wonderful gardens in other parts of Australia, is that we should not look at community gardens as being just for the new parts of Canberra. Every part of Canberra almost certainly has a space that could be turned into a community garden and people who would love to have that community garden. So I commend community gardens to the Assembly.

Question resolved in the affirmative.

The Assembly adjourned at 5.54 pm until Tuesday, 16 November 2010, at 10 am.

Schedules of amendments

Schedule 1

Liquor (Consequential Amendments) Bill 2010

Amendments moved by the Attorney-General

1
Schedule 1, part 1.13
Proposed new amendment 1.23A
Page 11, line 9—

insert

[1.23A] Section 78, definition of *suitability information*, paragraph (a)

omit

involving the premises

substitute

involving compliance of the premises with this Act

2
Schedule 1, part 1.13
Amendment 1.24
Section 78, definition of *suitability information*, proposed new note
Page 11, line 12—

omit the note, substitute

Note 2 The commissioner must consider the suitability information for premises when deciding to issue, amend or renew a licence or permit. The commissioner does not consider the suitability information for premises when deciding an application to transfer a licence to someone else (see s 41).

3
Schedule 1, part 1.13
Amendment 1.30
Page 12, line 14—

omit amendment 1.30, substitute

[1.30] Section 124 (4) (c)

substitute

(c) the date and time the thing was seized;

(ca) the name and address of the premises where the thing was seized;

(cb) for a receipt by—

(i) a crowd controller—the crowd controller's identification number under the *Security Industry Regulation 2003*, section 10; or

(ii) a staff member—the staff member's name, or if the staff member has another means of identification, that means of identification;

Example—other means of identification

an employee number

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

4
Schedule 1, part 1.13
Amendment 1.35 heading
Page 14, line 1—

omit the heading, substitute

[1.35] New section 137 (2A)

5
Schedule 1, part 1.13
Amendment 1.44
Proposed new section 251 (4)
Page 19, line 9—

omit proposed new section 251 (4), substitute

(4) The application must include the following information about liquor purchased by the licensee during the previous financial year to be sold at the licensed premises:

(a) the name and address of the wholesaler from whom the licensee purchased the liquor;

(b) the gross wholesale price paid or payable by the licensee for the liquor.

Note If a form is approved under the Act, s 228, for this provision, the form must be used.

6
Schedule 1, part 1.13
Amendment 1.44
Proposed new section 251 (5)
Page 19, line 22—

omit

gross price

substitute

gross wholesale price

Schedule 2

Liquor (Consequential Amendments) Bill 2010

Amendments moved by Mrs Dunne

1
Schedule 1, part 1.13
Proposed new amendment 1.23A
Page 11, line 9

insert

[1.23A] Section 78, definition of *suitability information*, 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;

2
Schedule 1, part 1.13
Proposed new amendment 1.23B
Page 11, line 9

insert

[1.23B] Section 78, definition of *suitability information*, paragraph (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;

3
Schedule 1, part 1.13
Proposed new amendment 1.26A
Page 11, line 23—

insert

[1.26A] New section 90A

insert

90A Risk-assessment management plan—availability

The commissioner must not make a risk-assessment management plan, or an approved risk-assessment plan, for licensed premises or permitted premises available to anyone, other than the licensee or permit-holder, unless required to do so by this Act or another law in force in the Territory.

4
Schedule 1, part 1.13
Proposed new amendment 1.29A
Page 12, line 13—

insert

[1.29A] Section 124 (1), new note

insert

Note A seizure of a document is an incident under s 130.

5
Schedule 1, part 1.13
Amendment 1.30
Page 12, line 14—

omit amendment 1.30, substitute

[1.30] Section 124 (4) (c)

substitute

(c) the date and time the thing was seized;

(ca) the name and address of the premises where the thing was seized;

6
Schedule 1, part 1.13
Proposed new amendment 1.30A
Page 12, line 21—

insert

[1.30A] New section 124 (4A)

after the note, insert

(4A) To remove any doubt, a staff member or crowd controller giving a receipt under this section need not sign it.

7
Schedule 1, part 1.13
Proposed new amendment 1.30B
Page 12, line 21—

insert

[1.30B] Section 124 (6) and (7)

omit

8
Schedule 1, part 1.13
Proposed new amendment 1.34A
Page 13, line 22—

insert

[1.34A] Section 130, definition of *incident*, new paragraph (da)

insert

(da) involving the seizure of a document under section 124 (1) (Licensee, permit-holder, etc may seize false identification document); or

9
Schedule 1, part 1.13
Proposed new amendment 1.34B
Page 13, line 22—

insert

[1.34B] New section 131 (2) (ca)

insert

(ca) for a document seized under section 124 (1)—

(i) the date and time when the document was given to the commissioner; and

(ii) a copy of the receipt given under section 124 (3);

11
Schedule 1, part 1.13
Amendment 1.38
Page 14, line 18—

omit

12
Schedule 1, part 1.13
Amendment 1.39
Page 15, line 19—

omit

13
Schedule 1, part 1.13
Amendment 1.44
Proposed new section 251 (3A)
Page 19, line 8—

insert

(3A) At the time of making the application, the application need not include the risk-assessment management plan that is required under section 25 (2) (f), however—

(a) the commissioner must not decide the application until the risk-assessment management plan is provided; and

(b) the ***required time*** for the application under section 27 (4) (c) is taken to include a risk-assessment management plan to be provided under this subsection.

14
Schedule 1, part 1.13
Amendment 1.44
Proposed new section 258 (2)
Page 24, line 4—

omit

chapter

substitute

part

15
Schedule 1, part 1.13
Amendment 1.44
Proposed new section 258 (2)
Page 24, line 7—

omit

chapter

substitute

part

Answers to questions

Aboriginal and Torres Strait Islanders—services (Question No 1057)

Ms Hunter asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 26 August 2010 *(redirected to the Acting Minister for Aboriginal and Torres Strait Islander Affairs)*:

(1) Is the Minister aware that in a November 2007 report by Professor Larissa Behrendt entitled What Works? A Research-Based Policy Approach to Working with Aboriginal and Torres Strait Islander Communities it was stated that the Community Inclusion Board would fund research in 2008 related to overcrowding barriers for Aboriginal and Torres Strait Islander (ATSI) people accessing mainstream services; if so, what is the status of this research and is it publicly available.

(2) What work is currently being undertaken by the ACT Government to address the findings of the research.

(3) If the research referred to in part (1) was not undertaken, why not, and will the Government look at doing this research now.

(4) Given that the Community Inclusion Board no longer exists, which body has the lead on researching and publishing reports on ATSI policy.

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

(1) Yes. The Chair of the Community Inclusion Board provided a copy of the report to the Minister on 1 February 2008.

The report *What Works? A Research-Based Policy Approach to Working with Aboriginal and Torres Strait Islander Communities* is publically available at: http://www.cmd.act.gov.au/data/assets/pdf_file/0003/114843/what-works-atsi-seminar.pdf

The research described in the 'next steps' section of the report was not undertaken by the Community Inclusion Board.

The themes identified in the report are reflected in the Community Inclusion Board's principles for understanding and implementing community inclusion in the ACT. These principles conclude the Board's 2009 report to the ACT Government, which is titled: *Sharing the benefits of our community: Building community inclusion in Canberra*.

(2) The ACT Government is addressing the findings of the report in the context of its ongoing work in progressing the 'Closing the Gap' agenda set by the Council of Governments.

The findings in the report will also be taken into account in the *Aboriginal and Torres Strait Islander Service Delivery Framework - Implementation Plan* which is being developed.

Furthermore, the ACT Government is currently funding a whole-of-government project aimed at improving the quality, availability and utility of data regarding Aboriginal and Torres Strait Islander peoples in the ACT. Such information improvements will enable better monitoring of trends over time and the effectiveness of implemented policies, services and programs assisting the development of evidence-based policies.

(3) As part of its ongoing role in undertaking community consultation, the Aboriginal and Torres Strait Islander Elected Body seeks the views of Aboriginal and Torres Strait Islander people in the ACT in order to identify barriers to accessing mainstream and specific services. The Aboriginal and Torres Strait Islander Elected Body advises the ACT Government on this aspect of the proposed research contained in the report.

(4) The Aboriginal and Torres Strait Islander Affairs in the Department of Disability Housing and Community Services is responsible for whole-of-government policy development on issues of relevance to the Aboriginal and Torres Strait Islander community in the ACT.

Finance—departmental loans (Question No 1109, 1125, 1126 and 1127)

Mr Seselja asked the Minister for Women, the Minister for Disability, Housing and Community Services, the Minister for Ageing and the Minister for Multicultural Affairs upon notice, on 26 August 2010:

(1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.

(2) When was each loan entered into.

(3) What is the interest rate and maturity date of each loan.

(4) Who has provided each loan, and how was each loan acquired.

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

(1) As at 30 June 2010 Housing ACT had Commonwealth loans totalling $96.258 million. The Department of Disability, Housing and Community Services has no other outstanding loans.

(2) The loans were entered into in 1989. Prior to self-government, the ACT was not a signatory to the Commonwealth State Housing Agreement and therefore did not receive loan funding to finance is public housing operations or home lending operations. However, when the ACT signed the Commonwealth State Housing Agreement, it was attributed a loan portfolio based upon the Commonwealth loans to the other jurisdictions.

(3) The interest rate is 4.5% p.a. The loans have a range of expiry dates with the last loan due to expire in 2042.

(4) The Commonwealth provided the loans under the previous Commonwealth State Housing Agreement. At the same time, the Commonwealth provided loans for the Home Loan Portfolio on the same terms and conditions. In the late 1990s Treasury took over management of the Home Loan Portfolio on behalf of the Commissioner for Social Housing and these loans will be reported by Treasury.

Education—teacher qualifications (Question No 1176)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 21 September 2010:

(1) What are the current mandatory teaching qualification requirements for (a) Advanced Skills Teachers (AST), (b) Senior Teaching Posts (STP), (c) Band 1 Teachers, other than ASTs and STPs, (i) paid above and (ii) not paid above the 'salary barrier', (d) Band 2 Teachers, (e) Band 3 Teachers, (f) Education Managers and (g) Centre Directors in teaching centres.

(2) Have the mandatory teaching qualification requirements changed at any stage since 1 January 2006; if so, how.

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

(1)
- (a) A degree, diploma or equivalent qualification in education.
- (b) As for (a).
- (c) (i) As for (a).
  - (ii) None.
- (d) As for (a).
- (e) As for (a).
- (f) As for (a).
- (g) As for (a).

(2) No.

Disabled persons—care (Question No 1179)

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 21 September 2010:

(1) How many families have separated from a child/offspring, or adult child, with severe or profound disability in each of the last ten years;

(2) How many of those separations referred to in part (1) occurred (a) as part of a planned process where the separation was planned and staged over a period of time, (b) at the urgent request of the family (took less than two months from the time of request), (c) as a result of the family abandoning their child/offspring in respite or some other service, (d) due to the decision of a government agency to remove a child/offspring with a disability from their family or (e) as a result of some other event or changed circumstance.

(3) How many families abandoned a child/offspring, possibly adult, with a disability in each of the last ten years and what (a) is the age breakdown of the children/offspring with a disability who were abandoned by their family, (b) disabilities did the children/offspring have and (c) activities outside the home were the children/offspring with a disability who were abandoned engaged in and for how much of the time.

(4) What is the current level of need, both met and unmet, for day time care and support for adults with a severe or profound disability.

(5) How can families of adults with a disability register their need for day care so that the person's carers can work.

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

1. Accommodation Support places between 2003 – 2011 have increased by 134 places or an average of 17 places annually over an 8 year period. Data prior to this period was under ACT Health and Community care and I do not have those figures available.

2. All separations are planned and undertaken in consultation with the individual and/or the family regardless of the circumstances. During the period 2003-2011, growth in Community Support (case management and planning services) has grown by 500 places.

   Given the complexity and the long term nature of the interaction between the Department and individual and/or family involved it is very difficult to give precise times that transition took place for the 134 accommodation support places. I am not prepared to authorise the use of considerable resources that would be involved in providing the additional detailed information required to answer the Member's question.

   The Précis of Disability Funding Model (Item 2.5 Natural Support Failure) (www.dhcs.act.gov.au/disability_act/publications/funding_model) anticipates that annually approximately 11 families or individuals will have a breakdown of their formal or natural supports and require either an emergency or crisis intervention. This intervention may be in the form of additional therapeutic, personal or respite support to the individual or their carer; a temporary placement in centre based respite environment; or a permanent accommodation support placement. This funding model reflect years 2004 data and the model is being updated and new information will be on the website by end of 2010.

3. All separations are planned and done in consultation with the individual and/or the family regardless of the circumstances.

   This information is collected in an individual's comprehensive needs assessment tool (Inventory for Client and Agency Planning -ICAP).

   Generally the profile of an individual who may be requiring an emergency or crisis response, whether in or out of home, are young males (16 – 24 years) who have an intellectual disability with a dual diagnosis usually of a behavioural nature. However to answer this question accurately would require an analysis of every support needs assessment undertaken by the Department over the past 10 years as the age range is wide and varied; each individual and family's circumstances are quite unique; and each individual is generally engaged in a range of formal and informal supports. I am not

prepared to authorise the use of considerable resources that would be involved in providing the additional detailed information required to answer the Member's question.

The Office for Children, Youth and Family Support have no records covering the broad scope of this question.

4. The Précis of Disability Funding Model (Section 4 Known Unmet Demand) (www.dhcs.act.gov.au\disability_act\publications\funding_model) indicates a residual unmet need of $6.3 million at the end of the 2005. This figure was update and reported in the ACT Auditor-General's Office Performance Audit Report on Management of Respite Care Services 2009, Chapter 6 at $8.3 million.

5. People who are seeking specialist services related to their disability, or who wish to increase or change the service they receive, are invited to register their details through the Disability ACT Registration of Interest process. The Registration of Interest provides the mechanism for people to alert Disability ACT to their support requirements and enables Disability ACT to link people to services that can provide the necessary supports.

   Specialist disability services may be provided by Disability ACT, community organisations, or may be developed specifically around individual support requirements. Access to specialist disability services is limited, and is prioritised for people who are assessed as being the most likely to gain benefit from them. Access to these services occurs through formal application processes.

   To register their interest, a person or their Guardian can:

   - fill in and sign the Registration of Interest form which is available on the Department's website (www.dhcs.act.gov.au/disability_act/policies) and send it to Disability ACT's Information Service; or
   - give their information over the phone to Disability ACT's Information Service. A draft Registration of Interest form will then be sent to the person for review and signature; or
   - if applicable, the person or their Guardian can send a previous application or assessment that includes the information required for Registration, along with the signature page of the Registration of Interest form.

   The person or their Guardian will also need to provide consent to keep their information.

Disabled persons—support (Question No 1180)

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 21 September 2010:

(1) Can the Minister list the programs and number of applications for disability support funding and services for the last four years, including numbers for successful applications.

(2) What are the criteria for awarding support in the programs referred to in part (1).

(3) What is the level of funding for Individual Support Packages for this financial year and can the Minister provide funding levels for the last four financial years and numbers of people supported under this program.

(4) What is the level of funding for the ACT's disability equipment scheme for this financial year and can the Minister provide funding levels for the last four financial years.

(5) What is the level of funding support for Disability ACT and Therapy ACT to undertake professional development programs and can the Minister list the programs and corresponding funding amounts for this and the previous four financial years.

(6) What is the average minimum level for "high assistance" and maximum level for "medium assistance" packages.

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

(1) Funded programs are outlined each year in the Department of Disability Housing and Community Service Annual report Volume 2.

Applications

Year	Quality of Life	School Leavers	Individual funding /Emergency	Young People in Residential Aged Care	Transition from Hospital
2007-08	114	24	165	4	
2008-09	154	33	77		
2009-10	210	38			8
2010-11	259	51	5	6	

Successful

Year	Quality of Life	School Leavers	Individual funding /Emergency	Young People in Residential Aged Care	Transition from Hospital
2007-08	38	24	84	4	
2008-09	32	33	23		
2009-10	88	38			8
2010-11	119	45	5	6	

(2) Criteria for all Disability Act funding programs are on the Disability ACT website www.dhcs.act.gov.au/disability_act

(3)

Year	Number of ISPs	Expenditure in $m
2006-07	99	6.0
2007-08	124	6.6
2008-09	124	7.8
2009-10	122	8.1
2010-11	133	8.3

In 2006/07:

- Disability ACT assessed the arrangements for a number of people with small, non-recurrently allocated packages generally between $5 000-$10 000 per annum. Many of these were adapted to ongoing block funded arrangements; and
- Individual Support Packages which had been allocated to a number of people in the ACT Government accommodation support service were converted into the agency's base funding.

These changes to the way the funds for services were allocated had no impact on the level of service provided to each individual.

(4) The allocated funding for the ACT Equipment Scheme this financial year (2010/11) is $1,245,694.00. The significant increase is due to the implementation of changes to the ACT Equipment Scheme in 2009/10.

The most significant changes are:

- The ACT Equipment Scheme now fully funds equipment to eligible clients,
- All children under 16 are eligible regardless of their parents income;
- Access for low income earners; and
- Enhancements to the variety of equipment.

The actual operating expenses (including employee costs) to deliver this scheme in previous years was:

- 2006/07 - $685,042.
- 2007/08 - $632,296
- 2008/09 - $504,173
- 2009/10 - $795,808

(5) A range of training programs were offered during this time that supported the capacity of all DHCS staff to comply with legislative responsibilities, maintain professional membership and accreditation and provide quality services to the ACT public.

I am not prepared to authorise the use of considerable resources that would be involved in providing the detailed information required to answer the Member's question.

(6) This is articulated in the Individual Support Packages policy document at: www.dhcs.act.gov.au/disability_act.

Please note the policy refers to Individual grants, small transition support allocation, low to moderate and high and sustained support allocations. It does not use high and medium assistance by way of defining allocation.

Disabled persons—support (Question No 1181)

Mr Doszpot asked the Minister for Disability, Housing and Community Services, upon notice, on 21 September 2010:

(1) Given that The Productivity Commission reported that care and support for a person with severe or profound disability needing "constant support" is around $100 000 per year to provide 64 hours per week, not including holidays and annual leave, and the cost of 32 hours per week for an adult with "frequent support needs" is $50,000 per year, is this an accurate reflection of the cost of care and support for a person with severe or profound disability in the ACT; if not, what is the cost and how is it determined.

(2) How many adults with a disability in the ACT need (a) constant and (b) frequent support.

(3) Would the cost of full-time care and support for a person with severe or profound disability needing "constant support", that is 24 hours, seven days a week all year including holidays, be close to $300 000 per year; if not, what is the cost and how is it determined.

(4) Is an Individual Support Package (ISP), in the ACT, the primary means of providing "constant support" or "frequent support" for people with severe or profound disability; if not, how is the required support provided.

(5) How many adults with a disability who are currently getting an ISP in the ACT need (a) constant and (b) frequent support.

(6) What is the average value of an ISP that the ACT Government provides to a family for care and support of an adult person with a disability needing (a) constant and (b) frequent support.

(7) What additional services, not funded through their ISP, are provided for people with an ISP and what is the average additional cost of services provided for adults with an ISP.

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

1. Data is not gathered in the form of 'constant' or 'frequent support' but rather Assisted Daily Living. Yes the average cost of an accommodation support user in the ACT does reflect the costs quoted.

2. Data is not gathered in the form of 'constant' or 'frequent support'. It is gathered in the form of 'needing help with activities of daily living' (AIHW annual report collected through the National Minimum Data Set and ABS census data).

   In 2010 there are 11,022 people who reported having a disability who are aged 18 and above. The census defined Disability as "needing help or assistance in one or more of the three core activity areas of self-care, mobility and communication because of a disability, long term health condition" (Source; ACT Government projections based on the 2006 Survey of Population and Housing).

   Not all people who have a restriction in one or more of the three core actively areas would need constant or frequent support.

3. The cost for a person living alone, requiring full-time care and support with severe or profound disability needing "constant support", that is 24 hours, seven days a week all

year including holidays with no informal support (a 'full time placement') may exceed $300 000. Disability ACT would only allocate on this basis in exceptional circumstances based on a formal assessment.

4. With the assumption that constant support is 24/7 attendant care the answer is No, ISP is not the primary means of providing this support.

   The majority of people requiring 'constant support' are funded through block funding in a shared accommodation (group home) support arrangement unless the individual and/or family have a preference to enter into an arrangement in which informal carers would supplement the support requirements.

5. There are 27 individuals with ISP's that exceed $100,000 in value and 29 individuals with an ISP allocation that is greater than $50,000 but less than $100,000.

6. Refer above. The maximum allocation of ISP is $125 000 per annum. There are approximately 19 ISP's at that value and above.

7. People with ISPs are eligible to access the full range of universal, community or disability specific services. This includes services funded under the Home and Community Care (HACC) program, services funded by Disability ACT and other government agencies. School, health respite, public or community housing, income supplements, concessions programs (Commonwealth and State) are all services which support adults with a disability. Disability ACT has not costed the range of supports that supplement each individual.

Education—Indigenous students (Question No 1183)

Ms Hunter asked the Minister for Education and Training, upon notice, on 21 September 2010:

(1) Given that many of the "Key actions" in the *Aboriginal and Torres Strait Islander Education Matters – Strategic Plan 2010 – 2013* involve tracking and monitoring data on Aboriginal and Torres Strait Islander students data and progress, has any extra money been allocated to resource this increase in data collection and processing.

(2) Given that one of the "Key actions" under the "Student Pathways and Transitions" heading is to conduct comprehensive research on evidence-based programs for disengaged students, who will be undertaking this research and when will it be undertaken.

(3) Given that under the "Student Pathways and Transitions" is the action to broker education and career pathways with external agencies, has the Department of Education and Training (DET) begun this process; if so, which agencies is DET working with.

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

(1) No additional data collection is required to meet this key action. The Department of Education and Training currently collects data for student performance, attendance, enrolment and other areas mentioned in the Strategic Plan. It is a matter of

disaggregating the data sets to present a clear picture of what progress is being made for Aboriginal and Torres Strait Islander students.

(2) A decision has not yet been made on who will conduct the research or when it will be occurring. This is currently being considered along with other long term actions in the Strategic Plan.

(3) The Department of Education and Training is convening the Aboriginal and Torres Strait Islander Transition Leadership Group. This group will coordinate providers to better support the transition of Aboriginal and Torres Strait Islander young people. The Australian Government's School Business Community Partnership Brokers program is designed to work positively with schools, employers and the community to broker such partnerships. The Department of Education and Training is working with the ACT and Region Chamber of Commerce and Industry to support the establishment of these partnerships.

Arts—funding (Question No 1184)

Mrs Dunne asked the Minister for the Arts and Heritage, upon notice, on 21 September 2010 *(redirected to the Acting Minister for the Arts and Heritage)*:

(1) In relation to each work of public art purchased or commissioned under the percent-for-art scheme since it started, (a) what is the title of the work of art, (b) where is it located, (c) what is the name of the artist, (d) what is the artist's state/territory or, if outside Australia, country of residence, (e) what was the cost of the work of art, (f) what was the total installed cost of the work of art and (g) what recurrent budget has been set for maintenance of the work of art.

(2) In relation to the remaining funding under the percent-for-art scheme, for 2010-11 and the forward years, (a) how much is available for yet to be purchased or commissioned works of art, (b) when will those funds be spent, (c) how many works are under consideration for purchase or commissioning and (d) what is the total installed cost for those works.

(3) Were any works of public art purchased or commissioned using government funds outside the funds allocated under the percent-for-art scheme in the time since the scheme started; if so, in relation to each work of public art purchased or commissioned, (a) what is the title of the work of art, (b) where is it located, (c) what is the name of the artist, (d) what is the artist's state/territory or, if outside Australia, country of residence, (e) what was the cost of the work of art, (f) what was the total installed cost of the work of art, (g) what recurrent budget has been set for maintenance of the work of art and (h) what process was followed to acquire the work of art.

(4) Has the Government provided funding to non-government entities to assist them to acquire works of public art in the time since the percent-for-art scheme started; if so, (a) to which entities was the funding provided, (b) how much was provided to each entity, (c) when was the funding provided, (d) what was the selection process used to determine which entities should receive the funding, (e) in relation to each work of art acquired by each entity using the funding provided by the Government, (i) what is the title of the work of art, (ii) where is it located, (iii) what is the name of the artist, (iv)

what is the artist's state/territory or, if outside Australia, country of residence, (v) what was the cost of the work of art, (vi) what was the total installed cost of the work of art and (vii) how is recurrent maintenance of the work of art to be funded.

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

(1)
(a) Please see table attached.
(b) Please see table attached.
(c) Please see table attached.
(d) Please see table attached.
(e) Please see table attached.
(f) Please see table attached.
(g) An amount equivalent to 5% of each year's Percent-for-Art Scheme was set aside to provide for the repair and maintenance of works commissioned under the Scheme throughout their lifetime. These funds are available for re-current maintenance activities associated with the management of works commissioned under the Percent-for –Art Scheme.

(2)
(a) $220,000 is available under the Percent-for-Art Scheme 2010-11 and 2009-10, 2010-11 Capped Public Art Funding allocations for yet to be purchased or commissioned works of art.
(b) It is anticipated that these funds will be fully expended in 2011-12.
(c) Currently being determined.
(d) Currently being determined.

(3)
(a) Please see table attached.
(b) Please see table attached.
(c) Please see table attached.
(d) Please see table attached.
(e) Please see table attached.
(f) Please see table attached.
(g) Funds were set aside in the 2009-10 funding allocation to public art for the strategic asset management of the collection. This funding was for routine and reactive maintenance and refurbishment of existing works in the collection. Maintenance of artworks is generally funded from within the budget of the agency that owns the asset.
(h) Please see table attached.

(4) No.

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

Children—foster carers (Question No 1186)

Mrs Dunne asked the Minister for Disability, Housing and Community Services, upon notice, on 21 September 2010:

(1) What was the cost to the ACT Government of the launch of the ACT Foster Carers' Recruitment initiative, held at the Aboriginal and Torres Strait Islander Cultural Centre on 14 September 2010.

(2) What was the breakdown of the cost referred to in part (1) for (a) venue hire, (b) refreshments, (c) printing and (d) other.

(3) How many people (a) were invited and (b) attended the event.

(4) How many of those (a) invited and (b) attending were from non-government sectors.

(5) What media was present at the event.

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

(1) The total costs associated with the launch of the ACT Foster Carers' Recruitment Initiative held at the Aboriginal and Torres Strait Islander Cultural Centre on 14 September 2010 was $1897.00

(2) The breakdown of these costs is as follows:

(a) Venue hire: $200.00

(b) Refreshments: $407.00

(c) Printing: invitations to attend the launch: $740.00

(d) Other:

- Hire of a coach to transport Palmerston Primary School choir to and from the event: $200.00
- Engaging Aboriginal elder, Ms Agnes Shea to conduct the Welcome to Country: $350.00

(3) (a) Approximately 550 people were invited to the launch.

(b) Approximately 60 - 70 people attended the launch.

(4) (a) Approximately 350 of those invited were from the non-government sector.

(b) Approximately 45 of those attending were from the non-government sector.

(5) Media present at the event included the Canberra Times and WIN Television.

Health—young persons' mental health facility (Question No 1188)

Ms Bresnan asked the Minister for Health, upon notice, on 22 September 2010:

(1) When will the results of community consultation on the Draft Preliminary Models of Care for the Adolescent and Young Adult Mental Health Inpatient Unit (young persons' facility) be publicly released.

(2) What will be the next stage of consultation for the young persons' facility.

(3) What is the timeline for the finalisation of plans and the construction of the young persons' facility.

(4) Will the $645 000 rollover for the young persons' facility in the 2010-2011 budget be further rolled over to the 2011-2012 budget.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) Once ACT Health has received advice from the Government Solicitor's Office in relation to the operation of the facility in the context of the Children's and Young Person's Act, the model of care will be able to be finalised. Once finalised, the model of care will be publicly released. I have been advised that hopefully this will be within the next month.

(2) The next stage of consultation will be on the design options for the facility. This will commence once the model of care is finalised.

(3) The design options study will be completed by December 2010. Principal consultants will then be engaged to develop detailed designs. A business case seeking funding for construction will be submitted for consideration by Government.

(4) It is anticipated that the funding will be fully expended in this financial year.

Housing ACT—tenants
(Question No 1190)

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 22 September 2010:

(1) What is the largest cohort of lifetime Housing ACT tenants to whom dwellings are rented, that is, single males, single females, couples, with or without children.

(2) How many Housing ACT dwellings are rented to single mothers and single women.

(3) What percentage of Housing ACT dwellings are rented to single mothers and single women

(4) How many single mothers and single women live in stand alone Housing ACT dwellings and how many live in dwellings that are not standalone, for example, units, flats or apartments.

(5) How many people in the last 10 years have purchased a Housing ACT property through the Sale to Tenant and Shared Equity Schemes and how many of those people were single mothers and single women.

(6) How many single mothers and single women currently rent Housing ACT dwellings that are not standalone and which the ACT Government does not intend to make available through its Sale to Tenant and Shared Equity Schemes.

(7) Where a Housing ACT dwelling is not available for the Sale to Tenant and Shared Equity Schemes, can the Government make other Housing ACT properties available to the tenants for these Schemes; if not, why not.

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

(1) Without a clear definition of "lifetime" this information cannot be provided.

(2) Housing ACT records indicate that 4,356 dwellings are occupied by single women (2,821) and single mothers (1,535).

(3) The overall percentage of dwellings tenanted by single women and single mothers in Housing ACT dwellings is 38%. With single women representing 25% and single mothers representing 13%.

(4) Stand alone dwellings – 1,144 single women and 1,134 single mothers. For non stand alone dwellings 1,677 for single women and 401 single mothers.

(5) In the past 10 years there have been 398 properties sold to tenants through the Sale to Tenant Scheme, of which 170 were to single women, including single mothers. To date two properties have been sold through the Shared Equity Scheme – one property was sold to a single mother with one child. A third property is awaiting final settlement and the prospective purchaser is a single father with one child.

(6) Refer answer to question (4). Properties located in Multi-unit complexes (with the exception of private body corporate managed complexes) are not available for sale because they are not separately titled. Tenants residing in properties located in private body corporate managed complexes are able to apply to purchase their property.

(7) Housing ACT homes are only sold to the tenants who are occupants of the homes under both the Sale to Tenant scheme and the Shared Equity scheme. All other tenanted Housing homes are generally not available for sale until the tenancy ceases. Housing ACT dwellings that are for sale are advertised and auctioned through private real estate agents.

Pest Plants and Animals Act 2005 (Question No 1191)

Mr Rattenbury asked the Minister for Territory and Municipal Services, upon notice, on 23 September 2010 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) How often is the Declaration of Pest Plants and Animals updated.

(2) What is the mechanism by which nurseries receive information about plants that are not permitted to be sold in the ACT.

(3) How often do nurseries receive updated information about plants that are not permitted to be sold in the ACT.

(4) What measures does the ACT Government undertake to ensure nurseries comply with the Pest Plants and Animals Act 2005.

(5) Does the ACT Government undertake inspections of nurseries to ensure they are not breaching the Pest Plants and Animals Act 2005; if so, how often.

(6) Can the Minister provide a list of nurseries that have been inspected and the dates on which inspections have taken place.

(7) How many nurseries have been found to have been in breach of the *Pest Plants and Animals Act 2005* by selling prohibited species at their nurseries since the Act has been in operation.

(8) What notifications of breach and/or penalties have ensued and can the Minister provide the dates and names of nurseries where a notification of a breach has been issued or a penalty has been applied.

(9) Were any nurseries charged with offences under the Pest Plants and Animals Act 2005 when it was discovered in April 2010 that Mexican Feather Grass had been sold at ACT nurseries.

(10) How does the Government prevent the importation of weeds from interstate.

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

(1) The declaration was last reviewed by the Manager of Biosecurity, Land Management and Planning Section of Territory and Municipal Services (TAMS) in January 2010.

(2) When new environmental weeds are either identified within the ACT or have the potential to impact the ACT, the plant is added to the Schedule 1 pest plant list. Once that process is completed, officers from TAMS contact all ACT and local district nurseries informing them of the change and providing them with a copy of the updated schedule.

(3) Whenever the Schedule 1 pest plant list is updated. The most recent update occurred in January 2010.

(4) Nurseries are provided with an up-to-date list of pest plants when new environmental weeds are added to the Schedule 1 pest plant list. Spot checks are also conducted annually, or as required, eg, in response to allegations that nurseries may be selling prohibited plants.

(5) Yes, annually or on an ad-hoc bases (for example, in response to confidential reports of alleged sales of prohibited plants).

(6) Yes. Rodney's Nursery, Bunnings Tuggeranong, Bunnings Belconnen, Big W Gungahlin and Gold Creek Green and Gold were spot checked during 2009. Plant and seed sales on eBay were also checked during the year following alleged sales of pest plants. Spot checks for 2010 are scheduled for Spring.

(7) When the Act was implemented, the focus of TAMS staff was to inform and educate nursery proprietors about the new legislative provisions. All nurseries in the district were visited and inspected soon after the legislation was enacted and most of the breaches were detected during these inspections. Once they were made aware of the pest status of the plants (mainly broom and willow species), the proprietors immediately and voluntarily removed them from sale.

(8) No penalties were imposed as the breaches were primarily due to mislabelling or ignorance of the pest plant status during the period immediately after the new legislation came into effect.

(9) No. The plants had been mislabelled by the wholesalers and were immediately removed from sale.

(10) The importation of weeds from interstate is prevented through a combination of educating nurseries, annual inspections and the ad hoc checks that occur during the year.

Courts—restorative justice (Question No 1192)

Mr Rattenbury asked the Attorney-General, upon notice, on 23 September 2010:

(1) In relation to the potential extension of restorative justice to adult offenders and the Government response to recommendation 16 of Report 4 from the Standing Committee on Justice and Community Safety entitled *Report on Annual and Financial Reports 2008-2009* and given that the Government response stated, in part, that "the Government has considered options to expand the scheme to adults as resources permit", what options have been considered.

(2) Given that the Government response also stated, in part, that "it is not appropriate to make public deliberations in relation to this matter", what are the reasons that make it inappropriate for deliberations on the options to be made public.

(3) In relation to answers provide to questions Nos 352 and 353 taken on notice during the Estimates hearings for the 2010-11 Budget which read, in part, that "a full expansion to adult offenders was originally estimated to result in doubling the number of total referrals … there is no reason to believe that this is still not the case" and that "the restorative justice unit's budget for 2009-10 was $602 664 … in addition, ACT Policing funds one convenor position to conduct conferences for police referrals … the cost to ACT Policing is $103 348", from the figures provided and using the assumption that an expansion to adult offenders would double the number of referrals, is $706 012 one potential additional annual cost involved in such an expansion, for example, cost of doubling the resourcing of existing restorative justice unit plus cost of an additional convenor position.

(4) Has the Government considered any other expansion models that would result in less than a doubling of referrals; if so, what are those options; if not, why not.

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

(1) The Government has considered the following options:

- A one-off, full expansion that would allow all offenders, whether adult or juvenile, and all offence types, to be referred to restorative justice (known as "Phase 2");
- An incremental expansion over four years, resulting in all offenders and all offence types becoming eligible to be referred to restorative justice;
- Providing skeleton resources to commence Phase Two, which would allow time to clearly identify the resources that would be required to sustain Phase Two;
- Engaging a mix of permanent and casual staff to meet the expected peaks and troughs in workload once Phase Two has commenced;
- Restricting access to restorative justice by setting eligibility standards that eliminate the referral of low level crimes; and

- A partial expansion of Phase Two that would limit access to restorative justice by age of offender.

(2) Deliberations by Government on what programs and projects to support are often subject to Cabinet-in-Confidence themselves or are related to matters that are subject to Cabinet-in-Confidence. It is not appropriate for the Government to make public its internal deliberations on such matters.

(3) The current workload of the Restorative Justice Unit is managed by 2.4 FTE convenors and 1 FTE convenor funded by the AFP – this equates to approximately 70 cases per convenor per annum. There is also an administrative support officer (1xAS04) and a manager (SOG B) who carries a small caseload from time to time to manage spikes in referrals.

Should the restorative justice scheme be expanded to include young adult offenders, it is estimated that an additional 3 FTE convenor positions would be required to manage the expected increase in workload at an estimated recurrent cost of $.330m.

(4) Any expansion of restorative justice into the adult arena (i.e. those aged 18 years and older) is likely to create a substantial increase in workload. For example, it is likely that numbers would still double if Phase Two was expanded to only include offenders aged 19, 20 and 21 years.

People aged 15 to 19 years are more likely to be processed by police for the commission of a crime than are members of any other population group. The next group most likely to be processed for the commission of a crime is those aged 20 to 24 years of age. In 2006–07, the offending rate for people aged 15 to 19 years was four times the rate for offenders aged more than 19 years (5,735 and 1,305 respectively per 100,000).[1]

The Government has considered limiting the eligibility of offences that would result in less than doubling of referrals; however, the disadvantages with this approach are that groups of offenders and victims would be arbitrarily denied access to restorative justice and the scheme would become confusing to understand and administer.

[1] AIC, Australian Crime – Facts and Figures 2008

Crime—victims
(Question No 1193)

Mr Rattenbury asked the Attorney-General, upon notice, on 23 September 2010:

(1) In relation to the annual funding provided to the Victims of Crime Coordinator since the *Victims of Crime Act 1994* commenced and noting that prior to 2005-06 the total annual funding provided was not reported in the annual reports for the Victims of Crime Support Program, does the Government have records of the total amount of funding provided to the Victims of Crime Coordinator from when the Act commenced in December 1994 until the financial year 2004-05; if so, what are the total annual figures for the 11 intervening financial years; if not, why not.

(2) If the Government does not hold the records referred to in part (1), was the Coordinator funded part of a larger organisation and can the Minister indicate what

proportion of the total funding went to the Coordinator; if so, what was the total figure provided to the larger organisation and what proportion went to the Coordinator; if the Government does not have those records, why not.

(3) Does the Government have records of the number of staff employed by the Coordinator for each financial year since 1994; if so, what are the annual employment figures for the Coordinator; if not, why not.

(4) Since the creation of the Victims Services Scheme in the Act in 1998, has the amount of services provided to victims under the scheme been quantified in a monetary sense on an annual basis; if so, what are the annual figures and are those figures counted as part of the total funding provided to the Coordinator; if the Government does not have those records, why not.

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

(1) and (2) Prior to 2007, the Victims of Crime Coordinator (VoCC) function was hosted and administered within the ACT Courts budget. From 1995 to 2000, funds were allocated within the ACT Courts budget to meet the cost of a SOG C position including associated administrative costs (eg computer, phone, training etc). From 2000 to 2007, funds were allocated within the ACT Courts budget for a SOG B and an ASO6 position including associated administrative expenses. During this period, the Magistrates Court also met associated office costs (eg rent and outgoings). Records with disaggregated data have not been identified in relation to the VoCC's functions prior to 2007 because financial and human resources reporting was consolidated within the ACT Courts' records during that period. An estimate of equivalent funding for a SOG C position is $0.128m pa in today's dollars, equivalent funding for SOG B and ASO G positions is $0.265m pa in today's dollars. Both estimates include salary, employee oncosts and associated administrative costs.

(3) From 1995 2000, the VoCC was employed as a SOG C level.

During the period 2000 2007, the VoCC was employed at the SOG B level and an ASO 6 was also employed.

In January 2007, 6.2 Full Time Equivalent (FTE) staff of Victim Services Scheme (VSS) were transferred from ACT Health to the Department of Justice and Community Safety. From July 2007, the VoCC assumed responsibility for Victim Support ACT, which comprises both VoCC and VSS functions. FTE numbers for Victim Support ACT are as follows:

	FTE
2007-08	10
2008-09	17
2009-10	15

(4) Prior to January 2007, VSS was delivered by ACT Health with funding provided by the Department of Justice and Community Safety. The Department of Justice and Community Safety allocated the following budget for VSS (1999 00 to 2006 07 inclusive), including payments made to VOCAL, and Victim Support ACT (2007 08 to 2009 10 inclusive), incorporating VoCC:

	$'000	Notes
1999-00	1,135	
2000-01	1,159	
2001-02	1,175	
2002-03	1,181	
2003-04	1,188	
2004-05	1,119	a
2005-06	1,121	
2006-07	1,152	
2007-08	1,890	b, c
2008-09	2,002	d
2009-10	2,091	

Notes:

a 2004 05 budget onwards includes transfer of $0.1m to DPP for a witness assistant;

b 2007 08 budget onwards includes VoCC resources transferred from ACT Courts;

c 2007 08 budget onwards includes additional $0.531m pa indexed provided in the 2007 08 Budget initiative "Expanded Services Delivery to Victims of Crime";

d 2008 09 budget onwards includes additional $0.119m pa indexed provided in the 2007 08 2nd Appropriation initiative "Sexual Assault Reform Program".

Water—Molonglo
(Question No 1194)

Mr Rattenbury asked the Minister for the Environment, Climate Change and Water, upon notice, on 23 September 2010 *(redirected to the Minister for Planning)*:

(1) Has the Government undertaken any cost benefit analysis of the provision of non-potable water to Molonglo households, including the option of building a third pipeline; if so, who undertook this cost benefit analysis and when.

(2) What different options were modelled in any cost benefit analysis.

(3) What were the key scenarios that were included in any modelling that was undertaken.

(4) Can the Minister provide any cost benefit analysis that has been undertaken.

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

(1) Yes, the ACT Planning and Land Authority (ACTPLA) managed a jointly funded study (ACTPLA and ACTEW) to prepare a Molonglo Valley Urban Water Management Strategy which included a triple bottom line/ sustainability assessment of all available options for water supplies at Molonglo including third pipeline options.

This was undertaken by an international consulting firm, Kellogg Brown and Root, who are specialists in this field. The study, which was completed in January 2007, included workshops involving a number of government agencies - the Department of Territory and Municipal Services, Department of Environment, Climate Change, Energy and Water, the Environment Protection Authority, the Land Development Agency and ACTPLA, as well as ACTEW and ActewAGL.

(2) A list of 18 options was considered and inter-agency workshops were undertaken during the preparation of the strategy.

Seven short-listed options were investigated in more detail as listed below;

- Option 1: dual reticulation from Lower Molonglo Water Quality Control Centre (LMWQCC) for irrigation of public open space;
- Option 2: dual reticulation from LMWQCC for irrigation of public open space, residential garden watering and toilet flushing;
- Option 3: sewer mining from Molonglo Valley Interceptor Sewer (MVIS) for irrigation of public open space;
- Option 4: sewer mining from MVIS for irrigation of public open space, residential garden watering and toilet flushing;
- Option 7: environmental flow substitution;
- Option 10: stormwater harvesting from the on-line pond for irrigation of public open space; and
- Modified option 14: installation of on-block rainwater tanks for garden watering, toilet flushing and laundry use.

The conclusion from the study was broadly that the provision of non-potable water supplies to individual households in Molonglo Valley would be very expensive (in excess of $300 million and possibly significantly more) and that the best option for Molonglo Valley at this stage would be to implement water sensitive urban design (WSUD) principles and practices widely throughout the area and to implement a conventional water supply and wastewater management system for the area - taking advantage of the existing trunk infrastructure in the area.

As the Government has briefed the Greens, subsequent to the report, ACTPLA and DECCEW are implementing the Canberra Integrated Urban Waterways program including new ponds in Molonglo Valley for stormwater harvesting for irrigation of nearby sports fields.

(3) The scenarios modelled in the investigations are provided in the report.

Key modelling parameters included a future population of 75,000 and achievement of a minimum 40% potable water saving.

(4) The 2007 Kellogg Brown and Root report includes the cost benefit and sustainability assessment. A copy of this report can be provided to the Member.

Water—Stromlo water treatment plant (Question No 1196)

Mrs Dunne asked the Treasurer, upon notice, on 23 September 2010:

(1) Who was awarded the construction contracts for the Stromlo water treatment plant and what procurement processes were followed.

(2) On what date was the completed Stromlo water treatment plant commissioned into service.

(3) What is/was the warranty period for the project.

(4) Given that page 47, Section 9.1 of the Design Brief for the project requires "All concrete water retaining tanks, shall include an approved protective coating or lining over the complete internal surface and splash zones for corrosion/erosion protection and ease of maintenance", what (a) material, extent of coverage and application method was envisaged by the design brief; and (b) was the projected cost of the protective/epoxy coating including its application.

(5) At what point, including the date, was the decision made to recommend that the design brief, criteria, standards or scope of works for the Stromlo water treatment plant be varied to exclude the protective/epoxy coating component and why was that recommendation made.

(6) Who authorised adoption of the recommendation referred to in part (5) and why was the authorisation given.

(7) Was the quality of the water taken into account in the decision making.

(8) Was experience at the Googong water treatment plant taken into consideration in the decision making.

(9) As a result of removing the requirement for a protective coating from the contract, (a) how much money was saved in the final approved total project budget, (b) how much construction and completion time was saved and (c) were the construction contracts varied in any way as to cost, time to complete, bonuses, other incentives or warranty arrangements; if so, to what extent in each area mentioned; if not, why not.

(10) After the Stromlo water treatment plant was commissioned into service, (a) how frequently were inspections made as to the integrity of the construction and maintenance requirements and (b) when was the first inspection made.

(11) How many of the inspections and/or reports identify any deterioration in the construction integrity, including defects or potential defects.

(12) If any of the inspections referred to in part (11) identified any deterioration, defects or potential defects, (a) when did that deterioration, defect or potential defect first emerge, (b) how many reports were made that identified deterioration or defect or potential defect, (c) over what period were those reports made, (d) what was done to investigate and rectify the problems identified and when, (e) were the warranty (defects liability) provisions of the contract pursued to address any identified defects or potential defects; if so, what warranty rectification works were undertaken and when; if not, why not, (f) how much has it cost to rectify the problems identified and (g) who has done the rectification work.

(13) In terms of the remedial works announced in the report published in The Canberra Times on 20 April 2010 including, but not limited to, the retro-application of the protective/epoxy coating, (a) when was the recommendation made to proceed with the remedial works, (b) who made the recommendation and why, (e) who authorised the project to proceed and why, (f) what is the design brief, criteria, standards or scope of works, (g) what is the total project budget, (h) what are the individual elements of that budget, together with the costs for each element including, but not limited to, project management, design, site supervision, owners costs, overheads, profit and incentive fees, (i) what is the timeline for completion, (j) how many contracts have been or will be awarded and for what elements of the scope of works,

(k) what procurement processes have been or will be followed for the contracts to be awarded and (l) what provisions do or will the contracts carry relating to warranty arrangements and completion bonuses or other incentives.

(14) Did the managing director of ActewAGL in his letter to the editor of The Canberra Times, published on 21 April 2010 state that "If it were to be built today our estimates are that it would cost between $225 and $275 million", if so, what is the basis for the statement.

(15) In relation to the Googong water treatment plant, both the original treatment plant and the new treatment plant constructed in 2004, what protective coatings have been considered, specified and/or applied to the concrete tanks.

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

1. I am advised that the construction contract was awarded to the "TWJH Joint Venture", being comprised of Thames Water (Australia) and John Holland. SKM were the designers supporting the TWJH Joint Venture.

   The contract was awarded after an Expression of Interest process, followed by interviews to reduce the initial contenders to two consortia. The two consortia were requested to carry out sufficient design work to provide an upper limit fee for the design and construction of the Water Treatment Plant for completion by December 2004.

2. I am advised by ACTEW that practical completion of the plant was achieved on 22 December 2004.

3. I am advised that under the project agreement, the contractor provided the following warranties that commenced from 22 December 2004:

   i. 2-year Defects Liability for the whole of the Plant which expired on 22 December 2006;
   ii. Performance Guarantees of the Plant regarding:
      a. Power consumption, and
      b. Treated water quality, both of which expired on 22 December 2006; and

   iii. 5-year Extended Warranty for all Major Equipment (specific to electro mechanical plant and equipment) to operate without defects and which expired on 22 December 2009.

4. I am advised that the quotation referred to as part of this question presents only part of the specifications regarding protective coatings. Section 9.1 of the Design Brief continues: "This requirement will be relaxed where the Contractor can demonstrate the contacting water will be non-corrosive and non-erosive to the concrete surface."

   The Design Brief further states at section 12.1: "All new equipment and structures shall be given corrosion protective coatings, apart from the following surfaces, unless specified otherwise elsewhere:- …; Concrete; …"

   (a) I am advised by ACTEW that the material to be used in lining the relevant concrete surfaces was not explicitly specified, nor was the method of application or the extent of coverage beyond that listed above.

The design brief required that water-holding concrete structures be constructed as to satisfy the requirements of AS3735, and that the surface finish should comply with class 2 of AS3610.

(b) I am advised that no estimate was provided at any stage by the Thames Water (Australia) /John Holland (TWJH) Joint Venture for the application of a protective coating. The joint venture contractors specifically excluded application of a coating when submitting their tender.

5. I am advised that on 21 July 2004 ActewAGL advised the contractor that it did not require the application of a protective coating.

6. I am advised by ACTEW that the ActewAGL Project Manager gave the authorisation to remove the requirement based on advice from the Design Manager (SKM) and on inquiries which established that Sydney Water had not applied a coating to similar concrete structures. A Sydney Water representative was engaged by ActewAGL as an advisor on treatment process matters.

7. I am advised that the quality of water was taken into account at the time of design. At the time, the objective was to make Bendora Dam water suitable for supply to the city. It was assessed that this would be sufficient and so only the water quality from this dam was considered. However, as the supply capacity continued to deteriorate because of the prolonged drought, it later became apparent that water from other sources in the Cotter catchment might need to be treated for supply. In 2006, significant work was done to the Plant to enable it to treat water from the Cotter Dam and Murrumbidgee River. This was required because water from these sources was of poorer quality than Bendora Dam water and outside the original design raw water quality parameters.

8. It is not clear what is meant by "experience at the Googong water treatment plant taken into consideration in the decision making". If it is to do with concrete corrosion, yes it was. There is very little epoxy coating of concrete structures in the new section of the plant and none in the old section of the plant.

9. (a) ACTEW has advised that the agreed project scope did not include coating of the concrete tanks as this work was excluded from the tender. During the negotiations that took place pre-tender, it was agreed that during the design phase, the Joint Venture would either allow for coating of the concrete structures or convince ActewAGL that coating was not required. ActewAGL subsequently accepted that coating would not be required. As a result there was no budget provided.

(b) ACTEW has advised me that since the coating of concrete tanks was not in the agreed scope there was no time impact recognised in the program for this work.

(c) I am advised by ACTEW that the agreed scope did not contain the coating of concrete tanks. Hence there was no connection with cost, time etc.

10. (a) and (b) I am advised by ACTEW that the under filter area is routinely inspected as part of an annual mechanical inspection regime. However that is not a targeted inspection of the concrete. In 2005 ActewAGL undertook hardness testing on the concrete which indicated that no repair was required at that time, however that strength of the top layer of concrete was lower than expected given the age of the facility and it was decided that a follow up examination should be scheduled before

the end of the Defects Liability period. Further regular inspections were made by ActewAGL staff. In 2009 it was decided to engage an external agency with the expertise to inspect and report on the status of the concrete structures.

11. I am advised by ACTEW that initial reports suggested a 'watching brief". The inspections and the investigations carried out in 2009 suggested deterioration of the concrete.

12. (a) – (c) I am advised that routine testing first commenced around September 2005. At that time the inspections carried out resulted in a recommendation to carry out future inspection and testing. Following regular inspections, it was decided to engage an external agency with the necessary expertise to inspect and report. In late 2008 to early 2009, Mahaffey Associates were engaged to carry out inspection testing and a report was issued in April 2009. A further report by Mahaffey Associates was issued in July 2009.

(d) I am advised that a program of works was prepared and a project was initiated to apply a protective coating to the affected concrete structures.

(e) I am advised that the plant was designed to treat water from Bendora Dam. To help cope with effects of the drought, ActewAGL then began to use minor amounts of water from Cotter Dam (January 2006) and after work on the plant was able to use water from Murrumbidgee River (May 2007). Significant work was done at the plant in 2006 to permit it to adequately treat water from Murrumbidgee River and increased quantities of water from the Cotter Dam. Please note that the water from these two sources is different to the Bendora supply. Warranty provisions were pursued. However, as detailed above in item (7), in 2006 new raw water supplies were sourced and considerable additional work was done at the plant to accommodate the poorer quality water.

(f) and (g) Please refer to the response under 13 below.

13. (a) I am advised that ActewAGL's recommendation to ACTEW was included with the initial funding request submitted to ACTEW on 12 October 2009, and endorsed by ACTEW on 14 October 2009. The initial endorsement only provided for the engagement of a consultant to prepare tender documents to allow competitive tendering of the necessary works. A subsequent ACTEW endorsement on 18 December 2009 allowed the physical remedial works to proceed.

(b) I am advised that the recommendation from ActewAGL to ACTEW was made by ActewAGL's General Manager Water following recommendations by external and internal personnel based on work carried out.

(e) I am advised that the ACTEW Board authorised project funding and ActewAGL's Board authorised the award of the contract. The approvals were recommended on the basis of the report from Mahaffey & Associates Pty Ltd.

(f) Please refer to Table 1 and 2 below.

(g) In a response to a question from the Select Committee on Estimates in May 2010, I advised that the total budget was $9 million. Since that time, additional funding has been approved by ACTEW due to an increase in the scope of the works required.

Details of the upper budget limit cannot be disclosed at this time as negotiations are taking place with the contractor. However, I am advised that ACTEW would be prepared to provide that information to the Member under appropriate confidentiality arrangements.

(h) The budget previously submitted by ActewAGL to ACTEW is shown below.

Table 1 - ActewAGL budget for project MM10211

	Description	**Total**
	Design Phase	
1	Project Management - Design Phase	$9,353
2	Design Costs External	$45,000
3	Design Costs ActewAGL	$13,829
4	Contingency (Management Reserve)	$6818
5	ActewAGL Overheads	0
	Construction Phase	
6	Project Management – Construction Phase	$101,622
7	Construction Costs	$7,210,250
8	ActewAGL Engineering Service	$567,997
9	Engineering Services External	$80,000
10	Contingency	$1,082,174
	TOTAL Project (excluding GST)	$9,117,043

I am advised that the major elements of the project were competitively tendered, with three or more tenderers invited to submit prices. This typically yields contract prices that can be relied upon as 'market tested' and therefore as reasonable.

The manner in which ActewAGL has obtained competitive pricing for this project precludes any visibility of contractor profit margins. However the use of a competitive tendering process should ensure that overhead and profit margins are not excessive. No incentive fees have been allowed for in the contracts for the works.

(i) I am advised by ACTEW that due to the need to maintain the Stromlo Water Treatment Plant as an operational facility, except for shutdowns of short duration, the project is currently anticipated to be physically complete by April 2011, with financial closure of the project to follow.

(j) I have been advised by ACTEW that 12 - 15 separate contracts have been awarded to deliver this project MM10211. The works are being managed as follows:

Table 2 - Procurement Method Summary

Ser.	**Project Element**	**Method of Delivery**
1	Project Management	ActewAGL staff
2	Engineering Services	ActewAGL staff
3	Supervision Work	ActewAGL staff
4	Trade Labour	Either ActewAGL or contract as available
5	Design & technical Consultants	Contractor
6	Construction Contract 976/09 - Mt Stromlo Concrete Remedial Repair	Contractor
7	Purchasing Filter Nozzles	Contractor
8	Purchasing Vacuum pump	Contractor
9	Purchasing Hose and coupling for vacuum pump	Contractor

Ser.	Project Element	Method of Delivery
10	Purchasing two submersible Pumps	Contractor
11	Purchasing anthracite	Contractor
12	Media analysis	Contractor
13	Unload bags from truck	Either ActewAGL or contract as available
14	Purchasing Sand	Contractor
15	Purchasing gravel / garnet	Contractor
16	Sand & Gravel analysis	Contractor
17	Unload from truck	Either ActewAGL or contract as available
18	Other store items	Contractor
19	Protection, removal & reinstatement of existing fixtures, removal of Vee Notch weir plates & reinstallation of them	In Contract No. 976/09
20	Hiring plant & Equipment	Contractor
21	Miscellaneous work	Either ActewAGL or contract as available

(k) I am advised by ACTEW that Items 6, 11, 14, 15 and 19 were procured utilising competitive tenders. This represents approximately 85 per cent of the project budget.

Items 5, 7, 8, 9, 10, 12 and 16 were single select quotations and represent a further 3 per cent of the project budget. Item 7 is for the purchase of replacement filter nozzles. In this instance ActewAGL sourced the new nozzles from the original supplier to ensure compatibility with the plastic inserts cast into the concrete plenum of the filters when they were originally built.

Items 1, 2 and 3 will be provided by ActewAGL staff labour.

(l) I am advised that Contract 976/09 utilises AS2124-1992 as the General Conditions of contract. This contract nominates a Defects Liability Period of 104 weeks from the date of Practical Completion of the relevant Separable Portion for the contract. Other contracts typically will not include a particular warranty provision. No incentive fees have been allowed for in the contracts for the works.

14. ACTEW has advised that information from industry sources is that the cost of design and construction of Water Treatment Plants have ranged in price in the last 5 years between $700,000/ML and $1.3million/ML. The Stromlo Water Treatment Plant has a process design capacity of 250 ML/d. The figures used were within the stated range per ML.

15. I am advised by ACTEW that not all concrete tanks in the old plant had protective coatings. Coating was applied to some tanks to enable cleaning and to keep them clean rather than as a protective coating as the same coatings were not applied to the floors of these tanks.

ACTEW has further advised that the new plant has no coatings on the surfaces of the concrete tanks apart from the outlet of the filters - a small component of the concrete structures in contact with water. The approach was decided after the decision was made not to coat the structures at Stromlo.

Animals—protection (Question No 1197)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 23 September 2010 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) What laws/regulations govern the keeping of live fish, crabs and lobsters in restaurants.

(2) What laws/regulations govern the keeping of live fish and other aquatic animals for sale in pet stores, markets or other places of sale.

(3) What do the above laws/regulations require.

(4) What mechanisms does the ACT Government use to inspect and enforce these rules.

(5) Is the Government doing any updating of these regulations/laws, and when did it last review if they were appropriate.

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

(1) The code of practice for the sale and breeding of animals in the ACT is currently under review. This code will also cover the sale of animals including cephalopods and crustaceans. The Code has been referred to the Animal Welfare Advisory Committee for further consideration.

(2) Part 2 of the *Pest, Plants and Animals Act 2005* make it an offence to supply or dispose of a prohibited pest animal in any circumstances. Schedule 1 to Disallowable Instrument DI2005-255 list a number of fish as prohibited pest animals. The *Fisheries Act 2000* regulates the sale and taking of fish by commercial fisherman and the keeping of fish under a Scientific Licence. This Act also creates an offence to import/export live fish without a licence.

(3) It is an offence to supply or dispose of a prohibited pest animal in any circumstances.

A commercial fishing licence is required for taking of fish from public waters for the purpose of sale or processing. Pet stores that sell live fish are required to obtain a licence to import live fish into the ACT under the *Fisheries Act 2000*. Only fish which are listed on the List of specimens taken to be suitable for live import under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) are permitted to be imported into Australia.

A Scientific Licence is required for the taking of fish for research, teaching purposes or museum or aquarium purposes. Taking/keeping fish not nominated in this licence is an offence.

An import/export licence is required for bringing fish into or removing fish from the ACT.

A priority species licence is required to possess/sell/receive or process priority species – 100 or more abalone and 20 or more rock lobster.

(4) Personnel from Licensing and Compliance randomly inspect commercial premises, including pet stores, for compliance with the relevant Acts 3 times a year. Licences are required under the *Nature Conservation Act 1980* to sell, import, export or keep a non exempt animal. Licences are also required under the *Fisheries Act 2000* to import a live fish into the ACT. Pet stores selling these animals are issued the relevant licences depending on the species they sell. Species exempt from licensing requirements under the Nature Conservation Act 1980 are listed in Disallowable instrument 2003-6 Declaration of Protected and Exempt Flora and Fauna (no 2)

(5) The relevant Code of Practice is currently under review. Schedule 1 to Disallowable Instrument DI2005-255 was last reviewed for currency with the Commonwealth Live Import List in January 2010.

Domestic Animal Services—dogs (Question No 1198)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 23 September 2010 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) What training have Domestic Animal Services (DAS) staff received on disease containment and protocols.

(2) What disinfectant is being used to clean the areas that have been occupied by dogs with parvovirus and why was this disinfectant chosen.

(3) What areas of the pound have been disinfected and are the walls and gates being cleaned as well as the floors.

(4) What is the process for deciding which dogs held within the pound are vaccinated against parvo.

(5) Have all the dogs released to foster carers and the public been vaccinated against parvo.

(6) Has DAS euthanised dogs that foster organisations have registered an interest in fostering; if so, how many times has this occurred this year and what reason was given for these euthanisations

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

(1) Staff of Domestic Animal Services (DAS) receive initial induction training when commencing. Induction training includes the requirements for disease control measures within the facility and the need to observe all dogs held within the facility for any sign of disease. DAS staff are also trained in the use of personal protective clothing, equipment, and the use of disinfectant materials. In addition to these measures, a qualified veterinarian visits the DAS facility weekly. All DAS staff are aware of the biosecurity measures that are required to maintain quarantine within the facility when a disease such as parvovirus is detected.

(2) F10 disinfectant (which has no adverse side effects on people/animals) is used in the decontamination process. It is disseminated with a spray pack to ensure that it is dispersed in all corners of the pens and gates.

(3) A number of control protocols have been implemented to avoid or control the risk of infection upon collection of the animal, these include: the placement of disinfectant foot baths at the entrance to the foyer and kennel areas, the use of quarantine pens, removal of access to the pens by the general public, the daily cleaning of kennel walls, gates and floors with disinfectant and the routine monitoring of dogs for signs of the virus. If a dog has to be euthanized, euthanasure occurs in the pen, and the body placed into a sealed bag and immediately removed to avoid further disease spread. The disease control measures implemented at DAS have been approved by the ACT Government's Chief Veterinary Officer, Dr Will Andrew.

(4) From 13 September 2010, all dogs within the DAS facility are being vaccinated against parvovirus in an effort to reduce the risk of further parvovirus spread.

(5) Yes as of 13 September 2010.

(6) Records maintained by DAS from 1 July 2010 found 1 dog that had subsequently been euthanized that had a registered interest from a foster carer. This dog was not fostered, as it had a confirmed case of parvovirus, so it was humanely euthanized.

Questions without notice taken on notice

Planning—Civic cycle loop—Wednesday, 20 October 2010

Ms GALLAGHER *(in reply to a question by Ms Hunter)*: I advise that figure 19 of the Plan (attached) shows the intention to achieve the objective of the City Cycle Loop. The Bunda Street pedestrian improvements, described as project 8.16 on page 48 of the Plan (also attached) are not inconsistent with the cycle loop objectives. The verge adjacent to Veterans Park has high pedestrian flows that are currently interrupted by the narrow verge and inappropriately placed obstructions. Improving the pedestrian environment within the city is clearly an important objective that needs to be addressed through an integrated solution that deals also with bicycle access, safety, general traffic and parking.
(Copies of the attachments are available at the Chamber Support Office).

Schools—Black Mountain special school—Wednesday, 20 October 2010

Ms BURCH *(in reply to a supplementary question by Mr Seselja)*: I have not been provided with advice from the Human Rights Office in relation to post school options for people with disability.