Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

18 NOVEMBER 2010

www.hansard.act.gov.au

Thursday, 18 November 2010

Thursday, 18 November 2010

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.

Payroll Tax 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) (10.01): I move:

> That this bill be agreed to in principle.

The Payroll Tax Amendment Bill 2010 amends the Payroll Tax Act 1987 to correct a payroll tax threshold amount that was erroneously published in the year 2000.

The disallowable instrument that set payroll tax and thresholds for the 2001-02 financial year published an incorrect threshold amount of $950,000 for that year. The intended payroll tax threshold for that financial year was $1.25 million, as announced in the 2000-01 ACT budget. A disallowable instrument was signed by the then Treasurer to effect this amount. However for reasons unknown, the incorrect instrument was tabled and published instead.

The ACT Revenue Office which administers the payroll tax for the ACT operated on the basis of the threshold being the intended $1.25 million and all relevant information and publications provided by the office at that time reflected the intended amount. It is not certain why the wrong instrument was published in 2000 but the Revenue Office's correct administration of the intended payroll tax threshold led to a zero impact on payroll taxpayers.

This bill will insert a provision into the Payroll Tax Act that will validate the correct amount of $1.25 million for the 2001-02 financial year. The amendment will not affect ACT payroll taxpayers and will not impact on ACT payroll tax revenue. I commend the bill to the Assembly and am happy to provide briefings to members should they need it.

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

Bail 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) (10.04): I move:

That this bill be agreed to in principle.

The Bail Amendment Bill 2010 introduces reforms to the Bail Act 1992. The reforms focus on two aspects of the Bail Act: first, the power of the courts to grant bail and review bail decisions; and, second, the limitations on the bail jurisdiction of the Magistrates Court.

The proposed reforms relating to the grant of bail and the review of bail decisions are interconnected and so I propose to outline the reforms and provide some background to the formulation of the provisions. The jurisdiction of the Magistrates Court is something of a separate issue and I will turn to that later.

In brief, the proposed reforms in relation to the grant and review of bail will allow accused people to make two bail applications as of right in the Magistrates Court; require both defendants and informants to have fully explored bail in the Magistrates Court before proceeding to the Supreme Court; and change the test for further bail applications and reviews by removing the requirement for "significance".

The reforms to bail applications and the review of bail decisions stem from concerns surrounding the increase in the number of bail applications being heard in the Supreme Court. In 2008 I noted that there had been an increase of 82 per cent in the number of bail applications being heard in the Supreme Court following refusal of bail in the Magistrates Court. There has been no real alteration in this situation subsequently.

The large number of bail applications being heard in the Supreme Court is tying up judicial resources unnecessarily. Judges are being taken away from other areas of work to hear bail applications which could and should be properly heard by the Magistrates Court. This is clearly not the best use of judges' time, and the inevitable consequence is an increase in the overall delays in the disposal of cases. There are implications in terms of cost, access to justice and the overall management of cases which make this an important issue to address.

In order to find out why the increase had occurred, my department consulted with the Chief Magistrate, the Supreme Court judiciary, the Director of Public Prosecutions and the Legal Aid Office of the ACT. There was agreement across the board that the main cause of the increase was that the initial bail application was often being made at people's very first appearance at court following arrest. As a result, not all the relevant material was available in support of the application and bail was quite properly refused by the magistrate. There was further consensus that accused people then generally chose to make further bail applications in the Supreme Court rather than trying again in the Magistrates Court.

Understanding the cause of the problem led to the formulation, again in consultation with stakeholders, of the proposals I am introducing today. The legislative change that

the key stakeholders agreed would be the most effective to address the problem was to allow accused people two bail applications without restriction in the Magistrates Court. It is this concept which forms the basis of the reforms in this bill.

The primary reform introduces a right to two applications for bail by an accused person in the Magistrates Court. This means that on both the first and second occasions that an accused person applies for bail they can put before the Magistrates Court any argument, information or evidence that is relevant, whether or not the court has heard that information previously. This is in contrast to the present situation which requires a legally represented applicant to have something new to put before the court that is relevant to bail before applying to a court for bail again. This reform will result in better informed bail applications which in turn will mean that the Magistrates Court will be in a position to make a more considered bail decision.

The remainder of the reforms relating to bail applications and review of bail decisions have been formulated to support this main reform. The provisions of the Bail Act 1992 provide two routes for accused people to bring the issue of bail before a court. The first route is contained in part 4 of the Bail Act which provides the procedures for the grant of bail. The second route is contained in part 6 which provides the procedures in relation to the review of bail decisions. There is a degree of overlap in these provisions which has meant that the reforms must encompass both routes for bail in order to operate effectively.

The two notable reforms are, first, an accused person will generally be obliged to use both their two applications in the Magistrates Court and to have applied for a review of the refusal of bail in the Magistrates Court before they will be able to apply to the Supreme Court. This will ensure that the issue of bail is explored in the Magistrates Court on three separate occasions before the matter can be listed in the Supreme Court.

Second, after the initial two applications, an accused person will need to establish that since the most recent application either there has been a change of circumstances relevant to the granting of bail or fresh evidence or that information relevant to the granting of bail has become available. This is known as the "change of circumstances" test and alters the current test by removing the requirement that any change be "significant". This reform reflects the developments in approach of the Supreme Court in relation to bail decisions as is appropriate in a human rights compliant jurisdiction.

It is important to note that these measures strike an appropriate balance between allowing an accused person access to the Supreme Court while ensuring that, where possible, bail is resolved in the Magistrates Court.

In addition to the changes for accused people, the reforms to the review of bail decisions will apply equally to the prosecution. This means that, if the prosecution wish to apply for a review of a Magistrates Court bail decision, they must apply firstly to the Magistrates Court. They must also establish a change of circumstances on the basis of the reduced threshold before the application can proceed. Only once the matter has been heard in the Magistrates Court can the prosecution apply further to the Supreme Court, but it must still show a change of circumstances.

I turn now to the second aspect of the reforms. This is separate to the main reforms and relates to the bail jurisdiction of the Magistrates Court. The introduction of this reform is a direct response by the government to concerns expressed by the Supreme Court judiciary. These concerns relate to the fact that, once an accused person is appearing before the Supreme Court in their proceedings, the Bail Act prevents the Magistrates Court from making any further bail decision. While in the ordinary course of events this causes no difficulty, it does mean that a person who has been arrested for breaching bail in a Supreme Court matter cannot be taken to the Magistrates Court on a Saturday morning. As the Supreme Court does not sit on a Saturday, the person is held in custody until the Monday morning.

It is proposed to extend the bail jurisdiction of the Magistrates Court to address this problem in a practical way. The proposed reform will operate so that, when the Magistrates Court is sitting on a weekend or public holiday and a person is arrested for breaching a bail condition in a Supreme Court case, that person may appear in front of the Magistrates Court for the decision to be made in relation to bail.

In conclusion, these proposed reforms of the Bail Act will assist effective case management in the court system and help to promote better access and timely access to justice in the territory. I commend the bill to the Assembly.

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

Fair Trading (Australian Consumer Law) 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) (10.13): I move:

> That this bill be agreed to in principle.

I am pleased to present the Fair Trading (Australian Consumer Law) Amendment Bill 2010 to the Assembly today. This bill provides the ACT with an opportunity to strengthen its consumer protection law and join with other jurisdictions in implementing the first ever Australian national consumer law system, to the benefit of both consumers and business. In the national partnership agreement to deliver a seamless national economy, the Council of Australian Governments agreed to complete the legislative process to implement the Australian Consumer Law—known as the ACL—by 31 December this year and that the ACL will commence in all jurisdictions on 1 January 2011.

On 2 July 2009, the government signed the COAG intergovernmental agreement for the Australian Consumer Law, which underpins the ACL and outlines the

implementation process for the legislation. In March this year, the Australian government passed the Trade Practices Amendment (Australian Consumer Law) Act (No 1) 2010, the first of two acts to implement the ACL. This act includes provisions on unfair contract terms, enhanced performance and redress provisions for the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission.

In June this year, the Australian parliament passed the Trade Practices Amendment (Australian Consumer Law) Act (No 2) 2010, which implements the remainder of the ACL, including consumer protections and provisions relating to unfair practices and consumer transactions.

The bill I present today amends fair trading law in the ACT to apply the ACL as a law of the territory. I am pleased to present this bill as the ACL will, for the first time, provide a set of nationally consistent consumer laws for both businesses and individuals. Among the changes implemented through the ACL are:

- a single set of definitions and interpretive provisions;
- a single set of statutory consumer guarantees;
- a new, national law on unfair contract terms;
- a single set of provisions about unfair practices and fair trading;
- a new national regime for unsolicited consumer agreements;
- simple national rules for lay-by agreements;
- a new, national product safety legislative regime; and
- new, national provisions on information standards, which apply to services as well as goods.

Previously, consumers had to enforce their rights as breaches of contract, often requiring an understanding of contract law. The new statutory consumer guarantees mean that consumers will no longer need to understand contract law in order to enforce their rights, since any failure by a supplier of a statutory consumer guarantee can be enforced as a breach of the ACL.

In addition, the new unfair contract terms mean that consumers will have better, more practical protections under standard-form contracts, like those offered for mobile phones or gym memberships. Consumers will now have the ability to challenge the terms of such contracts by making a complaint to the ACCC, allowing that body, for example, to ask courts to strike out unfair contract terms.

This bill substantially repeals ACT fair trading legislation and adopts the ACL as territory law. The bill repeals the Fair Trading (Consumer Affairs) Act 1973, the Door-to-Door Trading Act 1991 and the Lay-By Sales Agreements Act 1963. Substantive provisions of the Fair Trading Act 1992, which are replaced by the ACL, are also repealed. These acts, which up until now have made up the robust consumer law that has operated in the ACT, have been substantially incorporated into the ACL.

The ACL has been developed with reference to best practice in existing state and territory consumer laws, incorporating the lessons learned across jurisdictions and further strengthening the practical effect of the ACL when it fully commences in jurisdictions on 1 January 2011.

In the territory, the ACL will be jointly enforced by the ACT Office of Regulatory Services, the Australian Competition and Consumer Commission and the Australian Securities and Investment Commission. The ACT Commissioner of Fair Trading's enforcement powers in part 3 of the Fair Trading (Consumer Affairs) Act 1973 will therefore be preserved for this purpose.

On 15 June this year, a memorandum of understanding was signed by the ACT Office of Regulatory Services, the ACCC and the ASIC. The MOU clarifies understanding between the agencies concerning communication and cooperation to ensure that the new ACL is effectively enforced and administered by these agencies.

Section 51D of the Fair Trading Act 1992 will be retained until consideration of inclusion of such a provision in the ACL has been finalised. This section provides a maximum annual percentage rate for a credit contract. The government has preserved this section so that ACT consumers will continue to benefit from protection from unfair and extreme interest rates.

The fair trading fitness industry code of practice and the retirement villages industry code of practice, created under part 3 of the Fair Trading Act 1992, are also preserved to provide ACT consumers with specific protections in these industries.

To enforce the rights included in the ACL, the national legislation provides a range of offences relating to unfair practices, consumer transactions, safety of consumer goods and products and related services. The bill adopts strict liability offences contained in the ACL. The government has ensured that any limitations on human rights flowing from these offences are proportionate and a necessary deterrents, given the regulatory nature of the ACL and its purpose in protecting consumers against unfair practices and unsafe goods.

As the current chair of the Ministerial Council on Consumer Affairs, I am particularly pleased to present this bill today, which will benefit the ACT community in its adoption of the nationally consistent consumer protections provided by the ACL. I commend the bill to the Assembly.

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

Legal Aid 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) (10.20): I move:

> That this bill be agreed to in principle.

The Legal Aid Amendment Bill 2010 is the product of close consultation between the government and Legal Aid ACT. This bill serves the community by improving the legislation that governs Legal Aid ACT, the Legal Aid Act 1977. Regular improvement and updating allows Legal Aid ACT to focus on its core function—to deliver legal services to people who cannot otherwise afford help.

The bill introduces a brief suite of amendments to improve the drafting of the Legal Aid Act. The amendments in this bill will ensure that officers of Legal Aid ACT receive the normal statutory protections when they appear on behalf of interstate clients. Other amendments update a definition and clarify the commission's powers to assess contributions.

The amendments contained in the bill I present today will not alter the way Legal Aid ACT operates to assist the community. Rather, they ensure that the legislation remains easy to interpret and up to date with changes in related legislation. The amendments also ensure that Legal Aid ACT's statutory rights are not brought into dispute due to legislative drafting. The drafting improvements will ensure that everyone understands what the commission's powers are and will prevent unnecessary and complicated disputes about the language of the statute.

I will explain the amendments relating to immunities of officers first. The bill extends the protection currently afforded to Legal Aid ACT officers in relation to the representation of clients. Currently, section 22(7) of the act affords Legal Aid officers the same protection and immunity as is given to barristers during court proceedings.

The amended section 22(7) extends this immunity to ensure protection when Legal Aid ACT officers represent people receiving legal assistance from organisations outside of the ACT. For example, a client of Legal Aid New South Wales might have to appear in an ACT court for a matter. In that case, Legal Aid ACT may assist by providing local representation. Under the current law, a technical argument might be made that the person being represented is not assisted under the territories law, but rather under the New South Wales Legal Aid Act. This amendment ensures that no technical argument will undermine the normal privileges and immunities afforded to officers of Legal Aid ACT.

Turning to the issues around clarification to Legal Aid ACT's powers, the amendments clarify section 31(1)(a) of the act in relation to the assessment of a person's eligibility for legal assistance. The central principle of eligibility for legal aid is the inability to afford legal costs. Eligibility is determined by a two-part means test, applied across all jurisdictions, consisting of an income test and an asset test. Both of these parts must be satisfied in order for a person to be eligible for assistance.

The principles governing income provide that a person who does not initially satisfy the income test, but is unable to afford private legal representation, may be eligible for legal aid on the condition that they pay a contribution. The amount of the contribution is determined on a sliding scale. It takes into account income and the likely cost of the matter.

In relation to assets, these principles provide that if a person does not initially satisfy the assets test, they may still be eligible for legal aid in limited circumstances, if they cannot reasonably be expected to borrow against their assets. In this case, the Legal Aid Commission has the discretion to determine whether it is appropriate in the circumstances to impose a client contribution on the sale or transfer of the property, or both.

Both the income test and the asset test must be satisfied in order for a person to be eligible for assistance. The test also takes into account the fact that a person's income or assets may improve during the course of a grant of aid, in which case the amount of assistance can be varied.

The bill clarifies the fact that an assessment of a person's eligibility for legal aid and their corresponding contribution can be varied as their matter continues. Currently, section 31(1)(a) of the act states that an award of legal assistance may be subject to a condition that the person pays a contribution of a "specified amount" to the commission. The amendment will change this wording to "an amount" and will explicitly state the fact that a person's contribution can be varied as a legal matter progresses.

The updated drafting also clearly relates contributions, and variations to contributions, to the core eligibility criteria for legal assistance. The amendment includes in section 31 a new reference to section 28(3), which lists the matters that can be considered by the commission in deciding eligibility. Section 28 directs the commission to consider a person's income, costs and any other matter affecting the person's ability to pay. If a person's ability to pay changes during their grant of assistance, the commission can adjust its contribution requirements accordingly

By clarifying the provisions which govern eligibility for assistance, the act ensures that the existing practices will continue. It is important to preserve this system because appropriate contributions from clients mean that more of Legal Aid ACT's funds will be available to help other clients in need. The whole community benefits and Legal Aid ACT is able, when appropriate, to ask its clients to pay a fair share.

Thirdly and lastly, this bill will amend the definition of "private legal practitioner" to align with the definition of "principal" under section 9 of the Legal Profession Act 2006. This reflects the different kinds of practice arrangements established and regulated in the ACT and formally recognises these arrangements in the act.

This bill will provide more certainty for legal practitioners and consumers of Legal Aid services and will help improve access to justice. It will also guarantee important protections for legal practitioners when representing clients who are legally assisted by organisations outside of the ACT. The amendments affirm the basic principle of legal aid, which is that people in our community who cannot afford private legal representation due to their income and assets are entitled to assistance.

The government is committed to supporting Legal Aid ACT, the services that they provide and the clients that they assist. These amendments will contribute to the

commission's mission by ensuring that its powers and functions are easy to understand and beyond dispute. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2010 (No 4)

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) (10.28): I move:

> That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2010 (No 4) contains amendments to improve the operation of legislation administered by the Department of Justice and Community Safety. The bill makes important changes to preserve and improve criminal offences in the Crimes Act 1900 and the Guardianship and Management of Property Act 1991. It will improve procedures that exist under the Human Rights Commissions Act, the Land Titles Act, the Unit Titles Act, the Public Trustee Act and the Legal Profession Act. Finally, this bill will continue the implementation of national law reform projects in the ACT through its amendments to the Personal Properties Securities Act, the Security Industry Act, the Security Industry Regulation and the Unclaimed Money Act.

The amendments do not constitute policy changes. Each amendment has been recommended by agencies in the Justice and Community Safety portfolio based on experience with the existing legislation. Through the day-to-day work of implementing policy and legislation, the agencies in my portfolio have identified areas for improvement.

I will now explain in detail the nature of each amendment and how each amendment improves the operation of an existing program or policy. The bill makes existing restrictions on anabolic steroids permanent in the Crimes Act and removes the corresponding transitional provisions from the Medicines, Poisons and Therapeutic Goods Regulation. This means that the territory's existing scheme for regulating anabolic steroids will be preserved even after the transitional provisions expire.

An amendment to the Guardianship and Management of Property Act will modify the scope of directors' liability for certain offences under the act. These amendments are consistent with the uniform principles of directors' liability agreed to by the Ministerial Council for Corporations. Procedural improvements in this bill were developed based on consultation between different areas of my department and represent a commitment to best practice.

The bill introduces a number of changes to the procedure for handling complaints and conciliation under the Human Rights Commission Act. These changes will facilitate the Human Rights Commission's flexibility and responsiveness in dealing with the public. Under current section 44 of the Human Rights Commission Act, the commission may only consider a complaint if it is in writing. One amendment in this bill will create a commonsense exception to this requirement. This bill will allow the commission to consider an oral complaint in emergency circumstances and if the commission is satisfied that waiting for a written complaint would make a response impossible or impractical.

Amendments are also made to ensure that the commission has the power to choose from all available options in dealing with the complaint. Under existing law, when conciliation fails in discrimination matters, the commission has no choice but to close the complaint. The result is that the parties have no option but to proceed to expensive and costly litigation. This bill will allow the commission to take action other than closing a complaint if conciliation is not expected to succeed.

The commission will be able to decide, for example, whether it is more appropriate to refer a complaint to another entity or to investigate and issue its own report. This sensible change gives effect to the original policy behind the Human Rights Commission Act, which was to ensure that the commission is able to choose from a range of options in responding to complaints.

This bill will also implement the results of consultation between unit title owners, the Registrar-General and the ACT Planning and Land Authority in relation to renewing leases for unit plans in the territory. A problem was identified by the Land Titles Office in attempting to register lease renewals for units. A new lease cannot commence until every individual owner in the unit plan executes a memorandum of surrender of the old lease unanimously. If even one owner in a unit plan is missing or unavailable, it is not possible for any unit title owners to obtain a new lease.

This situation creates a serious problem for unit title owners who wish to sell their properties or obtain new mortgages. If an existing lease is nearing expiration and a new lease cannot be issued, owners will find it impossible to obtain financing on standard terms because the lease does not extend for a sufficient time period. Also, there is the risk that in the future the entire unit lease will expire due to this technicality.

The amendments in this bill will empower owners corporations to step into the shoes of owners who cannot be located, in order to complete a lease renewal, and will allow the ACT Planning and Land Authority and the Registrar-General to renew leases for unit title owners in a timely and efficient manner. No rights of property owners, either the unit title owners or lenders, will be diminished. Rather, this amendment ensures that a technicality does not deprive unit title owners of the same rights as all other property owners in the territory.

Amendments to the Public Trustee Act will allow the Public Trustee to keep copies of wills and powers of attorney electronically. The electronic management system will

allow the Public Trustee to provide certified copies to the courts, minimising the need to handle and risk damaging originals. These changes will improve the efficiency of administering the Public Trustee's depository of wills and its powers of attorney.

Amendments to the Legal Profession Act introduce a simple change to the process for licensing barristers. The amendments will require the Law Society, which currently issues barristers' practising certificates, to impose any conditions recommended by the Bar Council. This ensures effective regulation of the bar by its peak body.

Another important function of this bill is to help implement national reforms in the territory. To that effect, amendments to schedule 3 of the Personal Property Securities Act will repeal provisions relating to cooperative charges under the Cooperatives Act 2002. The territory's registration of cooperative charges will be made redundant by the commencement of the commonwealth personal properties security register.

National reforms to the Security Industry Act are also included in this bill. In July 2008, COAG agreed that a reform of the private security industry would be conducted to improve industry standards. Stage 1 reforms include standards covering licensable activities, probity and background checking, training competencies and mobility of licenses.

This bill implements a number of stage one reforms, including new licensable activities relating to guarding with a dog, guarding with a firearm and guarding as a monitoring centre operator. These amendments will bring the ACT into line with the guarding activities licensed in other Australian jurisdictions and therefore facilitate cross-jurisdictional recognition of licences.

The bill updates the Security Industry Regulation in accordance with these amendments. The changes to the regulation prescribe the training courses security employees will need to undertake to perform the new licensable activities. These training requirements are in accordance with minimum standards agreed to by COAG.

The bill also provides for a temporary visitor licence scheme. A temporary visitor licence will allow guards and master licensees from interstate to work at special events in the territory. This change will facilitate greater mobility in the security industry. At the same time it will regulate those who visit the ACT to engage in security work for special events.

Finally, the bill repeals part 4 of the Unclaimed Money Act. These provisions have become redundant due to recent amendments to the Commonwealth Superannuation (Unclaimed Money and Lost Members) Act 1999. The collection and distribution of unclaimed superannuation will now become a function performed by the commonwealth.

All these amendments will improve, update and clarify the territory statute book. This bill once again demonstrates the government's ability to monitor the administration of the territory's laws and respond effectively where areas for improvement are identified. I commend the bill to the Assembly.

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

Firearms 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 Firearms Amendment Bill 2010 will amend the Firearms Act 1996. The amendment will allow the ACT to achieve consistency with other Australian jurisdictions, allowing for the interchange of management practices and eliminating some of the obstacles that currently exist when dealing with vertebrate pest animal control.

Presently the act does not allow for the recognition of interstate category D firearm licences. These amendments will allow interstate professional shooters to operate in the ACT where the use of category D firearms is necessary. Category D firearms, such as certain self-loading rifles and pump action shotguns, require ministerial authorisation and can only be possessed where a person can show a genuine need to possess and use the firearm for the purpose of pest animal control.

Although Territory and Municipal Services, TAMS, as the agency with land management and disease control responsibility for the ACT, is currently able to contract professional shooters who hold an ACT category D licence, the shortage of this skill in the territory means that contract shooters from outside the ACT may in future be required. As a result, TAMS' ability to undertake aerial shooting in accordance with the national codes of best practice for humane pest animal control is restricted in the ACT.

The amendments will alleviate this problem by allowing the temporary recognition of interstate licences of professional shooters contracted to TAMS to use category D firearms in the territory. Safeguards are built into the bill and provide that the authorisation of interstate licences would be subject to similar restrictions to those placed on ACT category D licence holders.

This includes the requirement that the licensee is appropriately qualified and accredited, that the licensee is either employed or contracted by an ACT government agency for the purpose of vertebrate pest animal control and that the licensee can satisfy the Registrar of Firearms that there is a genuine need to possess and use the firearm for the purpose of pest animal control. The interstate recognition would require ministerial authorisation, which is limited to a period of up to six months.

This bill is consistent with the current stringent controls on the possession and use of high-powered firearms and will ensure that TAMS is able to fulfil its land

management and disease control responsibilities appropriately. I commend the bill to the Assembly.

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

ACT Teacher Quality Institute Bill 2010

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.41): I move:

> That this bill be agreed to in principle.

I am introducing the Teacher Quality Institute Bill 2010. The Assembly will recall that in September last year I announced that the government would be creating the Teacher Quality Institute. We will, through this institute, establish a merit-based career path for teachers and reward effort and excellence in classrooms. I want to see accelerated career progression for our most enthusiastic young teachers and I want to see our best classroom teachers paid six-figure salaries. The Teacher Quality Institute will assist in these reforms and enhance the standards of professional development amongst ACT teachers.

Before speaking about the role and importance of the Teacher Quality Institute, it is important that I place this bill and the institute into the national perspective. The Council of Australian Governments and the Ministerial Council for Education, Early Childhood Development and Youth Affairs have a national reform agenda for teacher quality.

Improving the effectiveness and productivity of our teachers will not only improve Australia's economic growth, it will make Australians richer. A recent report by the Grattan Institute found that a 10 per cent increase in teacher effectiveness would improve student performance and in the long term the productivity of our labour force. Increased productivity could increase long-term economic growth by $90 billion by 2050, making Australians 12 per cent richer by the turn of the century.

The ACT Teacher Quality Institute will become part of a national network of registration agencies providing input into teaching reforms at the national level and enhancing teacher quality across Australia. The ACT's teacher quality implementation plan articulates our reform strategies to improve teacher effectiveness and quality in all schools. Improving teacher effectiveness will in turn improve student outcomes.

Under the government's plan, the ACT will establish a teacher education advisory committee. The committee will consider new pathways into teaching, improved

practicum and a range of in-service education opportunities, including targeted scholarships. New school centres of teacher education excellence will be created. Initially, these centres will be created in our early childhood schools, but in the long term we will extend these centres of excellence to all ACT school sectors. These initiatives will support our goal to have the best classroom teachers earning six-figure salaries and to have accelerated career progression for hardworking and enthusiastic teachers.

Importantly, the national partnership emphasises having a set of nationally consistent professional standards. These standards, managed and maintained by the Teacher Quality Institute, will be an essential part of the framework for rewarding top performing classroom teachers with six-figure salaries. Finally, and most importantly, at the local level the ACT has entered into this national partnership on improving teacher quality jointly with all school sectors. This involves the ACT Department of Education and Training, the ACT Catholic Education Office and the ACT Association of Independent Schools. This in my view is a tremendous opportunity for the sectors to work collaboratively on a broad range of reforms to improve teacher quality and teacher effectiveness in all ACT schools and this is because, as I have said many times, the old public/private debate in education is over.

The role of the institute will be threefold. Firstly, it will implement a registration process for teachers. This will facilitate greater career opportunities and enable a more accurate demographic picture to be maintained of the ACT teaching workforce. Secondly, the institute will play a significant role in enhancing the quality of graduate teachers through the accreditation of pre-service teacher education courses. The institute will also quality assure professional development programs. Finally, the institute will play a lead role in the adoption and contextualisation of national standards for teachers and teaching leadership in the ACT. As a result, a nationally consistent definition of quality teaching and leadership will be created.

Consultation within the ACT throughout 2007 and 2008 clearly identified support for an independent body to undertake these as part of a national approach to teaching reform and enhanced teacher quality. Upon its establishment, the institute will deliver on this commitment. These, however, will not be the only tasks for which the institute will have responsibility. This legislation also broadens access to professional recognition and continuing professional development for all teachers, including women, Indigenous persons and those traditionally disadvantaged in the labour market.

The institute will work collaboratively with all sectors to ensure that access to career opportunities and professional development is equitable and enhances student outcomes. The institute will create, manage and maintain leading edge teaching standards in the ACT. In parallel, the institute will work closely with employers to heighten the attraction, placement, development, retention and sustainability of a quality teaching workforce in the territory. A high quality teaching workforce will have wider benefits for the community and the economy as ACT students graduate and go on to either further education or join the workforce as more highly skilled, committed and motivated employees.

The institute will be responsible for identifying and facilitating continuous professional development opportunities for teachers in line with their career and professional needs. Demonstrated commitment to professional development will be an essential aspect of a teacher's continued registration. It will be the institute's responsibility to ensure that opportunities are available to all teachers who wish to pursue them.

The institute will in future have an additional role in identifying, adopting and managing nationally agreed standards for teaching and school leadership as a means of providing a framework for teachers' lifelong learning and career aspirations. In doing this, the institute will work closely with principals and their staff to identify the current and future needs of teachers.

If the Assembly supports this bill, the institute will come into operation in early 2011. The institute will be governed by a board of directors drawn from government, independent and Catholic schools. Also represented on the board will be members from the teacher education fraternity, unions and, importantly, the community. Responsibilities of the board will include ensuring that the institute's operations are in line with regional and community needs and that it is managed with a high degree of professional governance.

This legislation will provide the framework for this body and the functions that I have just outlined. The ACT Teacher Quality Institute will be instrumental in delivering six-figure salaries for our best classroom teachers, in accelerating the career paths of our youngest and most enthusiastic teachers and in introducing contract arrangements for principals. The quality of student outcomes cannot exceed the quality of teaching.

This new institution endorses and recognises the opportunity for reform through the national partnership on teacher quality with the Australian government. The purpose of the teacher quality institute is to provide a dedicated institution to support teachers as they strive to be the best that they can be.

I look forward to the Teacher Quality Institute being a key body in ensuring the attainment and maintenance of standards for the highest quality teaching possible in the Australian Capital Territory and I commend the bill to the Assembly.

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

Planning and Development (Environmental Impact Statements) Amendment Bill 2010

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

Title read by Clerk.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.51): I move:

That this bill be agreed to in principle.

This bill amends the Planning and Development Act. The bill is about environmental impact statements required for development applications in the impact track assessment under the act and the circumstances in which various factors can trigger an EIS. A draft preliminary version of this bill was publicly released as an exposure draft for a period closing on 17 September this year. Comments were received from several community environmental groups, including the conservation council and the Environmental Defender's Office.

Before I turn to the specific content of the bill, I would first like to outline the background and reasons for this bill. A key aspect of the planning system reforms introduced by the Planning and Development Act in 2007 was a clear intent that the level and nature of assessment of development applications should be proportionate to the scale, complexity and likely impacts of the proposed development.

For this reason, the new act implemented a multi-tier assessment system involving:

- exempt development—for projects that do not require approval under the planning legislation;
- code track—for the assessment of relatively simple, low impact projects;
- merit track—for the assessment of more complex, significant matters;
- impact track—for the assessment of projects likely to have a major environmental impact which includes development listed in schedule 4 of the act; and
- prohibited development—projects which cannot proceed and cannot be the subject of a development application.

This assessment system has worked well to date. However, experience since the commencement of the act has shown that there is scope for fine tuning what falls into the impact track and therefore requires an EIS. In particular, the list of development identified in schedule 4 of the act as impact track assessable is, in a number of instances, either set at too broad a level or the wording is not sufficiently precise. As a result, schedule 4 is at risk of catching projects that do not warrant assessment in this high end assessment track.

In particular, some straightforward works associated with normal land development have been subjected to sometimes unnecessary assessment. This has included some proposals that have already undergone assessment and statutory consideration under the territory plan.

I can give the Assembly a clear example of where the wording of the schedule needs to be fixed. In its current form, schedule 4 has been interpreted as triggering an EIS if a sewer pipe is to be constructed within 100 metres of "a body of water—whether artificial or natural". This would include stormwater drains and depressions that only carry water during heavy rainstorms, as well as our system of urban ponds which, as members know, are also stormwater detention basins.

Taken literally, almost all new houses, and certainly every new housing estate, would require an EIS for routine but essential infrastructure. It is clear in this case that the

environmental effects of the normal works associated with the construction of a sewer could be addressed through fairly standard merit track DA conditions.

The government is acutely aware that issues such as this are causing unnecessary delays in critical infrastructure and land release and therefore increased costs. This is particularly so in new residential areas.

The government listened to and shared these concerns, and in the latter half of 2009 the ACT Planning and Land Authority and the economic stimulus task force carried out a joint review of the schedule 4 EIS triggers. The current bill is the result of that review and of subsequent consultation on the exposure draft. I am therefore pleased to present the result of this work in the form of the bill to the Assembly.

The bill delivers important "finetuning" to the circumstances in which a development proposal will trigger an EIS. I believe that it gives a clearer focus to the original intent of the tiered assessment system embodied in the act passed by the Assembly in 2007. It will help ensure that only development proposals that are likely to have a significant adverse impact on the environment will require an EIS, while routine works to deliver essential infrastructure and services to the community will still be thoroughly assessed in the merit track.

The bill amends schedule 4 of the act in the following ways. It clarifies a number of items by introducing greater precision in the expression of thresholds and reduces unnecessary duplication. The bill provides a more focused targeting of items to ensure only proposals that are likely to have a significant adverse environmental impact will need to be assessed in the impact track. And the bill removes a small number of items from the list altogether. The bill also makes a number of amendments to chapters 7 and 8 of the act that complement the changes to schedule 4.

I will now turn to some of the key elements of the bill. I have already indicated that the key consideration in whether a development proposal should require an EIS is whether it will have a significant adverse environmental impact. This is an important concept that is used frequently in the amended act. This concept is used in the current act in relation to section 124 which allows the minister to declare the impact track is applicable to a development proposal. To clarify the scope and application of a number of items in schedule 4, the bill broadens the applicability of this concept to schedule 4 and the act generally. The meaning of significant adverse environmental impact has not been changed but is set out more clearly in new section 124A.

In determining whether or not an impact is likely to be significant, a range of environmental factors must be considered, including the kind, size, frequency, intensity, scope and length of time of the impacts. The nature and significance of the affected environment must also be considered, particularly the sensitivity, resilience and rarity of the environmental function, system, value or entity likely to be affected.

The bill provides the flexibility for some development proposals which fall under schedule 4 to be assessed in the merit track where the Conservator of Flora and Fauna, or the Heritage Council for proposals involving heritage issues, consider the proposal is not likely to result in a significant adverse environmental impact.

Until now, this has been a problem for some items in schedule 4 where a proposal falls under schedule 4, even though the clear impact is likely to be minor, but the act has lacked discretion to deal with such a situation. Therefore, new section 138AA provides a mechanism for the proponent to seek an environmental significance opinion from the conservator or the Heritage Council that a proposal is not likely to have a significant environmental impact.

Such an opinion would allow the proposal to be lodged in the merit track. An opinion must only be provided if the conservator considers that the proposal is not likely to have a significant adverse environmental impact, otherwise the application must be rejected.

I stress that the default position is that development proposals of a type listed in schedule 4 remain in the impact track unless an environmental significance opinion is given by the conservator. In considering an application, the onus is on the proponent to provide a reasonable argument, backed by appropriate scientific evidence, as to why the proposal would not have a significant adverse environmental impact.

It is important to emphasise that this mechanism is a pre-development application screening process which will assist the proponent in determining with certainty whether a development application must be lodged and assessed in the impact track and therefore require the preparation of an EIS.

I envisage that this mechanism will be utilised where it can be readily demonstrated that the environmental impact of a proposal is unlikely to be significantly adverse. Where some further investigations or environmental studies are needed, section 138AB of the bill provides for the relevant agency to require these to be undertaken.

I am conscious of the need to ensure that any additional resources necessary for the conservator to assess applications under this part of the act should be available. Section 138AC of the bill therefore allows for the direct and indirect costs incurred by the conservator to be borne by the proponent. Costs could include obtaining expert advice, commissioning further studies or staff time used in arriving at a decision on an application.

It is worth noting that where extensive or major further studies would be needed, the normal EIS process should apply. In these circumstances, the conservator will be able to refuse the application and rely on the fact that a proposal of a type listed in schedule 4 is, on the face of it, assessable in the impact track.

As I have indicated, the bill will have the effect of removing a number of development proposals from the impact track. Where this happens, either by deletion of the item altogether from the schedule or as a result of an opinion by the conservator, the effect will be to shift the development assessment process for that development from the impact track to the merit track. The key difference for a proposal assessed in the merit track is that there is no need to complete an EIS, which, depending on the complexity of the proposal, can add 12 months to the process.

I have mentioned that the bill removes a few items from schedule 4 altogether. One of these items applies when an application is made for the deconcessionalisation of a lease. Such development applications are currently assessed in the impact track and cannot be decided unless the minister considers that it is in the public interest to approve the application.

The amended schedule 4 removes deconcessionalisation from the impact assessment track. This reflects the fact that the implications of deconcessionalisation in itself are chiefly social and economic and do not warrant the time and cost of a major examination of environmental matters. Removal of this item from the schedule means that an application for deconcessionalisation will be assessed in the merit track.

However, to ensure that such applications are still fully assessed, new section 139(2)(l) of the bill requires such applications to include an assessment of the social, cultural and economic impacts of the deconcessionalisation. The factors that the minister must take into account in considering whether a decision on such an application is in the public interest have also been clarified.

Another item removed from the schedule is correctional institutions. Again, the issues with this type of development are generally not environmental and can be thoroughly assessed in the merit track. I stress that the shift to merit will not mean that a development proposal will not be subject to environmental impact assessment or that it will not be assessed thoroughly. Development applications assessable in the merit track must include a statement assessing the proposal against the relevant rules and criteria in the territory plan.

Applications that come under the non-urban zones development code in the territory plan must include a formal statement of environmental effects. This code, which applies to developments in the rural, broadacre, river corridor, mountains and bushland, hills, ridges and buffer zones, must address the possible environmental effects of the development, taking into account the size and significance of the impacts.

ACTPLA must assess the development application against the code rules and merit criteria of the territory plan and against the applicable factors and criteria set out in sections 119 and 120 of the act. This includes assessment of the probable impact of the proposed development, including the nature, extent and significance of those environmental impacts.

In addition, a development application in the merit track will, in some cases, also require assessment of its potential impacts under other legislation such as the Public Health Act 1997 or the Environment Protection Act 1997. And, of course, merit applications are publicly notified and open to public comment.

The act also retains the current provisions that allow either the Minister for Planning or the minister for public health to require an EIS for a proposed development if the minister considers it will have a significant adverse impact on the environment or public health. This is an important power that ensures that an unusual or problematic

development that is not specifically identified as impact assessable by schedule 4 or the development tables in the territory plan will not slip through the net.

The bill also revises schedule 4 to take account of the fact that, in a number of instances, studies of environmental and land use matters will have occurred as part of the development of the territory plan. As members are aware, territory plan variations are subject to a substantial public consultation process. The government believes that, where there has been major strategic planning to identify future urban areas and assess associated infrastructure needs, further extensive re-investigation required in the preparation of an EIS may not be warranted. Indeed, it may promote false expectations that a policy settled in the territory plan is open to change or subject to political pressure.

An example of how the bill caters for this can be found in new item 1, part 4.2 of schedule 4. It places the construction of a transport corridor, including a major road, in the impact track. However, this will not be the case on land that is designated as a future urban area or a transport and services zone under the territory plan.

Another example is new item 2 in part 4.3, which sets a differential threshold for the clearing of native vegetation before an EIS is required. On most land, including existing urban areas and rural and broadacre zones, the current threshold of 0.5 of a hectare is retained. However, on land designated as future urban areas under the territory plan, the threshold will be five hectares.

As I indicated earlier in this speech, the bill also makes a small number of changes to chapter 8 of the act, which deals with the process for the preparation and completion of an EIS. I have already mentioned some of the more important changes, such as the pre-application request for an environmental significance opinion from the conservator. The purpose of the changes is to make the act clearer, more effective and to give effect to the changes to schedule 4 noted above.

A common theme in submissions on the exposure draft bill was the need for the public to be kept informed of steps within the EIS process. In particular, there was a strong view that the provision of an environmental significance opinion and the reasons for it should be publicly notified. The bill therefore provides that, when an environmental significance opinion is given or refused by the conservator or the Heritage Council, a copy must be given to ACTPLA, who must prepare a notice setting out the text of the opinion. The notice will be a notifiable instrument which will be valid for 18 months. ACTPLA will be required to make the notice available on its website.

Several of the changes to chapter 8 formally enshrine in the act processes that already apply but which until now have been accomplished administratively by ACTPLA. Thus the EIS scoping document, the EIS assessment report and section 211 exemptions will all become notifiable instruments, valid for 18 months and required to be made available on ACTPLA's website.

I recognise that the approach taken by the government in this bill will not satisfy all of the divergent views in the community about the difficult and complex task of

balancing conservation and development. However, I am firmly of the view that it does provide a sound basis for the further sustainable development of Canberra.

The bill maintains a strong environmental impact assessment process whilst recognising the need for orderly and affordable provision of land and essential infrastructure for the future. This bill reflects the difficult task faced by the community and by government in balancing the many competing pressures brought to bear on planning for our city's future.

In closing, I would like to thank all of those who have worked hard to bring this important legislation to the Assembly and all of the community members and organisations who contributed during the exposure period of the bill. With that, I commend this bill to the Assembly.

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

Liquor (Fees) Determination 2010 (No 1)
Motion for disallowance

MRS DUNNE (Ginninderra) (11.10): I move:

That:

(1) Disallowable Instrument DI 2010-273, Liquor (Fees) Determination 2010 (No. 1) be disallowed; and

(2) this Assembly calls on the Attorney General, in making any new fee determination, to take into account:

(a) in relation to "on licence" premises, a range of risks including, but not limited to:

(i) occupancy loading;

(ii) type of establishment;

(iii) location;

(iv) past compliance history;

(v) volume of liquor sold; and

(vi) trading hours;

(b) in relation to "off licence" premises:

(i) the rate at which the fees increase; and

(ii) past compliance history;

(c) a review of "annual liquor purchase value", which has not been reviewed for at least ten years;

(d) means of:

(i) rewarding establishments with a good compliance history; and

(ii) limiting the regulatory burden on small businesses especially those which pose a low risk.

Rarely have I seen a set of laws handed down in this place which has drawn such comprehensive slating delivered with derision by the community which it is meant to rule and protect.

In debating the Liquor Bill 2010 earlier this year, I noted that the Canberra Liberals would oppose the bill on a number of grounds. One of those grounds was that the supposed reforms to the liquor laws in this city achieved little other than to create a whole lot more bureaucracy in the liquor licensing process, a few more offences and significantly increased fees, or that is what I predicted.

We have an act which, except for a few amendments the Canberra Liberals were able to get through, will fail to achieve its stated goals of harm minimisation and community safety. It will fail because, in essence, the only reforms we saw were to line the government's pockets with money and to impose voluminous red tape on our businesses and not-for-profit community organisations.

Another reason we opposed the then bill was that it fails to place much onus on consumers to take responsibility for their own actions and behaviour. Still another reason we opposed it was that, typical of this ACT Labor government, the liquor law assumes a one-size-fits-all approach will solve all the problems. Quite the reverse; Labor's one-size-fits-all approach will create more problems than it solves. And I make the prediction here today that, if this liquor fee schedule goes through in this form, we will see mass de facto lockouts in the suburbs and in the town centres, the closing of licensed establishments and greater concentration of drinkers in the CBD.

Already we have got some small licensees saying that they will opt for shorter opening hours because they cannot afford the late-night trading fees, which are the same as those paid by their much bigger competitors. This will impact on a range of issues, including jobs, business viability, entertainment options and transport availability, and overall there will be less diversity in the hospitality and liquor industry.

Mr Smyth, Mr Rattenbury, Ms Hunter and I were at a meeting recently attended by the Attorney-General at the Basement, one of the licensed establishments in our electorate. Those members present will remember that at that time the attorney had a question put to him about what would happen to patrons who go out onto the street at midnight because their operators will be forced to close their doors and he said, "They will drink less."

The response of those at the meeting was one of derisive laughter—justifiably so for a minister who simply has no idea what the impact of this legislation will be, and I suspect a minister who does not get out much or know what is going on with liquor licensing across the ACT. And it does not stop here. The tangle of red tape that a small community group has to jump through to serve a glass of wine with some nibbles after a concert is almost exactly the same as for a large commercial organisation staging a major event. It starts to beg the question as to whether the new liquor licensing laws will require churches to have a permit if they have a communion service on Sunday. The reasons for opposition to these laws continue.

This ACT Labor government's law takes a "bull in a china shop" approach to regulating the city's hospitality industry. Most operators that I know work hard to train staff, promote and encourage responsible consumption of alcohol, develop a good working relationship with the police and the Office of Regulatory Services and provide a range of other services to ensure a safe, secure and enjoyable experience for their patrons. It would not make good business sense not to. Most operators have an excellent record of compliance, as well as a proactive approach to conducting their business. As such, they have a record of few, if any, situations in which antisocial behaviour has resulted in the need for police intervention. Yet these laws fail to give any recognition to that record of those liquor licensees across the town. They simply slap on substantially higher fees, along with reams of paper and extra red tape, and operators are told to like it or lump it. With all of these issues at stake, is it any wonder that hospitality patrons too have joined with operators to express their outrage over these laws?

I seek leave to table a number of documents carrying the signatures of almost 600 patrons of the ACT hospitality industry.

Leave granted.

MRS DUNNE: I table the following paper:

> Petition which does not conform with the standing orders—Proposed liquor licence fees (593 signatures).

These patrons are calling on this Assembly to disallow the proposed fee structure and:

> … to genuinely consult with ACT liquor licensees on creating an equitable fees structure that accounts for a capacity to pay, impact on consumer costs, consumer choice and small business models, rather than the uncompetitive environment this proposed fees structure will lead to.

I support those signatories and, although this is an out-of-order petition, I encourage the minister to look at the sentiments expressed in the petition and respond to it in the normal way. I encourage him to do that because I think it adequately and fully sets out the concerns of not only the industry but the people who patronise the industry. Because of the importance of those concerns and the succinctness of their expression in the document that accompanied the information that was provided to people who signed the petition, I will read it into *Hansard*. It starts:

> Do you want your local pub to close at midnight?
> Did you know your favourite pub could close down?
> New fees and regulations introduced by the ACT Labor Government and due to come into force before Christmas will have exactly that effect.

And then they go on to say:

> 1. Large, inequitable fee increases for ACT Liquor Licensees
>
> Enormously increased and inequitable fees for Liquor Licensees have been tabled in the ACT Legislative Assembly by Simon Corbell on 20 October 2010.
> No consultation on these fees or the fees structure, which is simplistic at best, has been undertaken. Unless disallowed before 18 November 2010, these fees will be effective from 1 December 2010 …
> The ACT Labor government claims the primary risk for alcohol related violence is late trading hours.
> They are not willing to acknowledge or investigate other risk factors.
> They are not willing to consult with ACT Liquor Licensees.
> They are not willing to acknowledge the impact of the fees on either small business, or different business models that exist amongst licensees.

Under a heading "Failure to investigate risks to patrons" they state:

> The ACT Labor government insists it is concerned with community safety. Licensees are also greatly concerned about community safety and the likely detrimental effect on the safety of their patrons from trading pattern changes smaller venues will be forced to make under the fees structure.
>
> Licensees are concerned about what patrons will do and where they will go when smaller bars and pubs are forced to close at midnight or close down completely, because they cannot afford to pay the fees that will price them out of the market, which is historically price-sensitive. The government is not interested in listening to industry experience on the likely and logical negative flow on effects of this fees structure.

Under "Anti-competitive pricing", the paper goes on:

> The ACT Labor government is using the fees system to cost recover for services required to combat the negative impacts of alcohol on the community.
> Liquor Licensees accept they have a responsibility to contribute to these costs.
> All they are asking is for the ACT Labor government to implement a fees structure that is fair for all, recognising that the size of a business directly relates to its capacity—and responsibility—to contribute.
> The fees structure in its current form is anti-competitive and places an inequitable burden on small business.

Under the heading, "Increased cost pressures, higher prices and choice limitations for consumers", the paper says:

> The fees for an on-license are based around one threshold only ($100,000)—a threshold introduced in 1999 and unchanged since. Prior to 1999, the fee was based on a percentage of alcohol purchased for 'disposal' in the previous year.

> Mr Corbell says there has been no real increase in fees, but while increasing the fees he neglects to make a real increase to this threshold.
> The obvious result is small businesses, already struggling to stay competitive in the liquor market, will pay the same fees as big business who can absorb the additional costs with relative ease.
> Small business will have no choice but to pass these costs onto consumers or restrict trading—forced to earn as much revenue or more with shorter trading hours.

They go on to say:

> If the ACT Labor government wants to introduce a risk system based on evidence, then they should first genuinely consult with stakeholders, recognise all sources of evidence without bias, acknowledge the risks that do exist and introduce a fair and equitable fees structure based on capacity to pay …
>
> If the ACT Labor government wants to see the negative community impact of alcohol worsen and small businesses close then they will do all they can to introduce these new Liquor Licensing Fees.

I took the time to read that because it so succinctly summarises the arguments that the Canberra Liberals would have put forward, and I think it is more powerful that the words come from the people of the ACT, the 600 people who have signed the petition and who are supported by a range of other people. They are powerful words because they come from an industry that is frustrated by its exclusion from the process, particularly in relation to the fee schedule.

I will just give some examples of the impact. One off-licensee, a local small business owner who operates three suburban supermarkets and two liquor outlets, has told me that his fees will increase from $15,000 to $42,000 in one fell swoop. And I would like to contrast this with his big chain competitor in the same region, who has a much larger turnover and sale of alcohol than this small businessman's five outlets combined. The large chain outlet will pay about $13,000 in liquor licensing fees. And there are a whole lot of other examples that I will cite if time allows.

What we see here today is an opportunity to put a halt to a process that will drive businesses to the wall—cause people to close their businesses early or close them entirely. It will create a drying up of hospitality jobs for our young people and it will create anomalies in the market which will mean that only large businesses will survive. And, whether we are looking at on-licences or off-licences, only large businesses will be able to survive because of the inequitable approach in relation to the fee schedule.

Disallowance of this fee schedule does not negate the government's right to charge licensing fees. The old one will continue. Disallowance of this fee schedule will not stop the ability of police or officers from the ORS doing their work to enforce the laws. Disallowance will not stop the process of the issuing of new licences and permits under the new laws. What it does do is to deny the ACT Labor government its iron-fisted, money-grabbing, unconsulted approach to an industry that is hurting already and will hurt even more if these new laws come into effect.

Firstly, pure and simple, it defaults back to the current fee schedule. Secondly, my motion goes to giving the government direction on what a proper risk-based fee schedule should look like. It calls on the government to go back to the drawing board, to engage in a more robust process of setting fees, to be more realistic in terms of the risk elements and to throw away the one-size-fits-all approach to create a fairer fee regime across the industry. More importantly, the element of going back to the drawing board will end up with engagement and consultation with the industry. This is because much of the material this motion asks the government to consider can only come from the industry.

It is interesting to note that I know of two approaches to the minister from a number of organisations where alternative fee schedules have been proposed which are more equitable. I know that off-licensees have gone to the government and provided alternative fee schedules which would end up with similar revenues and I know that both ClubsACT and the Australian Hotels Association have put to the minister alternative proposals which are more equitable and address people's capacity to pay.

This is a very important issue for a large sector in the ACT community. This is about the operation of small businesses across the territory and their capacity to continue to operate, their capacity to continue to employ people in the ACT. I am sure Mr Smyth will speak on these issues as well and he can draw on some of the case studies where people are being adversely affected across the territory with huge costs, increased costs not just in the taxes being paid to the government but in compliance fees.

This is an important issue today and I challenge the government and I challenge the Greens to stand up for the small business people in the ACT, to stand up for the people who employ our kids and to stand up for diversity in the hospitality industry in the ACT. I commend the disallowance motion to the Assembly.

MR RATTENBURY (Molonglo) (11.26): The Greens will not be supporting the sections of the motion that disallow the 2010 liquor fees determination. We believe it is too late to change these fees and to do so would simply create uncertainty in the sector. Instead, as I have circulated, we will be proposing amendments to the motion to require the fees to be comprehensively reviewed and publicly reported on by 1 October next year. We will also be moving that the review be taken into consideration in future fee determinations.

Unfortunately, it really is the eleventh hour and licensed venues only have eight clear working days until these fees are due on 1 December. We believe it is counterproductive to create confusion in the sector at this late stage. Certainly, we are aware that some venues have already paid their fees and others are literally paying them as we debate this motion. To delete the fee schedule at this late stage, we believe, would be irresponsible. With eight working days to go between now and 1 December when the fees are due, it is entirely unclear what would happen if the fees were disallowed. Mrs Dunne has given a view on that but I think licensees would enter a limbo where they have a fast-approaching due date but are not sure of what they were meant to pay. And some have already paid under the existing structure.

I thought it was rather ironic as well that on the radio the other morning we heard the concerns of the Australian Hotels Association that a change at this late stage may lead to a further increase in the fees. Whether that turns out to be the case or whether that was the AHA simply making contributions to the radio debate is unclear but I do not think that we as the Assembly could pass a disallowance motion and ask the attorney to come back again in under a week, given that the deadline is so close. And I think that is a risk in passing the motion today. As I said, we have heard about the number of licensees who have already paid. Certainly, I have had a discussion with the minister about this and the indication was 66 as at the close of business on Tuesday. I suspect there have been more since then.

I guess the question is: what would happen to those ones? Would they receive discount cheques in the mail? Alternatively, would some be asked to pay more again if the fee structure was adjusted to meet the revenue targets? Would it be fair to say, "You have already paid your fees but now we are going to increase them"? I do not think we should be creating a situation where those licensees who have got in early and paid before the due date then find themselves in limbo or having to reorganise themselves. We simply do not think that supporting the disallowance would be a responsible way to act.

I am surprised, given Mrs Dunne's views—and these are the views of the Liberal Party—that this disallowance was not moved last month when there was an opportunity to do so and there was perhaps a more realistic time frame to implement an alternative approach.

Turning to the amendments that I will be moving today, we believe our amendments offer a more sensible way forward because they provide small and medium-sized licensees with the review that they are calling for and allow the reforms to commence on 1 December, as the Assembly voted on and supported earlier this year. By requiring the attorney to report back to the Assembly by 1 October 2011, we give the government nine months to undertake a comprehensive review of the fees. We then give the Assembly a further two months, from 1 October to 1 December next, when the next annual liquor fees will be renewed.

Turning to the fee as set out in the current determination, the question we have asked ourselves is whether the fees are so far off the mark that the need for disallowance outweighs the uncertainty that a successful disallowance would create. And we have concluded this disallowance today is not justified because the Greens do support a risk-based approach to setting the fees. It can, when done well, send signals to encourage good venue behaviour and we agree with most of what is in the fees. That said, we believe the fees could have been done better. Certainly, the attorney has focused rather singularly or largely on closing hours as the sole determinant.

Certainly, if the Greens had been the ones that were drafting this fee determination, we would have done a number of things. We certainly would have announced the fees earlier. We would have taken more factors into account, such as compliance history. I think we would have also taken a more refined approach to the factors that are used, such as venue size and annual liquor purchase, and I will come back to those points in a moment.

Notwithstanding where we would have done things differently, we agree broadly with the basis of setting fees based on risk and broadly agree with the way in which the government has calculated them. We also believe that licensees can sustain the actual increases. The additional cost for a small venue amounts to $10 per week or, if you put it in a more plain English sense, one boutique beer; while for bigger, later trading venues, it will be a cost of one boutique beer an hour. We think venues can sustain the increases and they are justified, given what we are working towards is a safer and more vibrant Canberra nightlife.

I think it is important to reflect on the actual quantum of some of these fees involved. I know Mrs Dunne was interjecting while I was making some of those comments but we are now talking about, for a small venue, an annual fee of $1,638 for a venue that chooses to close at midnight. That is an annual fee. My understanding is those annual fees are a tax deduction because they are a cost of doing business. So that puts those fees in further perspective. That is a cost spread out over 52 weeks a year. They are in percentage terms in some cases a sizeable increase but they have certainly not been increased for some time. We are talking here about a licence to sell alcohol at a venue.

One of the key concerns the Greens had as we came into this debate was issues around alcohol-related violence in the ACT—it is an issue across Australia but of course our jurisdiction is the ACT—and the need to tackle some of the culture that exists around alcohol consumption. I think the bill as a whole has made some steps towards that. I think we will no doubt learn from the bill. I think there will be things that work perhaps better than we expected, some not as well as we expected, and this will be an ongoing discussion for this Assembly. But in terms of the specific issue, we are essentially talking about the right to sell and serve alcohol in the ACT. And I think that is a right that should carry a cost.

When it comes to the quantum, it is also important to note that the attorney has indicated, and has established, through the department and the Office of Regulatory Services, the option for fees to be paid on a repayment plan basis. I think that is particularly important this year, where the fee determination did come rather later than it should have. Giving organisations or businesses an opportunity to plan out the paying of their fees on a quarterly basis, I think, is a practical step to take. So on the number of arguments that I have outlined, the Greens will not be supporting the disallowance today.

I would like to turn to our amendments in some detail. Instead of disallowing the fees, we propose that they be reviewed and that the review be presented to the Assembly no later than 1 October 2011. The review includes an analysis of the number of licensees and the hours they are trading and the effect the new fees have had on that. It is important that we monitor the impact.

The petition that Mrs Dunne presented particularly talked about venues having to close. What the fee structure does is create an economic choice, and that is exactly the point here. It is about saying, reflecting the evidence of risk, that if you want to trade until 5 am, that is fine. You can do that. The law does not say you must close down. What it does is put a price on it, as we put a price on anything.

It is actually the underlying premise of a carbon tax. It is the same thing. It is actually about changing behaviour. And there are costs attached to that because you cannot just wish for people to change their behaviour. There is a time and a place to send an economic signal. Again, it is fairly basic economic theory and I would have thought it was something the Liberal Party clearly understood. At the end of the day, that is what we are doing here. We are seeking to provide an economic signal.

The review we are proposing requires that the government actually monitor what that impact is so that if it does produce unintended consequences we can come back and change it. But we cannot do nothing. We have to take a step here and this fee structure seeks to set out a set of steps. This Assembly must monitor those and, if necessary, come back and amend them.

The second part of our amendments is an evaluation of the impact of continuing to use the $100,000 as the threshold test for annual liquor purchases. I think this is quite important because I know that it has not been reviewed for at least 10 years. It seems to be a threshold that is probably out of date, certainly one that needs to be given further consideration. It does not strike me as a very practical step at this point in time.

We would also like to see an analysis of expanding the 2010 fee determination to take account of the full list of seven factors listed in section 229(2)(b) of the act. The motion from Mrs Dunne calls for various factors to be taken account of in a revised fee determination, but the fact is that these are already set out in the legislation at section 229. And for this reason we have, through our amendments, reverted to referring back to the legislation rather than setting them all out again. Those seven factors listed in the legislation were voted on and passed by the Assembly and, we believe, should form the basis for assessing risk.

The only factor that Mrs Dunne lists which is not captured by the legislation is location, which is her 2(a)(iii). While there will be some venues not in Civic that have had good compliance histories and do not experience alcohol-related violence—the suggestion is that basically the suburban pubs are not the source of the problem and all the trouble really is in Civic—we believe the existing risk factor of compliance history covers this situation most appropriately.

They are the amendments that we have circulated. We think that they provide a constructive way forward. We commend the amendments to the Assembly. I seek leave to move the amendments circulated in my name together.

Leave granted.

MR RATTENBURY: I move:

(1) In paragraph (1), omit "disallowed", substitute "reviewed".

(2) Omit paragraph (2), substitute:

"(2) that the review be presented to the Assembly no later than 1 October 2011 and include:

(a) an analysis of the effect the 2010 fees determination has had on the number of licensed venues operating in the ACT and trading hours they adopt;

(b) an evaluation of impact of continuing to use $100 000 as the threshold test for the 'annual liquor purchase', noting it has not been reviewed for at least 10 years; and

(c) an analysis of impacts of expanding the 2010 fees determination to take account of the full list of seven risk factors listed in section 229(2)(b) of the Liquor Act 2010.".

(3) Insert new paragraph (3):

"(3) the Attorney-General, in making any new fee determination, take into account the results of the review.".

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.38): The government will not be supporting the motion proposed by Mrs Dunne this morning and I will outline the reasons for that shortly. I will also indicate that the government is prepared to accept the amendment proposed by Mr Rattenbury and I will deal with that accordingly.

The Labor government is implementing a risk-based fee structure that sends a price signal around the consequences of late-night trading. We are implementing laws that are going to provide a better capacity for our police, for our regulatory services and for licensees to conduct their businesses safely and to reduce the harm caused by alcohol-related violence and antisocial behaviour in our community.

We should be under no misapprehension about the significant impact that alcohol-related violence and antisocial behaviour have on our community. It is considered by the Chief Health Officer as one of the most dominant causes of harm prevalent in our community to date. It has major impacts on our hospital services, our ambulance services, our police, our courts and our mental health services. It has major impacts on owners of public and private property and it has a detrimental impact on the quality of entertainment precincts and the ability for law-abiding citizens to enjoy them.

We know that the overriding factor when it comes to harm—and the overriding evidence points to that factor—is how late you trade. The later you trade, the greater the risk and the greater the potential for harm. That is not me saying that. It comes from studies commissioned across Australia and it is the view of ACT Policing. The later you trade, the more significant the risk and the greater the potential for harm. That is why we have introduced these new laws—to address these issues and to establish a risk-based regulatory regime. The fee structure made under these laws reflects that policy objective to address the issue of harm.

The ACT taxpayer is investing heavily in providing further support to address issues of alcohol-related violence and harm. I could point to the tens of millions of dollars

that have been invested in closed circuit television surveillance networks that are now monitored live in real-time on Friday and Saturday nights because of the risks associated with late-night trading in places like Civic, Manuka and Kingston, and indeed elsewhere.

I will point to the significant investment the ACT taxpayer has made in the most recent budget to employ additional police—10 additional, dedicated police officers to work with licensees in a proactive way to address the problems associated with alcohol-related violence and antisocial behaviour. I could point to the additional regulatory resources that the government is having to invest in to address these issues. These are the real costs and investments our community has to both address and make to deal with the challenge of abuse of alcohol in our community.

I am not saying that licensees are solely responsible for this harm. They are not. Under the new legislative regime, consumers of alcohol have considerable new responsibilities and they face new penalties if they do the wrong thing. So they also have an important role to play. Licensees are extended a privilege when they are granted a liquor licence. It is not a right; it is a privilege. It is a privilege that must always be exercised responsibly. I know that the great majority of liquor licensees in this town do exercise it responsibly. But, at the same time, we also have to recognise that the cost to our community from the prevalence and availability of alcohol has to be addressed. That is what these new fees do.

This is not a one-size-fits-all proposal—far from it. To characterise it as such is simply deceitful, because it is an incremental and staged series of fees that reflect the risks presented by the premises. The later you trade and the larger the volume of alcohol that you purchase, the higher the fee. When it comes to off-licences, the larger the volume of alcohol you purchase and therefore make available to sell, the higher the fee. So a liquor licensee that has five licences is not a business I would describe as a small business. That is a significant commercial undertaking and the fee structure reflects that.

Mrs Dunne has made some claims today that are simply wrong. Firstly, she said, "Well, you can vote for this disallowance because the old fee structure will continue." Well, no, it will not. The old fee structure will lapse on 1 December when the new act commences. So it is wrong for her to claim otherwise. If Mrs Dunne were serious, really serious, about wanting a new fee structure, why did she not take the time to bring this debate on last month and not leave it eight days until the existing fee determination expires—certainly not seven working days? Why did she leave it until the last minute? Was it because she was serious about making a change or because she wanted to grandstand on the issue?

I would submit it is the latter, because if she were serious she would have said: "This needs to be fixed now. We're going to give the government adequate time to make a new determination and we're not going to cause confusion amongst licensees by leaving it till the last minute." But that is exactly what she has done—she has left it to the last possible sitting day before the new fee structure takes effect to move disallowance. That is what she has done. She is not serious.

Some claims have also been made about the graduated fee structure that the government has sought to introduce. Those who oppose it say, "Well, there is a recognition that smaller premises pay less, but you have to have an occupancy loading of 80 or less and there's hardly any licensed premises that have an occupancy loading of 80 or less." That is just not true. In fact, there are 87 licensed premises which have an occupancy loading of less than 80 people—87. There are another 43 that have less than 100. So this so-called fictional small number of licensed premises that have small occupancy loadings is just that—a fiction; there are a large number.

The fee structure is designed to reward small premises. In fact, the fee increase for small premises of less than 80 people is $500. I repeat: $500. It has been structured that way as an incentive to support the ongoing viability of small licensed premises—the significant number of small licensed premises that exist in our community. This fee structure is the right policy setting.

I will draw your attention to the fee structure that exists in other jurisdictions. It is particularly worth while highlighting the fee structure that exists in those other jurisdictions that also have a risk-based licensing approach. Queensland, for example, has divided its three-tiered risk-based fee structure to apply to venues which trade all week and those which trade on weekends only. High risk venues which trade from 3 am to 5 am all pay a flat risk fee of $10,000 per annum and high risk venues which trade from midnight to 3 am all pay a fee of $7,700 approximately per annum. Queensland's high risk venues which are trading all week from 3 am to 5 am pay a total annual licensing fee of $13,000 per annum, which includes a base renewal fee of $2,700. Queensland's high risk venues trading all week from midnight to 3 am pay a total annual licensing fee of $10,517 per annum.

Madam Deputy Speaker, when you look at other jurisdictions that have a risk-based licensing regime, you can see that the risk-based licensing regime proposed by the territory and the risk-based licensing regime in other jurisdictions are largely comparable. It underlines the point that, whilst it is easy to claim, "There's been a 500 per cent increase in fees," the fact is that liquor licensing fees in the territory have been abnormally cheap for an abnormally long period of time. In fact, there has been no substantive change to the liquor licensing fees for on-licences for close to 20 years. It would be difficult to sustain the argument that there should not be an adjustment to reflect the significant change that we have seen in terms of alcohol consumption in our community and also the relative value of the fee over that period of time.

The government supports this fee structure. As Mr Rattenbury said, it sends a price signal. It says that if you trade late, it is going to cost you more. If you sell large volumes of alcohol or if you purchase for sale large volumes of alcohol, it is going to cost you more. That is the appropriate price signal to send because the more you make alcohol available, the more likely you are to see harm in the community. These changes and this philosophy are supported by our police, our health professionals and all of those who have to pick up the pieces that fall as a result of alcohol-related violence and antisocial behaviour.

It has always been the government's intention to review the risk structure moving forward, particularly in relation to the issue of compliance. It would be unreasonable

to establish a fee structure based on compliance on the first day of the new scheme because compliance is something that has to be assessed over a period of time. We cannot be in a situation, even within the first six months of the scheme, where liquor licensees still learning their obligations under the new scheme are penalised because of inadvertent errors in relation to compliance. There needs to be a period of adjustment and a reasonable period of time for licensees to understand their obligations under the new scheme.

As Mr Rattenbury outlines in his amendment, there are already provisions in the act that allow the minister to consider a range of factors in determining the fee structure. Many of those factors will be able to be considered once a period of time has elapsed that allows the minister to determine the appropriateness of having regard to compliance, as an example, in relation to the fee structure moving forward.

The government will not be supporting this disallowance motion today. The fee structure is fair and based on evidence that implements a risk-based approach. It is not one size fits all. The government is prepared to consider and undertake a review of the operation of the fee structure, as would be expected with the introduction of any new regulatory scheme.

MR SMYTH (Brindabella) (11.53): I am always concerned when the attorney gets up and says that things are fair and based on evidence. And the question is: do you trust the minister when he says these things or do you dig a little deeper and find out whether he is right or not? You only have to go back a couple of minutes in the debate when the minister said, "No, there are 87 venues over $100,000, and 43 venues under $100,000 selling alcohol."

I think we all understand that, yes, there are restaurants out there. But if the minister is suggesting that restaurants are fuelling alcohol-related violence because of the patrons that go to restaurants then I think he is fooling himself. They may assist. But if they are the target of this and if he thinks punishing restaurants will lead to better outcomes then you have to question "fair and based on evidence".

Where is the evidence that the trouble is coming out of the restaurant trade? Where is a single document that says the restaurant trade is contributing to alcohol-fuelled violence? He quotes some figures from Queensland, and that is quite appropriate. But he says the high risk is from 3 am to 5 am. He quoted from the Queensland figures that the high risk is from 3 am to 5 am. Why are we saying—

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

MR SMYTH: Are we going to start calling restaurants "bars" and say that the people exiting these restaurants/bars are contributing to alcohol-related violence? It is interesting that in New South Wales they have a thing called a primary service authorisation licence. They differentiate between people that go to a restaurant just for a drink and people that go and have a meal and enjoy a glass of alcohol. And in New South Wales the PSA, the primary service authorisation, licence costs $50. I know the minister will say, "Yes, but it is not risk based." That is the mantra: "It is risk based."

Let us look at the risk. If you are going to put a charge based on risk, then make the charge fair. The simple approach is always the approach of this minister. He cannot look at the complexities of these industries. "We will just bill them all." And that goes back to Ted Quinlan's axiom on tax: "Squeeze them until they bleed but not until they die." This is simply about squeezing.

If we were having a risk-based approach to this we would look at where the risk occurs, where the incidents occur, and then make a decision based on that. But if you are saying that putting up the fees for the Tharwa general store is going to address risk then you are just fooling yourself. The Tharwa general store has been run by one Val Jeffery for the last 40 years. It is an off-licence. He has never had a breach of his licence. His fees are going from $1,100 to $1,695. On top of that, he has to pay $135 to continue his business as he has done for the last 40 years. This is coming at a time when his sales have been falling over for the last couple of years following the government's debacle on the Tharwa bridge. I am told it took Val about two days to fill out the forms and get the paperwork together. But there were still glitches.

What is the risk of the off-licence at Tharwa generating alcohol-fuelled violence in Civic, for instance? I think it is a very tenuous bow to draw. He is picking up a 50 per cent increase in his fees. "That is okay because it is risk based. That is okay. One size fits all." This is the minister's approach—and he has got it wrong before—and we will be back to fix this, members. We will be back.

Mr Rattenbury said that the $100,000 threshold—and I hope I quote him right—"does not strike me as practical at this time". If it is not then let us change it. If you have not got it right—and we just heard from the minister there has not been a substantial change for 20 years—you are still willing to set that low threshold. That simply means that this is another government grab for revenue. You are not serious about the problem, the same as you were not serious about police numbers, the same as you were not serious about getting the transport mix right to get people away from these venues.

So you have to ask: what is the outcome? What is the increased risk of the risk-based approach? And the increased risk is that at midnight, when the number of venues will now choose to close because they will not choose to pay these fees, you will actually put more people into the mix. My prediction is the venues that will truly choose to stay open will be mainly Civic based. Those venues after midnight will have additional people rushing to them.

Indeed, what the minister is setting up is an increased critical mass in the area that we already know is plagued with this problem. He will be making a new problem and it will not be increased risk. It will be risk-induced problems that this minister creates, which will be supported by the Greens. The Greens have said they understand the $100,000 threshold. That is okay. "We are going to keep it at that level."

Mr Rattenbury and Ms Hunter attended the same meeting as Mrs Dunne, Mr Corbell and I, when people were saying, "People really do not go home at about midnight, but about 12.30 they tend to start going home, maybe 1 o'clock." What analysis did we do

that 12 o'clock was the magic number? 12 o'clock is a hangover from the days when I was a teenager—and that day has been gone for more than 30 years—when everything shut at midnight. Your curfew was: be home at midnight. The buses would stop. There were no taxis. So you had to get home at 12 o'clock.

But young people these days often do not go out for a drink until 10 o'clock or later. So what we are doing is compressing the risk into an even tighter area. We all know that area will be Civic because that is the area where most of the larger venues are, the venues that can afford to carry this cost. So the risk will be a risk-induced response and it will be the minister who is responsible for that.

The minister says, "We want to send a price signal." Okay. How does the price increase to the Tharwa general store send a signal? Or how does it send a signal to an off-licence that deals in mail order? How much mail-order alcohol fuels violence in Civic on a Saturday night, on a Friday night, on a Thursday night? Very little because I suspect the people that buy their alcohol by mail order are not the ones that should be targeted. We have a number of mail-order firms which will now pay enormously for their licences. How much do they contribute and where is the data that says mail-order alcohol is at the heart of alcohol-related violence?

I do not think there is a report like that. I certainly could not find one. Maybe the minister has got one. And it is interesting that firms like that, which operate in a niche market, are being penalised. I will give the minister leave to speak again if he wants to tell me how much of a risk they pose and where his analysis is.

Then, of course, there is this one-size-fits-all approach in this. If you are over $100,000, you pay the same price. If you have got a mail order business that turns over $200,000 or $300,000, you are paying the same as the Dan Murphy's of the world which might be turning over $2 million or $3 million.

Mr Corbell: No, you are not. You are wrong.

MR SMYTH: The minister says, "No, you are not." That is fine. You can explain that.

Mr Corbell: You are wrong. Just read the fee structure. You do not know what you are talking about.

MR SMYTH: I have read the fee structure. There are concerns out there about this.

If we want to really talk about the small venues, there is only one bar in this. What the minister is doing is picking up a lot of small businesses that do not, in the main, contribute to this problem. So we are sending a price signal. For "price signal", read "higher taxes". That is all this is about.

The minister has said, "It is all about how late you trade, the greater the risk." What about distance? What is somebody who stays open late in Tuggeranong contributing to these problems as opposed to somebody in Kingston or Manuka? And is there a relationship between the distance you are from Civic and the centre of these problems to the amount of violence that is generated? We have heard nothing from the minister on that.

Perhaps the fee schedule should reflect where the locations are. I think we all know the problem is really in Civic and maybe a bit in Kingston and Manuka. But the further you are away from the CBD, if the problem decreases, why would you not have a structure that looks at that? That is because, again, the minister has not done his work.

The minister was very critical of the Liberals for bringing this on today. The Liberals asked for these documents to be tabled when we had the debate so that we could have a fulsome debate. They were only made public in the last sitting period. We have had to go out and talk with people. This is the problem with this government. They do everything at the last minute. The problem is that the Greens let them get away with it. The Greens are complicit in this.

It has taken us a couple of weeks to go and talk to people and that is why we are bringing it on today. We went and took the regs and the structure to the community and we asked them what they thought. This is the first available opportunity, having done our work, to bring it on in this place.

MRS DUNNE (Ginninderra) (12.04): The Canberra Liberals will not be supporting Mr Rattenbury's amendments because they are a cop-out. They are an absolute cop-out. The excuses that were given were so weak, so wrong and so out of touch that there is no way that we can give credence to them by supporting these amendments.

The idea of removing the word "disallowance" and substituting "review" is absolutely and utterly risible. What Mr Rattenbury is doing, as one of our staff said yesterday, is saying: "We are going to hit you over the head with a sledgehammer. Because of my amendments, we will be able to come back and say to liquor licensees, 'How did that feel for you?'" That is what this is about. These fees are going to hit people, not just the big end of town but small people and people in off-licences who are struggling against large chains to make a living. They are all going to be slugged by this fee schedule.

What Mr Rattenbury is doing is admitting that the $100,000 threshold is ridiculous. He has admitted that there is a whole lot of stuff that should be done but he is prepared to sign up to the Labor Party because this is what the Greens do in this town. He has actually admitted by his words that most of what is in this fee schedule is pretty substandard but overall, on the balance of things, he is prepared to sign up to the substandard. He is prepared to say to liquor licensees, the owner of the local supermarket who has a liquor licence, the owner of the local stand-alone liquor store in the suburbs: "We think that this is fair enough. We are going to hit you and then we will come back and see what effect it has."

I contend that, if we hit these people, there will be fewer of them to consult next time. It will be a lot easier job because there will be fewer of them to consult. The message from Mr Rattenbury today is: "It is too difficult." If Mr Rattenbury does not want to disallow this today, he had plenty of opportunities to call a halt to this process at any time he liked.

When the principal bill was debated in August or September, whenever it was, we moved that we not debate this until the regulations and the fee schedule were available. There was a lot of negotiation behind it but no, Mr Rattenbury said we had to bring this on. "We have to bring this on now." He wants all this to start by 1 December.

This is the other thing that is wrong with his argument. There is nothing in the disallowance of the fee schedule that impacts on the new offences, the new powers for police, the new requirements for people to behave well, the new requirements in relation to responsible service of alcohol. There is nothing in the disallowance of the fee schedule that will stop that operating on 1 December. The only thing the disallowance of the fee schedule will do is set back the current fee schedule. If the minister thinks that there is any doubt as to whether the current fee schedule will exist on 1 December, he can make it perfectly clear by remaking that fee schedule to come into effect on 1 December.

It is a nonsense to say that we will be left without a fee schedule. And it is a nonsense to say that we will be left without an effective liquor licensing law. The things that matter—police powers, powers for licensees to eject people from premises, all of those things—will come into effect, irrespective, on 1 December. That is the main thing. That is the flaw in Mr Rattenbury's argument when he says: "It is too late to do anything about it. We should have done it earlier."

I would have loved to have done it earlier but Simon Corbell was not prepared to share. Simon Corbell was not prepared to bring in an entire package of legislation and say: "Here is the legislation. Here are the regulations that underpin it and here is the fee schedule." He was not prepared to do it because he knew how unpopular his fee schedule would be. He left it to the last minute and then scared the horses and said to Mr Rattenbury: "Shane, you cannot do that now because all hell will break loose. It is too late to do anything about it." Shane Rattenbury and the Greens signed up to this.

I am putting the message out there, loudly and clearly, to the hundreds of people I have spoken to about this that the Canberra Liberals are standing up for liquor licensees across the town, whether they run a restaurant, a bar, a nightclub, whether they are in the club industry or not, whether they are a large off-licence or a small off-licence, whether they are a not-for-profit organisation which is being swamped by red tape and increased fees, whether they are a mail-order organisation or an organisation that runs tastings in shopping centres and they are being unfairly taxed by Simon Corbell and ACT Labor. Simon has his hands in their pockets and he is being aided and abetted by the Greens today, who will not disallow, even though they admit that there are substantial problems with the fee schedule.

That is the message from today. Labor and the Greens have sold out the people of the ACT, not only the licensees but all those hundreds of people that they employ and, on top of that, the thousands of patrons. They are all being sold out today and that is the clear message. They do not care. They are not prepared to consult. They are not prepared to look at the evidence.

Mr Corbell spends a lot of time talking about the evidence and what the police want. He has not listened to what the police want, because the police are still saying to me that there are a range of things that could be done that would make this legislation better. The police have not been listened to by Simon Corbell. The police have not been listened to by Shane Rattenbury and the Greens in this. This is why the Canberra Liberals cannot support this pathetic watering down of this important disallowance motion.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question now is that the motion, as amended, be agreed to.

MRS DUNNE (Ginninderra) (12.15): This is a very disappointing outcome for the people of Canberra and I think that they will not thank the Labor Party and the Greens for their approach here today. I will take the time available to me to highlight to members exactly what they have done. I will start with the Yowani Country Club. They wrote to the Chief Minister, to me and to others about the impact that the liquor licensing regime will have on them. The chairperson, Michael Murphy, wrote:

> Yowani, and other similar small clubs in the ACT, is not part of, nor has it ever contributed to, the problem at which this new regulatory framework is aimed. It hardly seems equitable that we should be forced into costly processes, which are not necessary in the environment in which we operate. In our case, these are equivalent to having to use a sledgehammer to kill an ant.

Mr Murphy, the chairperson of Yowani Country Club, went on to say:

> Our estimate is that the requirements of the Act will increase our compliance and licensing costs—

that is, compliance and the cost of doing business—

> by more than $60,000 per annum—

that is, $60,000 from the humble Yowani Country Club—

> for no useful purpose.

Mr Murphy went on:

> This added to the other regulatory costs and substantial increases in red tape and Government fees and charges is making it increasingly difficult for small clubs … to survive.

This is the tenor of much of what is being said. Mr Murphy also wrote:

> We are also concerned that these measures comprise yet another nail in the coffin of small sporting clubs whose core business is the provision of recreational facilities rather than bar or poker machine trading. We are not in the business of providing an opportunity for an alcohol fuelled 'night out' and find it difficult to accept that we should be subject to the same level of regulation as those businesses whose primary aim is to do just that.

I have spoken about the impacts on one commercial Canberra supermarket owner who owns supermarkets and off-licences in the suburbs and I would like to draw your attention to the issues of one bar owner of a fairly large bar in my own electorate of Belconnen. They do trade late but they actually use their late trading to use discretion about when they close. They currently have a licence that allows them to trade until 5 am but they usually close much earlier than that.

They use that discretion to call last drinks, depending on how many patrons they have and what is going on elsewhere. For instance, they said to me that, if there were trouble in the car park outside, they would not call last drinks and then put more people out into the car park where there was trouble. They would wait for that trouble to die down, to be dealt with, and then call last drinks. This is what they call risk management. They said to me, "We manage the risk every night and we do it by exercising our judgement and our discretion."

This was the message that was given to me over and over again by liquor licensees who have been liquor licensees in this town for 10, 15, 20 years, who have never had a police call to their establishments and who say: "We care about our patrons. We care and we act in the best interests of our patrons and the safety of our patrons." Somebody that I have known for many years, long before he was a liquor licensee, said to me that he worries about the safety of his patrons, because he will not be able to afford to stay open and, if he closes his doors in Civic, his patrons will be faced with a de facto lockout and they will be put onto the streets when there are a whole lot of other people marauding around the city.

It goes back to the point that Mr Smyth made and that I made as well. This is not a fix to the problem in Civic. This is not a fix to alcohol-fuelled violence in Civic. I predict that this will increase alcohol-fuelled violence in Civic. It will put more people on the ground in Civic. I hope that I am wrong but I am pretty much convinced that I am right. In a few months times we will be back here trying to fix this mess that Simon Corbell and Shane Rattenbury have created today.

The de facto lockouts that will be created by the failure to disallow this fee schedule, the complicity in this fee schedule, will mean that people will leave licensed establishments before they are ready to go home. They will say: "It is only midnight. Yes, the night is still young. We will go somewhere else." And they will get in a taxi or they will get on a bus and they will go to Civic, because that is the only place where people will be able to afford to stay open. Then they will queue up and there will be fights in queues and there will be fights on the street. That will be brought about because Simon Corbell's ill-thought-out policy will result in more people in Civic, not fewer.

I will tell you some of the other things. Mr Smyth talked about Val Jeffery and his issues. But I will talk about Michael who runs the ACT Wine Industry Network and Brindabella Wine Tours. Michael's business is mainly mail order. His network fees will increase by 50 per cent but his business model will be severely curtailed.

Part of his business is to run wine stalls as promotions in shopping centres. This provides about 30 per cent of his income. Under the current Liquor Act, Michael could apply to transfer his licence to a shopping centre to run a stall. Under the new Liquor Act, every time he wants to open a stall he will have to have a new liquor licence and a new risk assessment management plan for every stall he will operate. Michael said to me: "Heavens above, the local government have gone well and truly overboard. They are crucifying small businesses that are doing the right things."

This is my personal favourite: Art Song Canberra Inc—we all know them; they used to be the Canberra Lieder Society but they are now Art Song Canberra Inc—are a not-for-profit cultural organisation that presents seven vocal recitals each year at the Wesley Music Centre in Forrest. And they provide recitals in lieder and art song from local, national and overseas artists. After Art Song's concerts, they hold a private event with finger food and drinks for the 50 or so members of the audience who attend these recitals.

Art Song used to pay $40 for a permit to serve alcohol—not to sell it, to serve it. That fee will go up to $135. In addition, Art Song Canberra will have to obtain police checks for every member of the board, at $43 each for the nine members of the board, and they will be required to provide a final floor plan, a certificate of occupancy and apply for a lease advice which will cost them $132. And the lease advice is to determine whether the crown lease which they occupy allows for the storage and sale of liquor.

Art Song Canberra neither store nor sell liquor but they still need this certificate. As one of the members of the Art Song board said to me, these requirements are too stringent and are unreasonable for an organisation such as Art Song, which effectively has an intimate party of 50 people at the Wesley Music Centre, which is of course a well-known den of alcohol-fuelled violence!

This goes to show just how ridiculous this is and just how ridiculous the fee schedule is. The signing up of the Greens to this fee schedule today is a ridiculous measure that will drive not only small businesses to the wall but will make it increasingly difficult for small arts organisations to provide a glass of wine.

We have Canberra Repertory, which has a bar. The implications for Canberra Repertory, another den of alcohol-fuelled violence, with be substantial. Every time someone hires the Courtyard Theatre across the way—and most of us have attended plays at the Courtyard Theatre put on by Free Rain and other organisations—they will have a different and more arduous licensing regime because Simon Corbell thinks that they are a centre of alcohol-fuelled violence. I do not think I have ever seen a glassing at the Courtyard Theatre, and I have been going there for a very long time.

This is a ridiculous process and this is a process that will not improve safety in Civic. It will put more people on the streets in Civic because only the large Civic nightclubs will be able to afford to open late. I commend the work that has been done by my colleagues. I am actually talking to licensees, patrons and people involved in the industry. I condemn the ACT Labor Party and the Greens for their cowardice today.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The time for Assembly business has expired.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent the Assembly concluding its consideration of notice No 2, Assembly business, relating to the proposed amendment of Subordinate Law SL2010-40, being the Liquor Regulation 2010.

Sitting suspended from 12.28 to 2 pm.

Questions without notice

Schools—distribution of political material

MR SESELJA: My question is to the Minister for Children and Young People, and refers to the incident where the minister handed out ALP show bags containing Labor

Party membership forms and an application to join the Labor club to year 8, 9 and 10 students. According to the ministerial code of conduct:

> Ministers will uphold the laws of the Australian Capital Territory and Australia, and will not be a party to their breach, evasion, or subversion.

Part 1.4 of the Gambling and Racing Commission's code of practice stipulates:

> The licensee of a gambling facility must not publish advertising that—
> … encourages people under 18 years old to gamble, or targets them;

Minister, why did you commit an act that would likely be a breach of the law were it done by the venue themselves, and how do you reconcile your act with your obligations under the ministerial code of conduct?

MS BURCH: I thank Mr Seselja for his question. This incident happened two months ago. I did attend Campbell high with other members here. As part of that I asked my staff to prepare some material on the Assembly here, its members and its parliamentary process. Unfortunately, there were other materials provided, and I was not aware of that and I apologise because that other material was, indeed, inappropriate. I apologise absolutely to the school, to the teachers and to the families for any distress caused.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you. Minister, the form you handed out to year 8 kids asks them if they are interested in poker machines, ACTAB, Keno or bingo. Were you not therefore promoting gambling to minors, something that if done by a club would be a breach of the law?

MS BURCH: Again, Mr Speaker, I have just said that I have apologised. I was not aware of the material that was in the bag. I apologise.

Opposition members interjecting—

MR SPEAKER: One moment, Ms Burch. Members, if we are going to ask the question let us at least give the minister a chance to answer it. That took less than 10 seconds for the chorus of interventions to start. That is not acceptable. Minister Burch.

MS BURCH: I accept responsibility for that. It ultimately rests with me to check each and every piece of material that goes out under my name. I erred. I did not do that level of checking. Again, I am here as a result of that error in judgement.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, were you aware of the requirements of the gambling and racing code of conduct when you distributed the Labor Club membership forms to young students in the ACT public school system?

MS BURCH: I will say again: I was not aware of the complete contents of the material in the bag and I apologise for any offence caused.

MR COE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do your actions in promoting gambling to minors comply with the ministerial code of conduct?

MS BURCH: I think I have said that the material was inappropriate. I stand by that, and I apologise to those concerned.

Education—efficiency dividend

MS HUNTER: My question is to the Minister for Education and Training and concerns the current efficiency dividend process in the Department of Education and Training. Minister, can you provide an update on the consultation process that has followed the release of the revised efficiency dividend paper on 19 October?

MR BARR: I am happy to provide the member with some detail in relation to this. She would be aware of an initial consultation paper that was distributed amongst staff in the Department of Education and Training towards the end of September of this year. That then led to, I believe, a three-week consultation period with the broader community where a variety of views were clearly made known to the department in relation to its initial proposal.

Subsequent to that consultation period, the department modified its proposal and published a revised position, together with some explanatory material, a question and answer sheet and some further information specifically in relation to disability education on its website last month, in October. The department has then gone through a further consultation round with staff, particularly those who of course will be impacted by changes to the central office structure.

A number of staff will be moving back into schools, as part of this restructure is to move some positions out of the central office and back directly into schools, and those staff are going through the appropriate round of job applications and the appropriate staffing reviews that occur annually in terms of placing teachers back into the school system. There is an annual round of teaching positions that come up within the department and within the schooling system.

The average turnover in terms of staff positions is in the order of six or seven per cent a year, I understand, so there are a couple of hundred positions through transfer rounds and whatnot that occur around making placements for teachers within the schooling system. That is a regular occurrence at this time of year to ensure that teachers know in advance of the new school year where they will be deployed for the coming school year. That process, I understand, is nearing conclusion and all staff who were affected by any changes associated with the efficiency dividend and the

central office restructure will have been placed into new positions in time for, obviously, the start of the 2011 school year.

MR SPEAKER: A supplementary question, Ms Hunter?

MS HUNTER: Minister, what consultation, if any, has taken place since the release of that paper between your department, the Department of Disability, Housing and Community Services and families in relation to post-school options for students with a disability?

MR BARR: I think we discussed this at some length in the annual report hearings last week. The department has a regular working-group relationship with the relevant sections within the Department of Disability, Housing and Community Services in relation to post-school options. That work has been ongoing for a period of time. Of course, the disability education advisory group also meets regularly, and that includes representatives from each of the agencies and also representatives from the community. Those discussions continued at their most recent meeting and, of course, will continue into the future.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, to improve the communication between departments and families about changes, has the process to disband the Disability Education Reference Group commenced and what new groups will be represented?

MR BARR: There certainly has been some discussion around possibilities to expand that group. There is, of course, a question of what is the optimal size for such a group. I recognise that those sorts of advisories can get to the point where they might in fact be too big to be able to provide useful advice and work effectively. The question of whether or not optimal size has been reached as yet is one that I have an open mind on and I am happy to take some advice from the department in relation to the final composition of that group. But I am comfortable that the department continues to manage its engagement with stakeholders effectively.

MR DOSZPOT: A supplementary?

MR SPEAKER: Yes, Mr Doszpot.

MR DOSZPOT: Thank you, Mr Speaker. Minister, on 31 October I met with a group of very concerned parents who were also asking—

Mr Barr: Is this a supp?

MR SPEAKER: Yes, not too much—

MR DOSZPOT: It is a supplementary regarding consultation.

Mr Hargreaves: Well, no preamble.

MR SPEAKER: Just delete the preamble, Mr Doszpot.

MR DOSZPOT: The parents were very concerned to meet with you, Minister Barr. Have you since then, or do you intend from now on to have that meeting that the parents really want to have with you, not with the department?

MR BARR: Thank you, Mr Speaker. I did meet with representatives of that parent group, which represents, as I understand it, around 20 or 30 families. I acknowledge their desire to have closer conversations with government in relation to particular aspects of disability education. I will, of course, continue to meet with parent and community bodies in relation to education. I met with the parents and citizens council only a matter of a week ago.

There are, of course, 30 or 40,000-odd students in the ACT education system—so one would presume somewhere between 60 and, say, 80,000 parents, all of whom have an interest in the education of their children. There are a number of peak bodies that represent parents. I continue to meet regularly with parents, parent associations and particular advocates for particular groups of students as part of my role as Minister for Education and Training.

Visitors

MR SPEAKER: Before I come to you, Mr Hargreaves, I would like to acknowledge the members of the University of the Third Age who have joined us in the public gallery today, and I welcome them to the Legislative Assembly.

Questions without notice

Members—behaviour

MR HARGREAVES: Mr Speaker, my question is to you. On 16 November, you wrote to all members and you said:

> I am writing to all MLAs about the importance of demonstrating appropriate behaviour during activities and visits organised as part of the Assembly's parliamentary education program.

You also said:

> Recently, it has come to my attention that there have been several instances in which MLAs have used education activities to prosecute various party political agendas.

You said that the education program is aimed at school and community groups and you also said that these organisations and minors—you did not say "minors"; that is my word—were not to be put in a position where they are a captive audience for partisan speechmaking. You said that such conduct has the potential to cause discomfort to members of the audience—and I take that to mean schoolchildren as well. You said:

> … I expect all members to observe appropriate standards …

Mr Speaker, was the reason for your caution to stop the inappropriate influence of minors, notably schoolchildren, and members of the public through political suggestion? How many instances were there, and will you name those members who abused the institution of the parliament?

MR SPEAKER: Thank you for your question, Mr Hargreaves. I did write this letter to all members after receiving several reports recently about what might be considered inappropriate conduct by members in these fora. These were instances at which, on the whole, I was not present. On that basis, I do not believe I am in a position to name specific instances. Nonetheless, I was sufficiently concerned that members were not treating these occasions in the way in which they should be.

It is my view that when groups of schoolchildren or, for that matter, as we have had this morning, University of the Third Age or other organisations, come to visit us through the education program, whilst members should obviously put their views about matters, I think there is a way to put a view without necessarily engaging in the sort of political behaviour that takes place in this chamber at times. I think it is upon us all, as members of the Assembly, to behave in a manner that upholds the dignity of the place and that it does not turn into some sort of opportunity to denigrate one's political colleagues in a forum in which that is not supposed to take place, in my view, and from my understanding of the practices of this place.

MR HARGREAVES: A supplementary question, Mr Speaker, and I thank you very much for that response. As the guardian of appropriate parliamentarianism in this place, Mr Speaker, do you believe that it is appropriate—

Mrs Dunne: That's the job you want, though, isn't it, Johnno?

MR HARGREAVES: I was not talking to you, Mrs Dunne; I was talking to the Speaker.

MR SPEAKER: Order, Mr Hargreaves. Just stick with the question, thank you.

MR HARGREAVES: Thank you very much, Mr Speaker. As the guardian of appropriate parliamentarianism and behaviour in this place, do you believe, in fact, that such a caution as issued by your good self when you identify that something is remiss is sufficient? Provided that a member acknowledges that that behaviour is such and apologises, is that the end of the matter?

Mr Smyth: Is that a speech or a question?

MR HARGREAVES: The second part of my supplementary question is: will you ask Mr Hanson to apologise for his behaviour?

MR SPEAKER: Mr Hargreaves, my view is that I have not sought to identify specific members or specific incidences. These reports have come to me essentially

second hand. On that basis, I do not feel it is appropriate for me to approach individual members. Nonetheless, the nature of these reports has been such as to raise my concern, and I think it is my duty to remind members of the expected standard of behaviour. That is why I have sent a general letter to all members reminding them of the standards of this place and asking them to uphold those standards. If further incidents occur, I will consider whether I need to approach specific members in order to reinforce the point that I have made in the letter.

Mr Hargreaves: A supplementary question, Mr Speaker, a final one?

Mr Seselja: You can't have another one. You can't have three.

Mr Hargreaves: On a point of order, can you tell me the standing order which requires that I cannot ask one when I am on my feet, please?

MR SPEAKER: Order! On the point of order, Mr Hargreaves, the standing order for supplementary questions specifically indicates that the member asking the original question gets one supplementary question and not further.

Mr Hargreaves: Does it say "not further" in the rule, Mr Speaker? I would like to have it quoted to me.

Mr Seselja: It says "another member" may ask more questions.

Mr Hargreaves: I was talking to the Speaker. I was talking to the organ grinder, mate; not the monkey. I was talking to the man on the horse, not the maggot on the sausage.

Mr Smyth: 113B, Johnno. Just read the first sentence. It's very clear.

MR SPEAKER: Order! Thank you, Mr Smyth, for the number. I was just trying to think what it was.

Mr Smyth: 113B, first sentence, Mr Speaker. It makes it very clear.

MR SPEAKER: It says:

> Immediately following the answer to a question, one supplementary question may be asked by the Member who asked the original question:

I believe that is quite clear. Mr Coe, a supplementary?

Mr Coe: A new question.

MR SPEAKER: Mr Coe, you have the call.

Schools—distribution of political material

MR COE: My question is to the Minister for Children and Young People and refers to the incident where the minister handed out ALP show bags containing Labor Party

membership forms and an application to join the Labor Club, to years 8, 9 and 10 students. Minister, in a previous answer to a question on this topic, you answered:

> I see nothing wrong, however, in providing information that was consistent with the intent of what we were there for, which was an advanced civics course.

Minister, what part of an advanced civics course covers promotion of membership forms for the Labor Club to year 8 students?

MS BURCH: If this is their theme for the day, the theme of the reply is that I have accepted that the material in the bags was inappropriate and I have apologised for any offence or distress to the families and schools. I have also apologised for the distress and offence caused to members, to the Assembly and to members that were also present at Campbell.

MR SPEAKER: Supplementary question, Mr Coe?

MR COE: Thank you, Mr Speaker. Minister, who put the Labor Party membership forms into the bag that you handed out?

MS BURCH: Staff members in my office prepared the bags and I was not aware of the material in there until after the event. I take responsibility; I should have been aware of the material and certainly screened it, in which case that material would not have been permitted to be put out.

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, why did you not check the contents of the bag before handing it out to year 8 children?

MS BURCH: It was an oversight on my behalf, Mr Speaker.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, do you accept that offering membership forms for the Canberra Labor Club is not part of a civics course and is completely inappropriate?

MS BURCH: Mr Speaker, I think I have said that I accept that it was inappropriate material.

Land Development Agency—environmental initiatives

MS LE COUTEUR: My question is to the minister for the Land Development Agency and concerns environmental initiatives for new LDA estates. Minister, at

present there is a $1,000 rebate available to new houses in Wright which install energy-efficient air conditioners. Why does this rebate not apply to householders who choose to build their houses so that they do not need any air conditioning?

MR STANHOPE: I will take advice on the policy position and seek a full explanation for Ms Le Couteur. I am afraid I cannot assist her today.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, has the government considered extending the $1,000 rebate to include houses which are above the current mandatory energy efficiency rating?

MR STANHOPE: I will take advice on that question and take it on notice. I have to say I am not aware that we have. I would hope we have and, if we have not, we will.

MS HUNTER: A supplementary?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Chief Minister, given that development applications for new housing in Wright need to be signed off by a sustainability adviser, why does this not apply to other LDA estates in Canberra?

MR STANHOPE: I think it is a prospective position that has been taken but I will get full details of the policy for members.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Chief Minister, are rebates being developed for new houses which treat their own grey water in Molonglo?

MR STANHOPE: I will take that question on notice.

Schools—distribution of political material

MR SMYTH: My question is to the Minister for Children and Young People and it refers to the incident where the minister handed out ALP show bags containing Labor Party membership forms and an application to join the Labor Club to year 8, 9 and 10 students. Minister, in a previous answer to a question on this topic you answered:

> I see nothing wrong, however, in providing information that was consistent with the intent of what we were there for, which was an advanced civics course …

Minister, in the Labor Club application form you distributed which was, according to you, "consistent with the intent of what we were there for, an advanced civics course", the form asks the students if they are smokers. In what way is asking year 8 students whether they are smokers consistent with the intent of an advanced civics course?

MS BURCH: Thank you, Mr Smyth, for the question. I will say again that I have accepted that the material in that bag was inappropriate. I did not give a final oversight to that material, and again I apologise for any offence caused.

MR SMYTH: A supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, the same form asks the students which other clubs they usually visit. In what way is this question consistent with the intent of an advanced civics course?

MS BURCH: It is not appropriate material and not an appropriate question.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, on what date did you find out what was included in the plastic bag?

MS BURCH: It was either the evening of that day or the morning thereafter when I got the final detail, when the staff advised me about what material was in the bag.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Given that answer—that you found out on the day or very soon after—why was it weeks later when you did in fact say:

> I see nothing wrong, however, in providing information that was consistent with the intent of what we were there for, which was an advanced civics course …

MS BURCH: There was appropriate material there. There was material about this Assembly and all members and about our parliamentary process. That was included in the bag.

Mr Seselja: You were asked about a show bag.

Mr Hanson: You are dodgy!

Mr Hargreaves: I raise a point of order, Mr Speaker. Mr Hanson just threw across the chamber that the minister was dodgy. I ask you to ask him to withdraw it.

Mr Seselja: Is that unreasonable from that answer?

Mrs Dunne: On the point of order, Mr Speaker—

Mr Hargreaves: Yes.

MR SPEAKER: Order!

Mr Seselja: It looked pretty reasonable to me.

MR SPEAKER: Order, Mr Seselja.

Mrs Dunne: On the point of order, Mr Speaker, the form of this house is that members refer to each other by their full name. Mr Hargreaves should refer to Mr Hanson as Mr Hanson, not as "Hanson".

Mr Hargreaves: On the point of order, Mr Speaker, if I did that, I apologise. My normal appellation for Mr Hanson is Mr Hanson or Jeremy and, if I referred to him merely by his surname, I do apologise. I still want him to withdraw that comment.

MR SPEAKER: Yes, I am coming to that. Thank you. Mrs Dunne, that addresses your point of order, I believe.

Mrs Dunne: Yes, thank you, Mr Speaker.

Mr Hargreaves: It doesn't address mine. It was a reflection on the member.

MR SPEAKER: Yes, thank you. Mr Hanson, I believe that probably was a reflection on the member and I ask you to withdraw it, please.

Mr Hanson: Mr Speaker, I withdraw.

MR SPEAKER: Thank you.

Schools—distribution of political material

MRS DUNNE: My question is to the Minister for Children and Young People, and refers to the incident where the minister handed out ALP show bags containing Labor Party membership forms and an application to join the Canberra Labor Club for students in years 8, 9 and 10 at Campbell high school. Minister, did the Canberra Labor Club supply you with the application forms? If yes, was the club aware that you would be providing these forms to minors? If no, where did you get the forms from?

MS BURCH: I think I have said that I am not aware of how the material got to be in my office or how it got to be put in my bag. I do apologise. But I also want to add that I do accept that this was an error of judgement by me. I have counselled staff, and I can give assurance to this place and to members that this will not occur again.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, who made the decision to put the application forms in the show bags?

MS BURCH: The show bags were compiled by a staff member.

MR HARGREAVES: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, when you went to visit the school, were there any questions asked of you regarding the contents of that material, particularly in reference to the Labor club, or was it all about policies and politics? What was the response from the audience that you addressed?

MS BURCH: I thank Mr Hargreaves for his question. Indeed, there was no reference from the children in the civics groups to the bags. They were provided in the room for the students to take or not take at their choice. It was certainly not imposed on them in any way, shape or form.

MR HARGREAVES: A supplementary, again, Mr Speaker, on that?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Was there any response, was there any contact with your office by parents of those students who were upset about the contents of those bags?

MS BURCH: Indeed, I have not been approached by any—

Mr Smyth: Bingo!

MS BURCH: point-scoring over there—by any of the students, teachers or families of the school. Indeed, the first correspondence I had on the issue was from Mr Coe.

Alexander Maconochie Centre—crisis support unit

MS BRESNAN: My question is to the Attorney-General and is about the AMC's crisis support unit. Minister, I understand concerns have been raised about the length of time detainees can be held in the AMC's crisis support unit and ACT Corrective Services is undertaking a substantial amount of work to respond to the concerns. Minister, can you please advise the Assembly what is the average amount of time a detainee would normally spend in the crisis support unit when they need monitoring, and what is the longest time any detainee has spent there?

MR CORBELL: I thank Ms Bresnan for the question. I cannot advise of the particulars of the matters that Ms Bresnan is asking me about. I will need to take that element of the question on notice. What I would say, however, is that obviously the individual circumstances of each individual prisoner will dictate the extent of time they are required to remain in the crisis support unit. I am happy to provide more detail around the particulars that Ms Bresnan asks about.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Does the crisis support unit engage in the seclusion of mental health patients, and does Corrections aim to minimise this, just like the PSU?

MR CORBELL: The management of the crisis support unit has regard to the individual circumstances of each prisoner, their health status and any other relevant factors. Again, in relation to the particulars that Ms Bresnan asks about, I will need to take that question on notice.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Attorney-General, given the crisis support unit is there to cater for those people who need monitoring to prevent against serious self-harm, why is the unit run by Corrective Services rather than Mental Health ACT?

MR CORBELL: The crisis support unit does not just perform that function. It performs a range of other functions where prisoners are required to be separated from the rest of the prison population, and that is something that ACT Corrective Services has responsibility for. Corrections Health is only responsible for the operation of the Hume health centre.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Attorney-General, does the ACT government acknowledge that spending long periods within the crisis support unit can further damage a person's mental health and, if so, what is the government doing to respond to this prior to a new secure mental health facility being built?

MR CORBELL: The crisis support unit is there for prisoners' own protection. Prisoners are only placed in it for their own protection. The particular circumstances and reasons for that will vary from prisoner to prisoner. I am happy to provide further details to the member but I will need to take that particular element of the question on notice because it relates to specific circumstances of individual prisoners.

Gungahlin Drive extension—bridge demolition

MR DOSZPOT: My question is to the Minister for Territory and Municipal Services, Mr Stanhope. On Tuesday this week, the *Canberra Times* reported that a "thorough investigation" will be undertaken into the alleged security breach that occurred—

MR SPEAKER: Mr Doszpot, one moment. Chief Minister, you are being asked a question.

Mr Stanhope: I beg your pardon, Mr Speaker.

MR SPEAKER: Mr Doszpot, would you like to start the question again?

MR DOSZPOT: I would love to. My question is to the Minister for Territory and Municipal Services, Mr Stanhope. On Tuesday this week, the *Canberra Times* reported that a "thorough investigation" will be undertaken into the alleged security breach that occurred during Saturday's demolition of the Glenloch bridge. What will this investigation entail, minister, and when will it be completed?

MR STANHOPE: I thank Mr Doszpot for the question. Indeed, there was a worrying incident during the demolition of a bridge at the Glenloch interchange. The Department of Territory and Municipal Services had arranged for a bridge that was no longer required within the interchange to be demolished. It was decided that the most cost-efficient way of removing that particular bridge was for it to be imploded.

TAMS take a very serious view of the safety issues and implications of exploding or imploding anything, indeed, in this case, a bridge. They decided for security reasons that the explosion or the demolition should occur early in the morning. They chose a Saturday morning, and planning proposed that the demolition occur at or around 6 am, with a view to ensuring as least disruption to the public as possible.

Two exclusion zones were put in place—one a one-kilometre exclusion zone and the second a 150-metre exclusion zone. It was decided, on the basis of advice that was going through the coronial inquest in relation to the implosion of the Canberra Hospital, that the explosion or the demolition not be advertised. That was done deliberately on the basis of the tragic experience of the Canberra Hospital implosion. It was deliberately not advertised so as not to attract onlookers.

At 10 to 6, a jogger/walker encountered the outer exclusion zone, the one-kilometre zone. He was advised that he could not proceed, that he should not proceed, that there was to be a demolition and that the site was dangerous, and he was requested not to enter. That person was annoyed and expressed anger that there had been no public notification. This is the complexity for the department. They deliberately did not advertise, and this particular member of the public was annoyed that his progress was being impeded. However, he left the site; he turned away and walked away from the zone.

Unfortunately, out of the sight of that particular marshal, he re-entered the zone. He was on the bike path and walked across country onto Lady Denman Drive and was, at the time of the implosion, he claims, 150 metres away. However, we had a 150-metre exclusion zone, which he did not cross. It was subsequently discovered that he was probably within 300 metres of the demolition when it occurred.

It is of concern to me and to the department that, at that stage, he had been within the exclusion zone for 40 minutes out of sight. The department did two runs along Lady Denman Drive in the 10 to 15 minutes prior to the explosion to ensure it was clear and safe, and he was not sighted. At this stage, we do not know where he was.

The purpose of the inquiry, Mr Doszpot, is to seek to better understand why this person, having been asked not to enter the zone, did. We are inquiring why it was that,

when there were two full sweeps by officers of Lady Denman Drive, he was not sighted. We are seeking to understand why he remained within a one-kilometre exclusion zone for 40 minutes. I could crawl on my hands and knees the 600 or 700 metres that he travelled in that 40 minutes. There is a question of why a jogger, having been advised that an explosion was to occur, chose to remain within an exclusion zone for 40 minutes. *(Time expired.)*

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Thank you, Mr Speaker. Minister, will the outcome of the investigation be made public?

MR STANHOPE: Yes, the outcome of the investigation will certainly be made public. I have also asked whether or not the powers available to marshals, the department and contractors are sufficient. There is an issue that has been raised as a result of this particular experience, the fact that this person was asked—and I did inquire, "Had the marshal demanded? What powers did he have to demand?" And if the person said, "Well, I'm going to go in anyway," what powers did the marshal or officials have to restrain this person and do we need powers?

I have asked for advice about that. Do we need a police presence in future? Do we need to ensure that people who are protecting a zone where a dangerous activity is to occur have appropriate powers and authorities? I also expect the review to give me advice on whether or not a person who deliberately ignores a request not to enter a zone that he has been advised is dangerous as a result of explosions, demolition activity, should be subject to charge for deliberately entering and remaining—

MR SESELJA: You're not prejudging the issue, are you, Jon?

MR STANHOPE: No, I am not. But it seems to me that there are certainly gaps in the powers available to government and authority in relation to those persons that would deliberately ignore a request and then deliberately remain within a zone that they have been advised not to enter.

The department is very mindful, as am I, that this occurrence should not have occurred. Our systems should not have allowed a person to enter. But to be fair to the official or the marshal that requested this person not to enter, the person turned around and walked away. It does raise the question; it is a fact there was a person within an exclusion zone who should not have been there and we need to thoroughly explore and understand how he got into the zone and why he was not detected.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: What warning was the public given prior to the demolition taking place?

MR STANHOPE: I understand, Mr Coe—and I do hope this will be further explored in the report, and I am happy to ensure that it is—that the coroner inquiring into the fatal implosion at the Royal Canberra Hospital recommended that, in future, where

governments or agencies were engaging in a dangerous demolition utilising explosives, the public not be advised, so as to avoid the precise event that occurred at the Canberra Hospital. That is my advice.

My advice is that, as a result of that experience, as a result of the coronial inquest into the death of a child as a result of an implosion at the Royal Canberra Hospital, the decision was taken that in future we would not advertise that an implosion, that an explosion, was to occur, in order not to attract sightseers to the site. So that is why there was no warning. There was no warning for that very reason. A conscious decision was taken, I understand, as a result of the coronial inquest into the Royal Canberra Hospital explosion, that in future we not advertise explosions. So, Mr Coe, there was no warning.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, are you tainting the inquiry and potentially tarnishing the reputation of a person at risk by speaking so freely before the result of the investigation has been tabled?

MR STANHOPE: Not at all. There will be an inquiry into all these issues. I have simply outlined facts. I have outlined facts as provided to me in relation to the issue which you raised in your question. The facts are precisely and exactly as I have put to you and as were put to me in relation to this particular incident. Those were the times.

The times were: at five to six, the first contact was made. A person was advised not to enter the site. The person disregarded and ignored that advice and entered the site. That person is timed as having left the site at 6.30, five minutes after the explosion. He remained within the exclusion zone for 40 minutes. Those are the facts as given to me.

They raise questions. They raise serious questions as to how it happened, why it happened, why that person disregarded that particular request, why that person remained in the exclusion zone. Why, indeed, was he not sighted? Why was he not seen within the site? Why did the two groups at Lady Denman Drive not reveal his presence? Why did the marshals on the bike path not see him? What route did he take to get from the site where he was asked not to enter the site to the point where he was seen leaving the exclusion zone 40 minutes later?

These are issues that are being put forward. But those are the facts that have been given to me, the advice given to me by the department, and those issues, of course, and the consequences to the questions raised are all being investigated, as they should be. The department accepts absolutely that the department must satisfy for itself why its systems allowed this to happen.

Bimberi Youth Justice Centre—assaults

MR HANSON: My question is to the Minister for Disability, Housing and Community Services. Minister, a number of assaults have occurred at Bimberi this

year resulting in serious injury to Bimberi staff. Minister, can you advise the Assembly what action has been taken since these incidents by your department to ensure the ongoing safety of Bimberi staff and have any charges or disciplinary action been taken against the detainees who were involved in these incidents?

MS BURCH: I thank Mr Hanson for his question. Assaults and incidents do occur at Bimberi. It is a detention centre and, unfortunately, it is some part of the reality of what happens there. All incidences of assault are treated very seriously and, depending on the level of assault—perhaps it is all of them; perhaps it is those that reach a certain part—they are certainly referred to the AFP.

As to the question of how many charges have been laid and what is the outcome of those, I will take it on notice and come back. I do not have that information on hand. But rest assured that staff security and staff safety are a priority and incidents like these are not taken lightly. Every incident, regardless of what it is, is reviewed and considered and, where appropriate, referred to the Federal Police.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Yes, a supplementary. Minister, you stated in this place on 17 August:

> We take any incident that exposes young people and those that work at Bimberi to risk quite seriously, so every incident, regardless of what it is, is reported and is reviewed by management …

Given that, has a broader review into these incidents been undertaken and what was the outcome?

MS BURCH: Other than a review of individual incidences, if there is a broader review of circumstances, I will take that on notice. I know operations more broadly at Bimberi are in many ways under constant review, but that particular question I will take on notice, Mr Hanson, and bring an answer back.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, there have been a number of instances of assault. Some of those have been reported in the paper. Advice that has come to the Canberra Liberals indicates that on 5 September a female inmate kicked a staff member in the chest. In another instance a female staff member was punched in the head. In another instance serious damage was done to a female member when she was punched in the face. A staff member was hit with a fire extinguisher and sprayed with the contents. A staff member was assaulted and dragged around the unit by her hair. A staff member was hit by a broom. In another instance a staff member was king-hit. That was dealt with during estimates this year. Chairs have been thrown at staff. There was the assault of a staff member on the recreation ground when he was left alone. This was reported in the paper. There have been spitting incidents—

Ms Burch: Is there a question there, Mrs Dunne?

MR SPEAKER: Order, Ms Burch!

MRS DUNNE: Minister, are there any occasions when these matters have been initially referred to the AFP but that case has been closed or charges withdrawn after they have been directed to the AFP?

MS BURCH: I will take the detail on notice. As I have said, matters of that sort are referred to the AFP as management deems appropriate. As to the outcome of those, I will take it on notice and come back with some information, Mrs Dunne.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, how many residents in Bimberi have been put into seclusion? Is the Official Visitor keeping you informed about those put into seclusion, keeping you up to date on those matters?

MS BURCH: I thank Ms Hunter for her question. On the numbers, I will take that question on notice. I am happy to take it back over a 12-month period as well. As to my contact with the Official Visitor, I have regular contact with the Official Visitor. She keeps me updated on a range of things and the residents there are quite open and quite candid with her in comments. She, in turn, is quite open and candid in her comments to me.

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

Supplementary answer to question without notice
Schools—Throsby Catholic school

MR BARR: On Tuesday, I took a question on notice concerning the time frame for the prospective opening of a Catholic secondary campus in Throsby. I can advise members that the Department of Land and Property Services is currently managing an application from the Catholic Archdiocese of Canberra and Goulburn for a 10-hectare block in Throsby. The block has been identified opposite the proposed district playing fields in Throsby.

District-wide environmental surveys have identified habitats for the superb parrot and golden sun moth, which are both endangered species and will require a referral to the Australian Department of Sustainability, Environment, Water, Population and Communities under the Environment Protection and Biodiversity Conservation Act—the EPBC Act. TAMS environment is currently engaging consultants to undertake detailed surveys of the area for the superb parrot and the golden sun moth to enable this referral to take place. Once a decision from the commonwealth is received, the appropriate path for an environmental assessment can be determined and a state development plan will then be prepared and assessed. Following that, services will need to be provided.

I can advise members that there are no readily identified alternative sites in Gungahlin. The CEO are currently seeking approval in principle for the new school through the Department of Education and Training. I can advise members that, as required under the ACT Education Act, a call for public comment on the application for in-principle approval is scheduled to appear in the *Canberra Times* on 20 November this year, with comments to close on 30 January 2011.

This time frame is longer than the usual 60-day period to allow for the holiday period between Christmas and new year. I am advised that the CEO are planning for the campus to be operational for years 7 and 8 by 2013. Of course, dependent on the outcomes of the environmental surveys, the EPBC referral and other government approvals process, at this point in time I can say that this time frame appears very possible.

Legal Aid Commission (ACT) annual report 2009-10—corrigendum and addenda

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:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2009-2010—Legal Aid Commission (ACT)—Corrigendum and addenda.

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

Leave granted.

MR CORBELL: For the information of members, a corrigendum and addenda to the Legal Aid Commission (ACT) annual report have been tabled this afternoon. In the overview on page 8 of the report, under the "Financial" heading, the operating surplus figure was incorrectly stated. The corrigendum replaces the respective text in the published report. The addenda relate to pages omitted in the final report.

Department of Justice and Community Safety annual report 2009-10—corrigendum

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:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2009-2010—Department of Justice and Community Safety—Corrigendum.

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

Leave granted.

MR CORBELL: Volume 1 of the annual report provides information on legal services to government and, in particular, a breakdown of expenditure by the ACT Government Solicitor from the legal expense vote (territorial account). The 2009-10 figures in table 7 on page 25 were incorrect in the published report.

Volume 1 of the annual report at appendix 1 also includes information on the department's strategic indicators. Pages 167 and 168 include information on the timely completion of civil cases in the courts, percentage change and number of cases in the backlog of civil cases. Note 2 was incorrectly referenced to the Supreme Court table.

Page 171 includes information on the timely processing of criminal cases, percentage and number of criminal cases that are finalised from time of listing, reported by time interval. Both the Magistrates Court and the Supreme Court report against this strategic indicator. The Magistrates Court table was omitted in the published annual report. The corrigendum replaces the information provided in the published report and also provides information which was omitted.

Papers

Ms Gallagher presented the following paper:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2009-2010—ACT Health—Corrigenda, dated November 2010.

Mr Barr presented the following paper:

> Indigenous Education—Performance in Aboriginal and Torres Strait Islander Education—Annual report 2009.

Budget—surplus
Discussion of matter of public importance

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

> The importance of bringing the ACT budget back into surplus by 2013-14.

As the proposer is not present, the matter will not be proceeded with.

Liquor Regulation 2010
Proposed amendment

Mr Smyth: Mr Speaker, the unexpected non-attendance of Ms Porter has caused Mrs Dunne not to be present for this motion. Could I take this opportunity to say a few words about—

MR SPEAKER: No, thank you, Mr Smyth. Please resume your seat. Do we know if Mrs Dunne is far away?

Mr Smyth: No, I believe she is coming back straightaway with her documents, Mr Speaker.

MR SPEAKER: Thank you. In order to prevent this item from dropping off the agenda, the Assembly will be suspended for a number of minutes. We will resume with the short ringing of the bells.

At 2.54, the sitting was suspended until the ringing of the bells.

The bells having been rung, Mr Speaker resumed the chair at 2.55.

MRS DUNNE (Ginninderra) (2.55): I do apologise to the Assembly. I had not joined the dots between Ms Porter's absence and the fact that the MPI would lapse. I apologise for that. I move:

> That Subordinate Law SL2010-40, Liquor Regulations 2010, be amended as set out in the following schedule:

[See schedule A at page 5749].

Like the Liquor Act, the Liquor Regulations is a document that, in a number of areas, fails the ACT hospitality and liquor industry. Once again it seeks to place a one-size-fits-all approach on the industry, levying a top-down treatment to everyone in the industry.

In the course of the debacle that has been the so-called liquor reforms of this ACT Labor government, I have received many representations from a variety of people. Those have come from off-licences big and small, on-licences big and small, not-for-profit permit holders, industry representative groups and individuals. Out of all of this has emerged a wide range of issues that have made me wonder to what extent has this ACT Labor government actually talked with the industry in the context of this so-called reform agenda.

No doubt the government will say that consultation has been extensive but the overwhelming evidence presented to me is that this consultation had not been with business operators, especially small business operators. The most glaring of all, of course, is the licensing fee schedule where there was no consultation—just like it or lump it.

But what about the Liquor Regulations? Certainly there have been significant concerns expressed to me about the lack of consultation and certainly an inability to listen to those concerns. Again, we have got a like-it-or-lump-it approach. So once again it is left to the Canberra Liberals to listen to the concerns of industry.

It is only the Canberra Liberals who have welcomed the input of industry. It is only the Canberra Liberals who have been champions for that industry and it is only the

Canberra Liberals who have turned all of that into action. The Canberra Liberals have proposed a series of amendments to the Liquor Regulations that address at least some of the concerns of Canberra's hospitality and liquor industry.

I foreshadow that in accordance with standing order 133 I will ask for the Assembly to order that the question be divided as to the individual amendments when it comes time to vote on them. And I will just go through all of the amendments that I have proposed.

The first amendment relates to section 16(1)(a) of the regulations and the examples given at the end of the section. Section 16(1)(a) requires that a RAMP, a risk assessment management plan, must indicate the kind of business to be operated under a licence or permit and gives, as one of four examples, a food and wine stall. It would be a rare occurrence that a food and wine stall would be a stand-alone business. Certainly the other examples of business types in this section are stand-alone businesses—clubs, hotels and taverns. Most commonly, a food and wine stall would be an activity within a licensed business.

Accordingly, the Canberra Liberals propose that the example of a food and wine stall be removed from this list of examples. It may well be still considered an example even though it is not stated as such but it should not be listed as a stand-alone business in the same way as clubs, hotels or taverns.

Amendment No 2 inserts a provision that makes it clear that a risk assessment management plan is not required of applicants for non-commercial permits. Certainly, if you read several provisions of the act together it becomes clear that a risk assessment management plan is not required for non-commercial permits. But the regulation lacks clarity in this regard and I propose this amendment to the regulation to make it abundantly clear, because I have been dealing with members of the community sector, not-for-profits, who are labouring under a range of misapprehensions on the basis of information provided them by the minister's department in relation to this. The information is conflicting and I think it is time that we clarified this matter.

The third amendment exempts the need for a newspaper advertisement or a sign on the front of the premises when a private event is held on-licence for young people. A consequence is that such an event is exempt from the requirement not to end before the advertised time. Too often, we have read of young people's private parties and functions being gate-crashed, often with tragic and certainly antisocial consequences. Advertising what is essentially a private event in the newspaper is an open invitation for gate-crashing. Putting a notice out the front of the premises is less of a risk but it only takes one person to notice it and use electronic social networking to spread the word.

Amendment No 4 deletes the provision that prohibits supermarkets advertising or promoting liquor in any area other than the liquor display area for the supermarket. This prohibition amounts to a restraint of trade because it prevents supermarkets from quite legitimate cross-promotion activities. This provision is unique to the ACT. Examples are promotions of chocolates and sparkling wine for Mother's Day or

Valentine's, petrol discounts with liquor purchases and promotions of food recipes with wine suggestions. I hope that the government could see that this provision causes unintended consequences. We certainly did.

I hope also that the government will see and understand the unintended consequences of the requirement that a key must not be required when accessing off-premises toilets. My amendments numbered 5, 6 and 12 together recognise that some restaurants and cafes do not have on-premises toilet facilities because they are part of a unit plan building, for example an office building. There are many buildings like that that have restaurants on their ground floor. There are some within walking distance of the Assembly.

Sometimes the building owner will require that the common-area toilets be locked for security reasons and it is for this reason that a key would be required for access to the toilet facilities. The problem is that at the moment there are a range of restaurateurs which have to provide you with a key because of the constraints of the unit plan in which they are operating and, if they do that, they are in breach of the Liquor Act. I think that that is unacceptable. It would seem unreasonable to force building owners in these circumstances to compromise their building security arrangements by leaving the toilet open. The sixth amendment actually deals with the instance of a restaurant or a cafe that is in a unit plan.

The seventh amendment removes the requirement for a staff member to monitor the electronic surveillance of pathways to external toilets. This is an onerous provision which will add considerably to the cost of running a business. When premises have 300 people attending, the traffic volume along the pathway to external toilets is likely to be relatively heavy. Any antisocial behaviour would quickly come to the attention of staff. It is unlikely that staff would arrive at the scene any earlier than would be the case if equipment was monitored constantly. Further, most electronic surveillance is recorded and can be viewed at a later time for purposes of evidence gathering.

I contend this is heavy handed, unnecessary and expensive. It is an unfair and unreasonable impost on business. The explanatory statement offers no justification for it. The issue here is that the ACT government does not require constant monitoring all the time of its own CCTV equipment but if a licensed premises has an occupancy loading of more than 300 there has to be staff dedicated to monitoring for all of the opening hours. It is not what we ask the police to do and I do not think it is reasonable that we should ask licensees to do it.

Amendment No 8 addresses the requirement for a duty manager's name to be displayed at the premises. The effect is to substitute that requirement with one that requires the name of the licensee to be displayed. The practical issue of the manager's name being displayed is that the manager could change frequently, sometimes without notice and sometimes even urgently. Accidental non-compliance would be the result. In addition, it would create the same sorts of personal security problems for the manager as was discussed and fixed in relation to giving receipts when identifying documentation which is seized, which we did in the consequential amendments to the principal act.

This amendment would put the ACT in line with other jurisdictions, for example New South Wales, where the name of the licensee is displayed. It would be permanent for as long as the licensee holds the licence. It relieves just one more piece of the great pile of government red tape from businesses and employees in the ACT.

Amendment No 9 omits the requirement for licensed retailers, wholesalers and manufacturers to provide the Chief Health Officer with detailed annual reports of sales. There are several problems with this apparently innocuous provision. Firstly, it places yet more administrative burden on business owners. Secondly, we have heard previously that provision of sales in litres, especially by retailers, is very difficult and unreliable. That is why the reporting requirement in the act was changed to wholesale purchases in dollars.

Thirdly, sales are not always made to ACT purchasers. The data may not be readily separated from sales within the ACT and outside. Fourthly, there will be considerable duplication in the statistics that will be provided from three sources. That duplication will not be able to be identified; thus the data will be extremely unreliable. Fifthly, much of the data required under this provision already is available from other sources, including the Bureau of Statistics. Any data the Chief Health Officer requires is readily and simply available and probably from a more reliable source. Sixthly, the government has not articulated its reasons for requiring this information and what it will be used for.

The 10th amendment omits the requirement for kitchen facilities to be installed in the premises as well as requiring the specifications for those facilities. This is really the stuff of the nanny state and micromanagement, particularly in relation to the equipment, all of which really amounts to a statement of the bleeding obvious. Secondly, some licensed premises have food service arrangements with outside providers. To require a fully equipped, operational kitchen in those circumstances is yet another unreasonable impost on business. In any case, there are food and health regulations which come into play in food service. So yet again we have duplication, confusion and incompleteness. And I think that an example of micromanagement is that this part of the regulation specifies that there must be a preparation surface of not less than one square metre.

The penultimate amendment removes the requirement for a separate dedicated water station to be provided at premises carrying an occupancy loading of 300 or more. Currently the situation is that all points of sale for alcohol in licensed premises must have access to water. Patrons must have access to water at all points of sale. This regulation would mean that, if the occupancy loading of the establishment is more than 300 people, there will have to be another stand-alone water station as well.

The problem with this is that it opens up the opportunities for a range of antisocial behaviours. It means that the water station would not be appropriately monitored. This could lead to drink spiking. There could be water fights. There could be consequential risks with wet floors, especially in large premises in excess of 300. They usually have a dance floor. That is why they are large. And the feeling is that if you get water on the dance floor you are actually going to have problems.

Premises with an occupancy loading of 300 or more generally have several liquor serving stations and it would be sufficient for water to be available at each of those serving stations. This provision poses yet another piece of red tape, an unnecessary risk and an operational burden, plus a safety risk for businesses and patrons.

Amendment No 12 merely creates a dictionary signpost consequent upon amendments Nos 5 and 6 that I have talked about before.

There are a huge number of problems with the whole package of liquor legislation, as I have said before. This will by no means address all of the concerns and all of the problems faced by the liquor and hospitality industry in the ACT but it is a step towards making the liquor regulations better. I foresee that we will be revisiting this Liquor Act many times in the next few years to take away the unintended consequences, to sharpen up provisions, and this will be an ongoing exercise.

This is what an opposition can do when it listens to people and takes account of people's concerns. It would have been much better for the government to have listened and to have provided the Assembly with this package of regulations at the time that the bill was debated. We may have been able to deal with them in a much more comprehensive way. But in saying that, I commend these amendments as a sensible way forward for the industry in the ACT.

MR ASSISTANT SPEAKER (Mr Hargreaves): Before you rise, minister, on a point of clarification, Mrs Dunne, it is a motion and now you also seek to divide those amendments?

MRS DUNNE: Yes.

MR SPEAKER: I think you need leave to do that. We can do that at the end of the debate or we can do it now. It does not matter.

Mr Corbell: When we vote.

MR ASSISTANT SPEAKER: Okay. Proceed, Mr Corbell. You have the call.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.11): The government will support a number of Mrs Dunne's amendments and will be opposing others. We will oppose some amendments because they are not needed, such as specifying that the information contained in a risk assessment management plan does not apply to non-commercial permits, and others because they detract from the harm minimisation and community safety aspects of the scheme.

Where the government is supporting amendments, we do so because they do not detract from the harm minimisation and community safety aspects of the scheme. Some of the supported amendments remove requirements which have simply been uplifted from the liquor licensing standard manual but which might still be seen as overly onerous.

Turning to the amendments, Mrs Dunne's first amendment appears to be based on the premise that a food and wine stall would be non-commercial. Food and wine stalls can be both commercial and non-commercial and, as such, the example is a fitting indicator of the type of information that should be included in a risk assessment management plan. The government will therefore not be supporting this amendment.

In relation to the second amendment, this section already does not apply to non-commercial permits by virtue of the act, which states that an application for a permit must include a risk assessment management plan if the application is for a commercial permit. The government will be opposing this amendment. We believe it is misconceived.

In relation to Mrs Dunne's third amendment, the government will also be opposing this amendment. This provision relates to a licensee conducting an event on licensed premises in an adults-only area. Adults-only areas are determined as areas where young people should not enter or remain. Events in these areas need to have boundaries and, if this provision is removed, all events will become private. The consequences of this are that the licensed premises will be closed to anyone apart from the young people the event was organised for and the people approved to work there, and no-one will know. The public will travel to their favourite nightspot and, when they get there, find that it is not open.

Additionally, the provision informs parents whose teenager may attend the event what time the event ends so that they can organise appropriate transport and it removes any doubt that the event may finish early. Removing this provision removes information about what is going on for the public and interested parties and protections for young people. It does so for no good reason and the government cannot support it.

In relation to amendment No 4, the government will also oppose this amendment. The policy intent of this provision is to prevent incidental purchasing of liquor and prevent exposure of children to liquor. Supermarkets are the type of place where children are common. Without this provision, supermarkets would be able to display promotions around their premises that may inadvertently impact on minors—for example, a promotion linking beer with a bag of potato chips, which was seen recently by regulatory officers. This sort of promotion should be allowed but only within an area where parents can expect there to be liquor promotions.

I have received concerns from supermarkets that this provision may have the unintended consequence of capturing catalogues and pamphlets. If this amendment is defeated, I intend to delay the commencement of these provisions for six months to allow the provision to be clarified. However, I believe that giving parents the ability to avoid their children being inadvertently exposed to liquor is a good thing.

Turning to Mrs Dunne's amendment No 5, the government will support this amendment. It is sensible and allows shared facilities to be controlled and access to others to be restricted, for the safety of all. Turning to amendment No 6, the government will also support this amendment, as it travels with the previous amendment.

In relation to Mrs Dunne's amendment No 7, the government will not be supporting this amendment. This provision is all about public safety. It is a fact that in larger establishments you need real-time monitoring areas that are outside the line of sight, secluded or lead to toilets. These areas are often the sites of assaults, both sexual and otherwise, and must be monitored. If this provision is removed, then we have taken one step away from harm minimisation.

Additionally, the liquor licensing standard manual already has this requirement for larger premises. However, "large premises" in the current manual is undefined and leads to uncertainty. The commissioner can determine a higher number if 300 people is found to be too low in practice. If that is the issue, I would urge the Assembly not to support this amendment. The regulation has built in the ability to raise the occupancy loading before real-time monitoring is required to be able to ensure that this does not impact on those premises which are smaller. There is no good reason for removing this provision, because it contains the ability to change who the requirement impacts on, and removing the provision will negatively impact on public safety.

In relation to amendment No 8, the government will support this amendment. Whilst I note that this requirement is a current requirement and that many establishments already do this, I can understand how it might be seen as unduly onerous and the government will support its removal.

In relation to amendment No 9, the government will be opposing this amendment. Alcohol sales data are important for a number of reasons. These include that these data are the most accurate estimate of alcohol consumption available, as self-report data from surveys account for only between half and three-quarters of known alcoholic beverage sales. The data will also provide local level data on consumption levels and, very importantly, beverage mix—that is, the proportion that is wine, beer, spirits, mixers, high and low-alcohol beer et cetera. Local level data are crucial for making local policy decisions on matters such as liquor licensing. Although the ABS produces the apparent consumption of alcohol Australia report, this does not aggregate the data to a jurisdictional level.

Finally, these data are able to facilitate studies of the relationships between changes in consumption levels and both population health outcomes and alcohol-related harms—for example, violence. Additionally, the data will enable the ACT to meet the reporting requirements of the national alcohol sales data project as well as obtain a meaningful approximation of actual alcohol consumption in the ACT, which can be used to inform the two-year review of this act.

I would propose to delay the commencement of this provision to give time for industry to prepare systems so that this data is easily retrievable by them. If this was the case, industry would be required to report on sales for the period 1 July next year to 30 June 2012 by the end of July 2012. I believe this allows industry sufficient time to prepare and allows the ACT to obtain useful data and meet national reporting requirements.

Turning now to amendment No 10, the government will support this amendment. Again, this is a current requirement in the current manual and it was uplifted into

regulations in order to support the requirement to provide food. However, the government is prepared to concede the provision.

In relation to amendment No 11, the government will be opposing this amendment. This provision makes it a requirement that in larger premises water be made available not only at the bar but also somewhere else on the premises. This is not an onerous requirement and it supports the principles of harm minimisation. In larger premises, people will not queue in long lines for a glass of water. This provision ensures that water is accessible and supports harm minimisation principles.

Finally, in relation to Mrs Dunne's amendment No 12, the government will support this amendment. It is consequential on her amendment No 5.

MR RATTENBURY (Molonglo) (3.19): Like the government, the Greens will be supporting some of Mrs Dunne's amendments but there are others that we will not be supporting and I will speak to each of those in a moment. But overall I want to acknowledge the work that Mrs Dunne and her office have done on this. I think they have picked up some important oversights in the legislation. We see regularly with bills that there are glitches. I think that the work Mrs Dunne and her office have done on this will make a positive contribution and I acknowledge their work on that.

With regard to the specific amendments, the Greens will not be supporting amendments Nos 1 and 2. For amendment No 1, it is our understanding that it is for both commercial and non-commercial permit holders and that non-commercial permit holders do not need a RAMP; so our understanding of the law is that this amendment is not required. Similarly with amendment No 2, section 50(2)(d) of the Liquor Act already excludes non-commercial permit holders from requiring a RAMP and on that basis we believe that this amendment is not required either.

With regard to amendment No 3, this amendment would mean that a private event for young people does not need to publish a notice in the newspaper. This, of course, excludes a public event such as a government-organised and promoted event which would continue to need newspaper advertising. We are talking here about private events. I listened to what the attorney said but we will actually be supporting Mrs Dunne's amendment No 3 and we believe it is problematic to require that private underage events be promoted in a newspaper. Mrs Dunne spoke about this.

We have already seen in the press examples of where the sharing of the taking place of an event can be distributed very quickly via Facebook or via text message. Certainly, a friend of mine has had the recent unfortunate experience where her son invited just a couple of mates over to their house and a short time later it was a lot more people and things got out of hand very quickly. I think we are all aware of how quickly these things can take off and I think putting an advertisement in the newspaper simply increases the chance of things getting out of control and excessive numbers of people turning up that are not invited.

I know the police have done quite some work to promote the dangers of these events and it strikes me as counterintuitive to require the publishing of a notice in the newspaper. I did hear the attorney's comments about letting people know that a venue

would be closed for the evening and the like. But, whilst there is some merit in that, I think that overall Mrs Dunne's amendment makes sense.

Amendment No 4 removes the prohibition on off-licensees displaying advertising outside the designated display area and we will also be supporting this amendment. I think that the fears of the off-licence venues are probably a reflected unintended consequence of the legislation and I certainly agree with the policy intent of the government. But, faced with a choice between removing this provision now or delaying the commencement while the government sorts it out, I think the cleaner and more desirable approach is to delete a provision that has some unintended consequences, and the government can bring forth another regulation when it is has done some further work on this and come up with a drafting or a form that avoids those unintended consequences.

I think it is simply cleaner rather than postponing the commencement; to my mind that would create a more confusing arrangement for licence holders to have to have the thing put on hold and then have a new version come through later. I think it is simply cleaner this way.

With regard to amendment No 5, which allows for a toilet to be locked and accessed by a key for restaurants and cafes, as has been noted, this is the status quo for cafes. It is a system that seems to work well. I think it does address security concerns that can arise and we will be supporting Mrs Dunne's amendment No 5; similarly amendment No 6 which links to amendment 5.

Amendment No 7 deletes the requirement for a venue of over 300 persons occupancy loading to have someone watching a live video footage of a secluded toilet access. The Greens will also be supporting this amendment. Whilst the current rules indicate that the commissioner can increase the occupancy loading for a venue of more than 300 if deemed necessary or to a higher level, we believe that overall this is a requirement that is excessive. Having video monitoring is appropriate for these sorts of locations but to simply require somebody to watch it full time live we believe is an unnecessary burden that is not proportionate to the harm that is seeking to be avoided. I listened to the attorney and he indicated this is a place where there is the potential for assault. Whilst that is true, I think there is the opportunity for assault in many parts of bars and we will be supporting Mrs Dunne's amendment as we believe it provides a better outcome.

Amendment No 8 changes the requirement for the name to be displayed over the bar from that of the duty manager to that of the licensee. We will be supporting this. We believe it is a commonsense amendment as the licensee has the majority of legislative responsibilities, not the manager, and it is therefore appropriate to display that person's name; also as the licensee is of course the one who is on the licence and will be responsible if a matter results in a breach, a warning or something similar.

Amendment No 9 deletes the requirement for detailed information on the type and amount of liquor sold to be provided to the Chief Health Officer on the basis that it is too onerous. We will not be supporting this amendment. We believe that information about alcohol consumption is important to enable evidence-based policy. This is a key

way to capture that information and links with an Australia-wide project to get more detailed information about alcohol consumption. We believe it is not an unreasonable requirement of the licensee to provide that information simply so that we can gather the data we need and as we go forward use that information to help us inform better policy.

Amendment No 10 deletes very detailed specifications for what size the kitchen bench must be in a kitchen in a pub and what must be in the kitchen; for example, a fridge or a dishwasher. Like the government, we will be supporting this amendment. The requirement that food must be provided will remain but other regulatory instruments such as the Food Act more appropriately deal with the standard the kitchen must be. As Mrs Dunne alluded to, this is probably one of those examples where it is a case of a little bit of an overzealous effort in prescribing what is required.

Amendment No 11 deletes the requirement for venues over 300 persons occupancy loading to have free water at the bar and at another place other than the bar. We will not be supporting this amendment. We believe that free availability of water is key to enabling people to drink responsibly. The provision of free water is not onerous compared to the potential benefits. Frankly, once venues that are that large get crowded, on a Friday or a Saturday night particularly, it can be pretty hard to get to the bar. With such large numbers of people trying to move across a crowded room, people may not want to be bothered fighting their way through the crowd to get a glass of water. Having the opportunity to obtain that somewhere else in the bar is a good and sensible harm minimisation measure that we should see people taking advantage of and hopefully avoiding a situation where they are not drinking responsibly.

Amendment No 12 inserts a new example definition that links back to amendments Nos 5 and 6 and we will be supporting that as well.

MRS DUNNE (Ginninderra) (3.26): Mr Assistant Speaker—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne, are you seeking leave to have the question divided?

MRS DUNNE: Can I close the debate or I should I—

MR ASSISTANT SPEAKER: You have an amendment, don't you?

MRS DUNNE: I will seek your guidance, Mr Assistant Speaker. I have to close the debate. I have to seek leave to have the matter divided and somewhere after amendment No 9 I am going to seek leave to move another amendment. I think I probably need to do that in that order, but if you have a better idea.

MR ASSISTANT SPEAKER: Just hold on for a second, Mrs Dunne. Thank you very much to the Clerk. Mrs Dunne, what you need to do now is move your amendment which adds to the amendment at the end of the list and in doing that you also close the debate.

MRS DUNNE: Thank you for your guidance and I thank you for the assistance of the Clerk. I have not done this one before.

I seek leave to move a supplementary amendment to the liquor regulation, circulated on a separate page, which amends schedule 1, section 1.20(2), the definition of fortified wine.

Leave granted.

MRS DUNNE: I move:

> Omit amendment No. 9, substitute:
>
> **9**
> **Schedule 1, section 1.20 (2), definition of *fortified wine*—**
> omit the definition, substitute
> ***fortified wine*** means wine to which alcohol has been added to stop fermentation or to increase the strength.

Mr Assistant Speaker, you may recall that there was some discussion of the definition of fortified wine in the scrutiny of bills committee. There is a list of things that have to be reported to the Chief Health Officer—light beer, strong beer, heavy beer, midrange beer—all of which are sort of defined in the regulation in fairly scientific means. Then it said "fortified wine" and it gave a list of products which was neither particularly informative nor exhaustive. It was discussed in the scrutiny of bills committee and I decided that we should fix this up. Then I realised that I was actually going to propose to remove the whole section, and it is usually the reverse; you usually amend something to make it better and then you remove it. But seeing that it is quite clear that neither the Greens nor the Labor Party will support the removal of the whole section, I think it is important that we fix up the definition of fortified wine so that it now has the dictionary definition.

I spent some time talking to people about what would be an appropriate definition for fortified wine and I came up with a definition of fortified wine. It is interesting that when I went to the parliamentary counsel to have that ticked off, they said, "That is the dictionary definition." So I think that we all got to the same point by a number of circuitous methods. So I will recommend that amendment to you after we have voted on amendment No 9.

I want to thank members for their participation in this debate. I think that the fact that there is a level of agreement that there needs to be some amendments to the regulation shows that there is probably a lot more that could be done by way of a consultative and open approach to these things. If there is general agreement in the Assembly that there is a particular policy approach and we all agree that we should be looking at reducing the harms associated with the consumption of alcohol, it would be much better if we could sit around a table from time to time and talk about how we might achieve those ends, rather than dealing with amendments at 30 paces and not providing information in a timely fashion.

I know that I have made this point on a number of occasions; it is my experience that with major legislation you end up with less debate, less contention and fewer amendments if you actually sit down and work your way through it. There have been occasions, for instance when Mr Corbell was the minister for planning and the first tranche of planning reforms came in, when there were a number of roundtable discussions in this place—in this building, not in this chamber—about how to carry forward things.

It turned out that crossbench and opposition members were making a range of suggestions that the government could work with and we went away and resolved issues. So the government moved a whole lot of amendments. Then there were the issues that we could not agree on and they were dealt with by the parties. That meant that there was a higher level of preparedness, a higher level of specificity and fixing up of issues as we went along, and very little misunderstanding.

There have been other occasions—the one that I had most to do with was the passage of the current Environment Protection Act—where every regulation, every code of practice, everything, was on the table. The whole matter was inquired into by the Assembly, after there had been two years of public consultation on the issue, and in fact all the amendments were done well beforehand. I think there were, in fact, no amendments on the day that the bill was passed because everything had been agreed to, and the bill passed unanimously. Although members of the Assembly had come from quite different views about this, it was all finally resolved. That is an example of how you actually get good policy.

I think the problem with this debate is that the minister has held all of the cards too close to his chest for too long and the community have not been adequately consulted on this. That the regulations came out less than six weeks before the implementation is inappropriate. We have a lot to learn from what went wrong here—and what will continue to go wrong with this legislation, because I suspect we will be back here amending it time and again. And I think the fault for that will lie with the minister, who has not been open, who has not consulted and who has not worked with the community and the members of this place to come up with a better piece of legislation. When there is general agreement on the premise, we should not have had to have a range of acrimonious debates here because the minister did not want to share.

I thank members for their support. It is important to note again that it is the Canberra Liberals who are doing the hard work to fix up the mess and that we have worked very hard with the community and taken into account their concerns. There are issues here that I notice that I am not going to get support for. The issue in relation to the extra water stations is a matter of particular concern and I would encourage the minister to look at the regulations, and I will continue to look at the regulations, because the principal concern that I have about that is that those stand-alone drink stations which will not be supervised will become drink-spiking central.

We need to look at issues about making sure that those water stations are tamper-proof and that people cannot use them as opportunities for drink spiking in particular. That is the biggest safety issue I have and I think it has not been addressed

by either the government or the Greens on this occasion. I think that is a very important issue. That said, I think there has been some progress on these regulations but I see that we will have much more work to do in the future.

MR ASSISTANT SPEAKER (Mr Hargreaves): For the information of members, what I propose to put now is Mrs Dunne's amendment which merely alters the wording of amendment No 9 in her schedule and at a later stage we will vote on the substance of that amendment No 9 which will be entitled as amended. So the question now is that Mrs Dunne's amendment be agreed to.

Amendment agreed to.

Ordered that the question be divided.

Mrs Dunne's amendment No 1 negatived.

Mrs Dunne's amendment No 2 negatived.

Mrs Dunne's amendment No 3 agreed to.

Mrs Dunne's amendment No 4 agreed to.

Mrs Dunne's amendment No 5 agreed to.

Mrs Dunne's amendment No 6 agreed to.

Mrs Dunne's amendment No 7 agreed to.

Mrs Dunne's amendment No 8 agreed to.

Mrs Dunne's amendment No 9, as amended, negatived.

Mrs Dunne's amendment No 10 agreed to.

Question put:

That **Mrs Dunne's** amendment No 11 be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mr Coe	Mr Barr	Mr Hargreaves
Mr Doszpot	Ms Bresnan	Ms Hunter
Mrs Dunne	Ms Burch	Ms Le Couteur
Mr Hanson	Mr Corbell	Mr Rattenbury
Mr Smyth	Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Mrs Dunne's amendment No 12 agreed to.

Motion, as amended, agreed to.

Public Accounts—Standing Committee
Report 13

MS LE COUTEUR (Molonglo) (3.43): I present the following report:

> Public Accounts—Standing Committee—Report 13—*Inquiry into ACT Government Procurement*, dated 9 November 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The first thing I need to do in noting this report is to thank the secretariat. We were fortunate to have two secretaries during the period of this report. Andrea Cullen finalised it but a lot of the work was done by Derek Abbott, who was here until June this year.

The inquiry actually began for the public accounts committee way back on 30 April 2009. During that period we had both Ms Joy Burch and Mr John Hargreaves as members of the committee, as well, of course, as me and Mr Smyth. I want to note here, in case I forget to note it later, that Mr Hargreaves did not participate in any of the deliberations regarding the waste management section because he had ministerial responsibility for some of these actions at the time.

As I said, this started in April last year, so this report has been a long time coming. I think there are a number of very useful recommendations in it. I think all members of the committee felt it was an area that was of considerable importance. I am speaking personally here when I say I was slightly disappointed by the number of submissions we had, because there were a lot of people that talked about it but who did not put submissions in. I hope this was not due to concern that putting a submission in might not be advantageous for them in terms of getting more government procurement in the future.

By way of context and background, the ACT government spends about $1.2 billion a year on goods, services and works—that is, things that are covered by the term "procurement". $1.2 billion is a sizeable amount of money, so it is really worth while getting it right.

You will be pleased to know that I do not intend to go through all 25 recommendations, but I will go through some of them. I will start with recommendation 8, which states:

> … ACT Procurement Solutions engage specifically with representatives of micro, small and medium sized businesses to refine procurement processes …

We did find that, for very small businesses, the whole ACT government procurement framework was somewhat intimidating, so we felt there was work to be done there. Another place in terms of process where there is obvious work to be done is with the online tender system. The suggestion was made to us by a number of people that maybe we could just adopt the commonwealth government's online tendering system, which appears to be better than ours. I do not speak as a user; that is what they said about that.

One of the other areas we talked about was Procurement Solutions liaising with the community sector. In the past the community sector used to get grants for this, that and the other, and often for quite substantial programs. But, more and more, things have changed and the community sector is involved in procurement operations. We heard evidence that this was quite burdensome for some in the community sector and involved a whole change of attitude. We made a number of recommendations about this. We recommended that Procurement Solutions liaise with peak bodies in the community sector and have regular briefing sessions so that the sector can better understand procurement processes, and to give the sector early advice of possible opportunities. We also thought they should look at the possibility of prequalification and panel arrangements, which could hopefully reduce the effort required by the community sector to lodge tenders.

Recommendation 12 states:

> … the ACT Government review the legal powers and resources of regulatory bodies such as ACT Workcover and the ACT Long Service Leave Board to ensure that these entities can discharge their responsibilities proactively.
>
> Once completed, the ACT Government should inform the ACT Legislative Assembly of the outcome of the Review.

The reason for this recommendation is that there was quite a body of discussion and evidence around the industrial relations issues from some of the contractors and subcontractors on how ACT procurement could be involved in this. There seemed to be some issues with the distribution of responsibility between the various bodies. Procurement Solutions acknowledged that, while it often received complaints, it could, as a committee member put it, "not actually do much with the information other than pass it on to someone who can deal with it". The Executive Director of ACT Procurement Solutions responded to this statement by saying, "Exactly."

Given the continuing discussion in the papers and submissions to the committee, we felt this was an area which needed some greater work. It is important that people working basically on government jobs are paid appropriately. I am sure it is something that the government should have responsibility for.

On recommendation 14, I note again that Mr Hargreaves was not involved in this. Recommendation 14 notes the sad history of various problems at the Mugga Lane and Mitchell waste transfer and tip facilities. We noted also there was ongoing legal action and that, with respect to these items, the committee was not set up in any way to deal with them. However, we did note there was still considerable disquiet and discomfort

on the part of some people about it, so we recommended that the Auditor-General conduct a wide-ranging investigation of the allegations raised with regard to Aussie Junk's employment practices and the management of contractual processes for the letting of the leases for the Mugga Lane and Mitchell facilities.

I will now move on to sustainability issues with regard to procurement. This is something that the committee spent some time on. The government's submission on this was quite positive. It said that sustainability can be achieved. It agreed that it could be achieved and that it needed to be incorporated at the beginning of procurement.

However, the procurement principles set out in the Government Procurement Act do not specifically include sustainability as a factor to be considered in making a procurement decision. Subparagraph (d) of section 22A, which requires consideration to be given to "optimising whole of life costs", certainly makes it possible to include sustainability in the process. It does not stop it but it does not actually start it, as it were.

Subparagraph (a), which requires "probity and ethical behaviour", also points in the direction of sustainability, but again it does not actually require this. We had advice from ACT Procurement Solutions that they had put out a couple of circulars. One was about optimising whole-of-life costs, and that was mainly focused on the commercial costs—things like acquisition, maintenance, operating costs, disposal costs and training costs, which are, of course, important. But they did not deal very much with the environmental and social outcomes.

There was a further circular on sustainable procurement which listed a number of things that decision makers needed to take into account, such as the importance of a healthy environment, the need to value and protect ecological integrity and biodiversity, prudent use of resources, applying the precautionary principle and adopting a whole-of-life approach to projects.

There was not much evidence to suggest that sustainability considerations have been incorporated. In fact, the Property Council of Australia in its evidence suggested that evaluation still focused on financial considerations. It said:

> The current approach of aiming to measure sustainability by adopting a whole of life costing exercise, is not appropriate in many instances and again leads towards a financial cost justification argument, avoiding evaluation of broader environmental and community benefits that could also be sought.

The Property Council in fact recommended that the Government Procurement Act and regulations be amended to make specific mention of sustainability and triple-bottom-line accounting, and also that ACT public servants get more relevant training.

This led to a number of recommendations. Recommendations 16, 17 and 18 all basically deal with incorporating sustainability into procurement. We have suggested that guidelines should be adopted and that the Auditor-General should conduct a

review of a selection of recent procurements to evaluate the influence that the ACT government's sustainability policies are having. As I said, we recommend that explicit reference to sustainability should be included in the Government Procurement Act 2001.

We then move on in the report to social procurement. This is a bit of a two-part story. When we started our inquiry, there did not appear to be much government interest in social procurement. Social procurement, for those who are not aware, is concerned with including social value as part of the triple bottom line, or as part of the double bottom line, into procurement issues.

We noted at the beginning that the government had little idea about this. A couple of months before the conclusion of our report, in fact, we delayed our report so that we could get—

Members interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! It is difficult enough for me to hear Ms Le Couteur with her soft voice, without having to go over you lot.

MS LE COUTEUR: Thank you, Mr Assistant Speaker. I will endeavour to talk up, although I do not think I can emulate Mr Hanson for loudness of voice.

We actually delayed the outcome of our report in order to get more evidence from the government on social procurement, as there was a policy change during the period of our inquiry. We were very pleased to find that the ACT government has now become more involved in social procurement, although it would have to be described as still in very early and tentative stages.

Unfortunately, while DHCS has put some resources towards a hub for social enterprises, most of the enterprises that that hub is supporting are not the sort of things which the government often procures. One thing that comes to mind is Ronnie's Succulent Snails. I have been a donator of snails to Ronnie's, but we do not often serve snails in government hospitality, to my knowledge—not that I would eat them, of course, being a vegetarian, even if we did serve them.

Mr Hanson: Are snails not vegetarian?

MS LE COUTEUR: No. We made a number of recommendations about strengthening social aspects of government procurement, that there should be a special information forum on the new social procurement policy and particularly to target organisations in the area that fall under the ambit of the ACT Council of Social Service.

We also thought it was very important that the government start capturing information about social aspects of procurement policy, that this needed to happen immediately and that DHCS, as lead department in this area, need to development more methodology for advancing social procurement.

In summary, I commend the report to the Assembly. It has been an interesting inquiry and I hope that it will lead to an improvement in procurement practices in the ACT.

MR SMYTH (Brindabella) (3.57): I, too, hope that the report leads to some good outcomes in procurement in the ACT. Ms Le Couteur missed what is perhaps the most important recommendation—that is, recommendation 1. Members, I would suggest that you all read recommendation 1 because at some stage it will affect a committee that you may sit on. Recommendation 1 says:

> The Committee recommends that the ACT Legislative Assembly's Administration and Procedure Committee examine the Assembly's procedures to devise a process to protect the integrity of the committee system with regard to witnesses and submitters making false or misleading statements under the protection of parliamentary privilege.

At the heart of this is the submission from the CFMEU secretary, Mr Dean Hall, and his presence before the committee. At that committee hearing Mr Hall made some very interesting statements—"accusations" might be a better word—about a local building firm. It seems that the statements were without fact and without basis, but it certainly did not stop Mr Hall then going on ABC radio the next morning when he continued to peddle the allegations.

It is important that when we, as the Assembly, feel that we have been let down by submitters or witnesses, there is a process by which we can take action over this. Unfortunately, we do not have some of the penalties or fines that are in place in other jurisdictions—or indeed, in some cases, even imprisonment. It is important that when people deliberately come before a committee and make statements they know that what they are saying is correct. If they come before a committee and make misleading statements—if they make statements which they discover to be incorrect—they must correct the record.

But if they are going to use the committee to peddle mistruths about another organisation, for whatever purpose, then we who sit there and take the evidence really do have an obligation to ensure that justice is done to those that have been let down by the system and, indeed, that those who would seek to use the committee system of the ACT are actually called to account for what they do.

I think members are well aware that Mr Hall attacked Manteena, a well-respected building firm in the ACT. If you doubt the quality of Manteena's work, just go and see the new additions to the National Gallery of Australia which, having opened recently, is truly magnificent and a great piece of work. What was said obviously went to the CEO and Manteena as a firm and they then wrote to the committee. I will read a little bit of it:

> We have now had the opportunity to review the Hansard transcript of evidence taken by the committee on Thursday 4 March, 2010.
>
> While Manteena Pty Ltd was not present at this hearing, it wishes to bring to the attention of the Committee various matters of concern arising out of the evidence

> given by Mr Dean Hall, Secretary of the ACT Branch of the CFMEU recorded on pages 17 to 28 of the transcript.

They go on to say:

> However, numerous statements and inferences made by Mr Hall in his evidence under the cover of privilege and recorded in Hansard are factually incorrect and unsubstantiated and have had a detrimental impact on Manteena's reputation as a long-standing good corporate organisation.
>
> We have set out in the attached submission a detailed response and correction to these statements and the implications concerning Manteena.
>
> Given the seriousness of these allegations and the possible damage to the reputation of Manteena, which has had long standing, positive and professional relationships with both the ACT Government and the Federal Government over a period of thirty years, we have spoken with the CFMEU representatives … and we request that this response and correction be placed on the record …

I will just give one or two of the claims. This is one of the more outrageous claims:

> Manteena Pty Ltd is a classic example of this. We have been on a number of their projects. A number of the subcontractors on their projects have collapsed over the last two to three years, owing in excess of hundreds and thousands of dollars in entitlements to workers. This has been going on for a long time. It is not just in the last few years; it is an ongoing problem.

You would think that if you are making that sort of statement you would have some fact to back it up. Manteena's response was:

> This claim is false.
>
> No trade or subcontractors have collapsed on Manteena sites as alleged.

I will not go through them all, but Manteena does call to account what was said. The problem for the committee now—and we are not set up to be the judge or the jury—is that when people use our committees in this way it does reflect on us. We have an obligation to make sure that if people like Mr Dean Hall of the CFMEU are going to present information to the committee and it is called into account then we do actually have a process.

Mr Speaker, given that you will be there at admin and procedures, it is certainly something that I am sure you are aware of and would have concerns about. Given that we are 20-odd years into the life of the Assembly, perhaps it is time that we had some procedures in place where we can resolve the "he said, she said" elements here. But to use the Assembly and to then go on ABC radio the next morning and use that as a basis for continuing the attack, when clearly these issues are either made up, falsified, or just illusionary, is not acceptable.

Moving through the report, one of the complaints was about the conflicting thresholds. Some are set at $20,000, for instance, and others are set at $25,000. The threshold is

where they can be brought into alignment and, indeed, the committee recommended that the thresholds be reviewed and adjusted on a regular basis, given that some of the thresholds have been there for some time.

The next issue that the committee addressed was that contracts had been let under exemption from the Government Procurement Regulation 2007. Obviously, there are cases where there is a sole supplier or a specific reason—whether it is to do with urgency or a need for compatibility—that a contractor be selected as a sole provider. The recommendation here is simply that, under the Chief Minister's annual report directions, there be something in the reports to indicate the number and value of contracts, as well as perhaps the reason. It is important that we keep this aboveboard and open so that people understand what is going on in terms of the way we spend taxpayers' money.

On page 25, in recommendation 7 the committee recommends that the ACT government review its procurement system with a view to the suitability of a range of procurement approaches. It was suggested that there are a number of different ways in which you can approach procurement. The Property Council, for instance, was critical of the outcomes achieved by a number of significant capital works projects in the ACT, which were characterised by cost or time overruns or reductions in scope. It argued that the contracting approach used by the ACT "can result in the ACT government taking on a disproportionate amount of the project risk associated with scope, time and cost". The council suggests that we should be more open and use the appropriate approach for the appropriate project. Recommendation 7 says that we should keep that in mind at all times.

As Ms Le Couteur mentioned, page 39 of the report starts a section on waste management in the ACT. As all would be aware, there have been some concerns raised over a number of years now, particularly since 2007, about what occurred to a community-based, not-for-profit company called Revolve. Revolve had a long association with this community. It had been at the tip at Mugga Lane for a long time, but we saw it pass to Aussie Junk. It has now moved on to another proprietor.

Recommendation 14 is a very important recommendation. We note there is ongoing legal action over this involving some employees and Aussie Junk. We are aware that some of these issues have been raised by the Ombudsman. But, at the end of the day, we were not in a position to judge, given what we were told, on the full nature of the facts. Therefore, recommendation 14 states:

> The Committee notes that ongoing legal action exists and, subject to consideration of that legal action, recommends that the ACT Auditor-General conduct a broad ranging investigation of the allegations raised with regard to Aussie Junk's employment practices and the management of contractual processes for the letting of the leases for the Mugga Lane and Mitchell facilities.

These allegations have been ongoing for some time and it is time to clear up the matter. It is time to make sure that we get to the bottom of it in an appropriate manner and it is important that it is done in an independent way. The best person to do that, of course, is the Auditor-General.

Chapter 4 has already been mentioned by the chair of the committee. It looks at sustainability considerations. It is important. There are a number of recommendations there. It includes everything from the way in which organisations select their goods to the way staff are trained. It is important that we are aware of the opportunities that the government's purchasing power provides and that we use that for the betterment of the people of the ACT.

Chapter 5, in a way, is my favourite chapter. It is about social procurement. It was interesting that, as we worked through the committee, the original submissions from the government seemed to be vaguely unaware of social procurement. But suddenly, halfway through, as things were being revealed to the committee, the government not only adopted some policies but also was out launching them, attending workshops and making announcements, and then out came the press releases.

So it is nice to see, Mr Speaker, that the Assembly's committee can prompt the government into acting on something that clearly has benefits for our society and clearly has benefits for those involved in social procurement and the beneficiaries of those processes. There is a lovely paragraph, paragraph 5.20 on page 59, on the announcement of the new commitment. It starts at paragraph 5.19. In fact, let us go back to paragraph 5.18:

> During the course of the Committee's inquiry, the Government announced that it was changing its tender processes to favour organisations that employ people with disabilities and the long term unemployed.

Paragraph 5.19 says:

> In announcing the new commitment, the Chief Minister stated:
>
> > This ACT Government initiative aims to break down some of the barriers faced by people with disabilities wanting to enter the workforce by making it easier for organisations that employ people with disabilities to win Government contracts.

Paragraph 5.20 then says:

> The Committee was interested to explore the detail of this commitment and relevant departmental officials appeared at a public hearing to discuss the announcement …

It does seem that the announcement was sparked by the inquiry. There had been ample opportunity for the government to do this before, but I think they were probably found lacking in that regard. Mr Speaker, recommendation 23 states:

> The Committee recommends that ACT Procurement Solutions hold a special information forum on the ACT Government's new social procurement policy commitment, in particular but not restricted to targeting organisations and groups that fall under the gambit of the ACT Council of Social Service.

It is important that, if we have this policy, people know about it. It is also important that it is not just limited to who Procurement might think could be interested in this issue. It is an important way of getting more resources into the disability sector. It is an important way of giving those with a disability the opportunity for employment and the opportunity to show the skills that they clearly have and that they are clearly quite willing to put on display. It is a way of engaging the broader community. We might think that they are all in the community sector. Well, they are not. There are a lot of very fine large, medium and small ACT firms out there who are more than interested in what is happening in social procurement. It is very important that they are all given the opportunity to make sure that they can realise those opportunities.

Recommendation 24 says that it is a matter of priority to ensure that appropriate data is captured under this policy and that Procurement Solutions be appropriately resourced to make appropriate adjustments to its current system to monitor and facilitate reporting on social procurement under the new policy commitment. It is important that we try and get a handle on this. Part of the difficulty for the committee was that we certainly did not know how big it was in the ACT and nobody was able to tell us.

Clearly, that is simply because it is in its infancy, but there are a lot of firms. You can go back and look at organisations like Koomarri that have been here for a long, long time and the ACT firms that are in this sector. It would be a good thing to know how many there are, the value of their turnover and their attributes. It would be good if the government was able to start collecting that information and making that available, particularly to us in this place but also to the wider community.

Recommendation 25 calls on the Department of Disability, Housing and Community Services, as the lead department in the area, to actually develop methodologies to measure the benefits flowing from social procurement. I think the community at large would be quite delighted at some of the benefits, but if we are going to sell this message to the community at large, we need to have something to tell them. So if we can work out not just what is happening but what the flow-on benefits from that to the entire community are, that would also be a very good thing.

It is a good report, Mr Speaker. I commend it to the Assembly, and particularly recommendation 1. We should not allow what Mr Dean Hall of the CFMEU did to a fine building firm in this city to happen ever again.

Question resolved in the affirmative.

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 3 June 2010, Auditor-General's report No 3 of 2010 was referred to the Standing Committee on Public Accounts for inquiry. The report presented the results of a performance audit that reviewed the implementation of selected budget initiatives by

ACT government agencies. The audit specifically focused on whether the selected agencies had delivered the initiatives for which they received funding in the 2007-08 and 2008-09 budgets, noting that some funded initiatives were intended to be delivered over a number of years. 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 28 September 2010.

The committee has resolved to make no further inquiries into the report.

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.

The Government Procurement Act 2001 requires agencies to provide the public accounts committee with a list of "reportable contracts" every six months. Reportable contracts are defined, with some exceptions, as procurement contracts over $20,000 that contain confidential text. Agencies provide the committee with the names of contracting parties, the value of the contract and the nature of the contract.

The committee is aware that the information chief executives provide in relation to "reportable contracts" is readily available in the public domain on the ACT government contracts register.

The Minister for Territory and Municipal Services has informed the committee that consideration is being given to changing the process for the reporting of "reportable contracts". As an interim step in this process, the committee again welcomed receiving the list of reportable contracts for this period in one consolidated report. The committee believes that there is value in the provision of a consolidated report for the six-monthly reporting periods. However, the committee is of the view that the purpose of scrutiny would be served by a report that combines the two current six-monthly reporting periods. The committee wrote to the responsible minister in June 2010 to convey its views on this matter.

The responsible minister has subsequently advised that, while he welcomes the committee's willingness to reduce the frequency of reports on reportable contracts, he believes that the new register renders the reporting of reportable contracts redundant. As a consequence, the minister intends to change the legislation to remove the requirement for chief executives to report to the committee on reportable contracts.

The public accounts committee believes that this information should be available to all members and the committee will continue to table these lists until such time as the legislation is amended. I therefore seek leave to table the list of reportable contracts for the period 1 April 2010 to 30 September 2010, as received by the public accounts committee.

Leave granted.

MS LE COUTEUR: I table the following paper:

Reportable contracts—Agencies reporting reportable contracts for period 1 April to 30 September 2010—Table.

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010

Debate resumed from 28 October 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR HANSON (Molonglo) (4.17): At the outset, let me say that the opposition will be supporting this legislation as well as the amendments that have been proposed by both the government and the Greens. I will also be proposing an amendment regarding the requirement to conduct drug awareness courses consistent with alcohol awareness courses, which is one of the government's proposals. I will also be raising a concern with one aspect of the legislation regarding drivers supervising learners and foreshadow that the opposition may seek to amend this aspect of the legislation at some time in the future.

The bill contains some technical but important amendments to the RDT legislation and some substantive changes to the RBT legislation, as well as some amendments to the RBT provisions. Although the amendments will be discussed further in the detail stage, the political noise that the government has been making about the RDT amendments and the extensive commentary from the scrutiny of bills committee mean that I will discuss these amendments first before moving to the substance of the new RBT provisions.

Mr Speaker, as you are probably aware, Simon Corbell took as much political opportunity as he could from the need to amend the RDT provisions. So I do need to be quite thorough in addressing these issues. It is important to remember, when we speak today on changes to the RDT legislation and the amendments to be made, that random drug testing would not have been introduced in the ACT without the Canberra Liberals believing strongly that this was an essential element in the fight against drug driving. And I acknowledge the support that we had of the Greens in this process.

The government may stand up today and try to overshadow this fight with empty words about unworkable legislation. They may once again try to play politics with road safety. Indeed, in the *Canberra Times* on 29 October, Mr Corbell pledged to fix what he described at that stage as unworkable roadside drug testing laws passed by the Assembly in July.

It is somewhat ironic, especially given that the very week, indeed the day, that he made those comments, that the Assembly had worked furiously to pass numerous amendments to fix his liquor licensing legislation to make it workable and, in work after lunch done by Mrs Dunne, she was fixing up unworkable regulations again from Mr Corbell. It is also ironic that today we will need to pass numerous amendments to ensure that we can actually make the government's changes to the law on drink driving workable.

Indeed, the Chief Minister claimed in the debate on random roadside drug testing legislation that the Canberra Liberals were attempting to rush through this legislation in a blatant disregard for the human rights implications. It is ironic again, then, that, when we received the report of the scrutiny of bills committee on Monday, we discovered that the government had failed to address some key reporting areas required under the Human Rights Act.

It is ironic again, given that in the area where the government have claimed to fix the unworkable legislation, that they are now forced to provide an amendment today. I draw the attention of the Assembly to clause 42 of the bill. The scrutiny of bills committee report exposes that the government had denied people charged with drug driving offences the right to challenge the drug test analysis, a right they have not denied for alcohol driving offences.

I do not want to imply that this was an intention of the government to do so but inadvertently they did so. And this is reflected in the Chief Minister's response to the committee where he states:

> The government certainly did not intend to preclude the possibility of challenges to an analysis and will move amendments to address the committee's concerns.

This is without doubt a technical amendment, an amendment required to make the legislation workable. I would not, as Mr Corbell did in the *Canberra Times*, argue that this makes Mr Stanhope's legislation half baked. This is complex legislation and indeed occasionally, as we have seen in debating regulations this afternoon, as we saw in the amendments made to Mr Corbell's liquor licensing legislation and as we are seeing in the amendments that must be made to the random breath testing legislation, these are amendments that occur on a regular basis and do not make legislation either half baked or unnecessarily unworkable.

I foreshadow that the Liberals will be supporting the amendments to be made to clause 131 of the bill. These amendments that the government is forced to make today are to fix a gap in the bill that would have meant that the police, in pulling over the holder of an interstate licence and finding that the person had a high-range alcohol reading, would have been unable to immediately suspend that person's licence. They would have been unable to suspend the licence, even though ACT licence holders would have had their licences suspended.

I understand that this is a technical amendment and that this is an amendment required to make the legislation work. But given Mr Corbell's low threshold for calling it half-baked legislation, I wonder whether he would be holding it to the same account as his colleague the Chief Minister's similar amendments today.

The Canberra Liberals will today support the Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010 because we do not believe in playing politics with road safety. We have examined the bill carefully and we believe that there is sound policy within it, that the remedies and provisions provided will prove useful in countering drink driving and drug driving in the ACT.

We have worked hard with government staff. I note there are some in the chamber today. I welcome them and appreciate the hard work that they have done on this legislation in the past weeks. We have also worked hard with the Greens to fix up some necessary amendments.

Indeed, I have met with the police and received briefings from the government on changes to the random roadside drug testing legislation and I have been convinced that all of these amendments are either technologically driven or technical in nature. In fact, the police officer who provided me with the briefing described them as such.

The first such amendment that requires a person to undertake one or more tests is an important acknowledgement that the Drugwipe test that will be used by the police can break. As with all technology, that is a possibility and it may be a malfunction. This is a necessary but minor amendment to ensure that police can adequately test all people regardless of the technology utilised.

This is similar to the amendment required to ensure that people do not leave the location of the test until the test results are derived. Once again, the technology means that for drug testing we must accommodate the five to 10 minutes that may be needed for the drug test analysis sample to be provided. The scrutiny of bills committee raised the notion that this requirement to stay in location could constitute an intrusion into a person's rights but we agree with the justifications outlined by the government that this is a justified intrusion.

I have already touched on the changes the government has made to the evidentiary provisions, ensuring that prosecution will be derived from the laboratory analysis, to ensure that the most accurate means of testing will lead to prosecution. We support this amendment also.

Strict liability is an important but once again minor amendment to the bill. Alcohol driving legislation has always been treated as strict liability; otherwise it would be difficult to bring a case to prosecution. As stated in the explanatory statement to this bill, the ACT courts have always treated this as a strict liability offence, just like all other Australian jurisdictions for their equivalent offences. An explicit statement in the legislation for random roadside drug tests ensures that it is blatantly obvious to everyone that the equivalent applies here.

The scrutiny of bills committee has raised the idea that, due to the possibility of imprisonment that arises from the legislation, the strict liability must be carefully considered. They raise the notion that a due diligence defence could be an option considered. We do not agree that this would be a necessary or a useful amendment to be made. It would send a conflicting message to the people of the ACT if we made it explicit that in our legislation they may be able to argue that they did not intend to drive under the influence of drugs or alcohol.

As the government's response to the scrutiny of bills committee states, it is also difficult to perceive the possibility that a due diligence defence could rightly be used when a high-range offence, the only one that can lead to imprisonment, has occurred.

We agree with the government that strict liability is an appropriate amendment and should not be qualified with a due diligence offence.

We support the amendments that are proposed regarding technical changes to evidence provisions such as evidentiary certificates, evidence for insurance purposes, and the testing of people in situations other than on the roadside, such as by medical professionals. They are necessary amendments to allow successful prosecution.

The power to ensure that tests can be carried out simultaneously is an important amendment and we support it, as it has been made explicit in the legislation.

These technical and minor amendments made to the random roadside drug testing legislation are important but this does not diminish the value of the legislation. It must be remembered that we would not be at this stage, so close to the commencement of random roadside drug testing in the ACT, which is due to occur on 1 December, without the Canberra Liberals taking a stand on this issue. If we had waited for the government to respond to this glaring omission in our statutory framework, it is difficult to know how long we would have been waiting for.

I now move to address the provisions of the bill that amend the alcohol driving laws. Once again, we see this as an area in which the opposition have held the government to account and ensured that the government has acted to address and strengthen the drink driving laws. In May 2009, I called for action in this area. At that time we had just witnessed the worst ever result for drink driving offences in the ACT. Already, in May that year, we had surpassed the number of incidences of people caught for the whole of 2008. I called on the government at the time to address this grave concern and the fact that this had occurred was simply appalling and demonstrated, in my view, a failure in the Chief Minister's leadership over successive years.

While I called for strong action for the government to consider a range of policy responses, the Chief Minister's poorly considered and rushed response was simply to call for a name and shame policy. This measure is not included in the legislation today and I invite the Chief Minister to explain whether he realises that his approach was flawed or whether he still believes in this legislation and he is just unable to get it through his caucus. Thankfully today, we are going to see the more substantive elements of policy reform to RBT that I called for over 18 months ago.

At that time, in May 2009, I also made the point that having a serving minister who had been caught drink driving continue on as a minister sent a very poor message to the community regarding the government's approach to drink driving and to road safety more generally. I am pleased to see that in the intervening period the minister, Mr Hargreaves, has been removed from cabinet but I question, as do many in the community, why it took so long.

I support the amendment before us today that reduces the blood alcohol limit for special drivers to zero. We are aware that concerns have been raised by the scrutiny of bills committee that the discrimination between special drivers and non-special drivers has not been adequately justified. The subsequent response by the government to this highlighted the research and the evidence in this area.

It is clear that you cannot learn to drive and learn to manage alcohol intake at the same time. It is unfair and difficult to try to impose the responsibility on special drivers. This is not a discrimination based on age but a necessary legislative distinction based on a broad range of research, not to mention the evidence of all other Australian jurisdictions which have imposed similar measures.

Following that, we support the changes to the definition of special drivers. It is clear that you need to ensure the best possible reaction times and awareness when you are travelling with dangerous goods or operating a heavy vehicle. Also if you are a professional driving instructor, you need to ensure that you are in a position to provide the correct level of instruction and support.

I do, however, raise concerns with the provision that requires driving supervisors—and this is essentially the mum and dad supervisors who are teaching their children how to drive—to have zero BAC. At the moment there is no restriction and that is clearly unsafe and inappropriate. But this provision has the risk of going too far and, I think, unduly restricts responsible adults who are supervising drivers whilst they are actually under the legal BAC.

The case has not been made that someone who is legally allowed to drive with a legal BAC of 0.05 is not capable of supervising a learner. I note that only the Northern Territory has introduced this sort of legislation and we do need to be very careful not to be unnecessarily punitive when it comes to these legislative changes.

I was considering an amendment to this effect but, on advice from the government and the Greens that they would not support such an amendment, I have not brought it forward today. However, I foreshadow that the opposition may do so at some stage in the future.

The changes to the definition of repeat offenders and the subsequent ability of such persons to apply for restricted or probationary licences sends a strong message to people that alcohol and drug driving offences will be treated extremely severely. The concerns raised by the scrutiny of bills committee around the principle of statutory construction are noted but we do not believe that the departure from the principle raises any issues. Drink and drug driving laws are well known. The benefit of sending a strong message to drink or drug driving offenders greatly outweighs any intrusion against this principle.

The importance of education and rehabilitation is an important area of criminality. Ultimately, while a fairytale outcome would be that no-one ever drives under the influence of drugs or alcohol, that is sadly not true. Therefore, it is imperative that we ensure that offenders are taught the reasons for the offence and learn not to commit the same action.

I foreshadow, as I have circulated earlier, that the Liberals will be making an amendment in this area. We want to ensure that not only drink drivers but also drug drivers are required to undertake an awareness course as part of the penalty for the offence. As the bill currently stands, it creates a disparity between the offences of

drug and drink driving. We want to ensure that, although it may only occur in theory, there is no incentive to drug drive rather than drink drive as the penalty is lower.

It is important to remember that, in making the distinction between the penalties, not only will persons have to invest time in completing an awareness course, they will also have to invest money. Education to help ensure that an offender does not reoffend should be an important element to consider in the construction of any offence. We support the initiative by the government in creating this obligation for offenders and, as foreshadowed, wish to ensure that this also occurs for people driving under the influence of drugs.

Removing high-range offenders immediately from the road and suspending their licences not only sends a strong message to offenders but removes dangerous drivers from the road. Immediate suspension that may only be remedied by application to the magistrate ensures that offenders immediately feel the effects of their offence. Removing drink drivers of their ability to drive has got to be one of the strongest signals that drink driving is not okay.

The considerations raised by the scrutiny of bills committee regarding a possible intrusion into the right for a fair trial are important. But the enormous benefit of this provision greatly outweighs any possible intrusion. We also accept the government's response that a police officer at the place of the alcohol breath test is not making a decision regarding conviction but merely undertaking a reasonable decision.

The changes made to the alcohol driving laws are extremely important. However, this is not the only answer. We cannot stop fighting on the issue of drink driving nor drug driving. We must continue to investigate new tools and new technologies for countering the drink and drug driving problem that we have in the ACT. As foreshadowed, this bill and the subsequent amendments are an important addition to the fight but this does not mean that the Canberra Liberals will stop fighting on this very important issue of road safety.

In anticipation of these laws coming into effect, I would like to thank the government staff from TAMS and other departments who worked so hard to put some very complex legislation together. I commend them for that. I would like to offer also my thanks to the police who have worked hard on the RDT provisions and provided significant advice on the RBT provisions, in particular the police who are now charged with the responsibility of enforcing these laws in our community and keeping our community safe.

I think, however, it is also important to make the point that, as much as we can bring in legislation in this Assembly and the police can enforce the legislation, ultimately not drinking and driving if you are over a legal limit or not taking drugs and driving is an important individual responsibility. We also need to get that message out that it is as much an individual responsibility as it is one of society and for us in the Assembly to impose these laws.

MS BRESNAN (Brindabella) (4.34): The ACT Greens will be supporting the bill. I will flag now that we will be introducing amendments to the bill during the detail

stage. The ACT Greens strongly support the government's current anti-drink-driving campaign "drink or drive" and that it is appropriate to foster a culture that encourages people to make an active choice prior to going out as to whether they will drink or will drive.

The ACT Greens welcome the lowering of the permissible blood alcohol content for provisional licence holders, as well as licences for professional drivers, instructors, parents and heavy vehicle driver assessors. By lowering the limit to zero for new drivers and their supervisors and instructors, we exclude the problem of inexperienced drivers guessing that they might be under the limit when they go out and ingrain in them a culture of making responsible choices before they do go out.

Additionally, the Greens recognise the importance of discouraging reoffending, and the strengthening of the repeat offender provisions reinforces the message that we expect people to use the experience of being convicted of a drink-driving offence to change their behaviour.

More important, however, is the requirement that an individual attend an alcohol awareness course when an individual is found guilty of a drink-driving offence. We have an amendment which we will move in the detail stage which will assist in ensuring that all people convicted of a drink and drug driving offence will attend an awareness course.

Provisions that allow for police to immediately suspend a driver's licence upon a person testing positively for an alcohol concentration of .05 recognises the importance in removing from their vehicles individuals who would be dangerous behind the wheel.

I would also like to address the technical amendments relating to the Road Transport (Alcohol and Drugs) (Random Drug Testing) Act 2010, passed earlier this year by the Assembly. The ACT Greens recognise that these amendments are necessary for the smooth function of random drug testing in the ACT. However, we are concerned with the manner in which the government has conducted debate on this matter over the last 12 months in regard to random roadside drug testing.

It is instructive to examine the shifting positions of the government since Mr Hanson first introduced this bill. The government has stated opposition to introducing a random drug testing bill, but then when Mr Hanson introduced his bill the government released a discussion paper that suggested random roadside drug testing as part of a comprehensive suite of road safety reforms. The ACT Greens agreed to hold off on debate of Mr Hanson's random roadside drug testing bill until we saw the results of consultation, and we adjourned debate in order to see the results of that consultation. One of the adjournments was after a vote to agree in principle on the bill.

On the day that the Assembly was to debate the detail stage of Mr Hanson's bill, the government released advice provided to them by the human rights commissioner. This is advice the Greens would very much like to have had access to far earlier, particularly as we had tried to engage with the government on Mr Hanson's bill but had not received any feedback. The human rights commissioner did raise concerns but

also noted that a number of their concerns were addressed by amendments put forward by the Greens.

At no stage during a long and involved process did the government raise a single concern relating to any of the technical amendments offered in this bill. It is clear that, despite the government's claims that the bill was rushed and broken, the amendments that this bill presents would have had to be applied to the government bill as it was presented in its exposure draft form. Somehow I doubt that, had we passed the government bill and we were currently debating operationally necessary amendments, the government would be criticising itself for presenting rushed and broken legislation.

The government, at any time during the eight-month process of the original roadside drug testing bill, could have engaged with the other two parties, sought briefings from the police and talked to Mr Hanson and me to explain what amendments were necessary to make this legislation work on the ground. It is the nature of minority government that the crossbench and the opposition will, from time to time, pass legislation without government support. However, even when the government does not support the legislation or it is the Assembly's intention to pass the legislation, the government should take the necessary steps for implementation.

The amendments that have been made in relation to random roadside drug testing are all operational and could only have come forward after consultation with the police—something only the government can do, as neither the crossbench nor the opposition are able to directly contact the police. Through a briefing arranged by the government, it was noted that the amendments have been brought forward by the police and related to the operation of roadside drug testing on the ground. We were also informed that they were, indeed, technical and relatively minor amendments.

We recognise the need to support the amendments that clarify police powers to detain drivers on the grounds that, based upon current technology, it takes some time to conduct a random roadside drug test. Creating offences for avoiding drug tests or tampering with testing equipment are consistent with measures required for random roadside breath tests. We also recognise the need to implement defences against the offence of refusing to provide an oral fluid sample on the grounds of medical incapability.

The ACT Greens acknowledge that it needs to be clarified that offences relating to random roadside drug testing are strict liability offences, consistent with the Criminal Code and other traffic offences. We further recognise the clarification given to the requirements for evidentiary certificates based upon laboratory analysis of oral fluid, as well as aligning the provisions dealing with evidence for insurance purposes with those for other traffic offences.

A provision to allow police to immediately direct a person whose ability to drive is affected by drugs not to drive for up to 12 hours is consistent with the approach taken with random roadside breath testing and is a reasonable limitation on the right to drive where an individual would clearly be dangerous behind the wheel of a vehicle.

The ACT Greens will be supporting these minor and technical amendments to the random roadside drug testing legislation passed earlier this year.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.41), in reply: I thank members for their contributions and for their expressions of support for this important legislation. It certainly is important and even a brief look at any of the statistics in relation to the role which alcohol plays in road accidents and road deaths confirms just what a serious issue the issue of drinking and driving within the ACT is.

That has been commented on by previous contributors to this debate. We are averaging in the order of 1,500 drink-driving offences each year within the ACT that are detected. One knows that that is simply the detection rate and there would be a far greater number of people regularly drinking and driving. Most concerningly, around 30 per cent of all drink-driving offenders, those that are detected, are repeat offenders.

It is as a result of the continuing level of road deaths; whilst it is the lowest ratio of road deaths of any jurisdiction in Australia, it is still an appalling human toll. Whilst it seems perhaps unnecessarily pragmatic to look at road deaths and road crashes in terms other than just the human cost, the tragedy individually and for families and friends, it does come also at an enormous economic cost to the community.

We have tried a number of initiatives over the years, of course. We change our laws incrementally and progressively. This law reform process began in 2008, with the distribution of a detailed discussion paper. It has been a genuinely consultative process that has been running since the development of the discussion paper in 2008, the establishment of a reference group and a number of roundtables and a determined effort to deal and engage with all of the experts across the spectrum in the ACT. This legislation is a result of that very extensive consultative process that the government has engaged in over the last two-and-a-bit years.

I thank members for their contributions and for their support of this important legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 41, by leave, taken together and agreed to.

Clause 42.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.44): Pursuant to standing order 182A(b), I seek leave to move 11 amendments to this bill which are minor and technical in nature.

Leave granted.

MR STANHOPE: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendments *[see schedule 1 at page 5751]*.

As I indicated, these are minor technical amendments to the bill. I believe these amendments, most particularly, were made in response to comments by the Standing Committee on Justice and Community Safety in its scrutiny report.

MR HANSON (Molonglo) (4.46): As foreshadowed in my earlier speech to the Assembly, we support the government's technical amendments to ensure that people may challenge the analysis of their drug test sample. We believe it is an important amendment to bring alcohol and drug analysis provisions into line. Furthermore, these amendments protect the fundamental right of people to mount a defence in a court of law.

MS BRESNAN (Brindabella) (4.46): The Greens will be supporting this amendment. It provides clarity to evidentiary provisions, as requested by the scrutiny of bills committee. The amendment clarifies that evidence given in a court relating to a drug charge is based upon a National Association of Testing Authorities accredited laboratory analysis. I note that the ACT Greens are concerned that the government response to the scrutiny of bills report was only received yesterday. This provides very limited time for the crossbench and opposition to evaluate the government's response to scrutiny concerns. However, based upon the briefings we have received, we will be passing the government amendments.

Amendment agreed to.

Clause 42, as amended, agreed to.

Clauses 43 to 110, by leave, taken together and agreed to.

Clause 111.

MR HANSON (Molonglo) (4.47): I move amendment No 1 circulated in my name *[see schedule 2 at page 5754]*.

As I addressed in my earlier speech, I have now moved an amendment to the bill that provides for people convicted of a drug impairment offence to undertake a drug awareness course before being able to apply for a restricted or probationary licence. We want to ensure that not only drink drivers but also drug drivers are required to undertake an awareness course as part of the penalty for the offence. As highlighted earlier, a disparity between the offences of drug and drink driving currently exists. Our amendment ensures that this disparity is fixed.

I foreshadow that we will support the amendment that is due to be moved by Ms Bresnan, that makes provision for people convicted of a drug-driving offence and

who are reasonably unable to undertake a drug awareness course during the period of disqualification to apply for a temporary probationary licence. This is a logical extension to ensure that people will not be discriminated against if they take reasonable steps to fulfil their obligations.

Madam Assistant Speaker, please note that, as for alcohol awareness courses, these amendments will commence on notice. I am aware that there is currently not a suitable program in place in the ACT and that the Road Transport Authority needs time to allow for establishment. It has been indicated to me that the authorities are hoping to have alcohol awareness courses established within six to eight months and I am hopeful that drug awareness courses may take place in a similar time frame.

MS BRESNAN (Brindabella) (4.49): The Greens will be supporting this amendment, as it enables the Road Transport Authority to require a person to attend a drug awareness course after being convicted of a drug-driving offence. Providing a drug awareness course for offenders found guilty of drug driving is consistent with the approach taken to drink driving. It is a commonsense approach to changing behaviour.

Raising awareness of the dangers of drugs and driving amongst offenders is an important step to changing behaviour. It should be noted that, unlike with alcohol, where over 95 per cent of alcohol users believe that it negatively impacts on driving ability, in the case of drugs almost 50 per cent of drug users believe that drugs have no negative impacts on driving ability.

I raise this point because in many circumstances the first time a person convicted of a drug-driving offence receives information about the perils of drug driving will be during this course. We need to correct this information in the community about the effects of drugs on driving as a matter of urgency.

The ACT Greens have urged the government to conduct public awareness campaigns as part of the rollout of any roadside drug testing scheme. I would note that the Victorian Transport Accident Commission is currently conducting a campaign about drug-driving and would urge the government to consider conducting a similar campaign here.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.50): The government will also support the amendment. The government has no objection in principle. Indeed, the position the government has taken in relation to this issue was influenced certainly by a lack of experience and a lack of understanding at this stage around how the drug testing regime will evolve in practice.

As we work it up and get the arrangements in place, there was a view that we would take some time to simply understand the level of testing that will be undertaken and the number of offenders that will be convicted who would ultimately call upon a course such as this. So we are more than agreeable to accepting these amendments. I am sure members—and Mr Hanson has expressed this view—will understand that it

will take some little time to establish courses, to develop an understanding and establish need. I am sure members will give, most particularly, the department and the police some understanding in relation to the lead times involved in establishing the drug-testing regime in the first place.

I understand, for instance, that we do not at this stage have the capacity within the ACT to conduct the follow-on confirmatory drug test that will be required as part of the regime. At this stage we are looking to outsource that responsibility to New South Wales laboratories. So there are some complexities that we need to deal with. We need to develop some understanding and some systems of our own. I am encouraged that members have indicated they understand that and that they will be aware that some of these things will take some little time to implement and develop.

Amendment agreed to.

Clause 111, as amended, agreed to.

Clauses 112 to 121, by leave, taken together and agreed to.

Clause 122.

MR HANSON (Molonglo) (4.53): Before I speak to the amendment I will just respond to the Chief Minister's comments about the complexity in establishing the courses and some of the other regimes, including random drug testing. I do acknowledge that. We will be patient. I would expect some reasonable briefings in terms of how that is actually rolling out. I do understand that it is important that we do get it right and we will be certainly sympathetic to the fact that it will take some time.

I move amendment No 2 circulated in my name *[see schedule 2 at page 5754]*.

It is a logical extension to the provision to make drug awareness courses mandatory, and this amendment ensures that the Road Transport Authority does not issue a restricted licence without the completion of a drug awareness course.

MS BRESNAN (Brindabella) (4.54): The Greens will be supporting this amendment as it reflects the inclusion in the note of drug awareness courses.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.54): I foreshadow now that the government understands that these are all consequential amendments and the government will accept all of Mr Hanson's consequential amendments to the amendment which we have just passed.

Amendment agreed to.

Clause 122, as amended, agreed to.

Clause 123.

MR HANSON (Molonglo) (4.55): I move amendment No 3 circulated in my name *[see schedule 2 at page 5754]*.

This is a consequential amendment and ensures that the Road Transport Authority must not issue a probationary licence without the completion of a drug awareness course.

MS BRESNAN (Brindabella) (4.55): As per my reason for the previous amendment, the Greens will be supporting this as again it is about a drug awareness course.

Amendment agreed to.

Clause 123, as amended, agreed to.

Clauses 124 and 125, by leave, taken together and agreed to.

Clause 126.

MR HANSON (Molonglo) (4.56): I move amendment No 4 circulated in my name *[see schedule 2 at page 5754]*.

This amendment sets out the substantive provisions requiring drug awareness courses to be completed, as foreshadowed in my earlier speech. This amendment provides for people convicted of drug impairment offences to undertake a drug awareness course before being able to apply for a restricted or probationary licence. We want to ensure that not only drink drivers but also drug drivers are required to undertake an awareness course as part of the penalty for the offence.

As highlighted earlier, the disparity between the offences of drug and drink driving currently exists and our amendment ensures that this disparity is fixed. I foreshadow, again, that we will be supporting the amendment by Ms Bresnan that makes provision for people convicted under a drug-driving offence and reasonably unable to take that awareness course during the period of disqualification to apply for a temporary probationary licence.

As for the alcohol awareness courses, these amendments will commence on notice, and we await further guidance from the government as to when a drug awareness course will indeed be established.

MS BRESNAN (Brindabella) (4.57): The Greens will be supporting this amendment as it provides a new heading to reflect the new drug awareness course.

Amendment agreed to.

MS BRESNAN (Brindabella) (4.58): I move amendment No 1 circulated in my name *[see schedule 3 at page 5758]*.

The amendment I am proposing amends the Road Transport (Driver Licensing) Regulation 2000. These provisions allow for the Road Transport Authority to issue a

probationary licence where a person who is disqualified for a period of time is not able to enrol in an alcohol awareness course despite making a legitimate attempt to do so and has indicated in writing that the person is enrolled and will attend a subsequent alcohol awareness course.

This amendment would require the Road Transport Authority to issue a probationary licence when an individual provides written evidence that the person has made a genuine attempt to enrol in a course during the disqualification period, was unable to due to reasonable circumstances and has enrolled in the next available course. If upon the date the course should have been completed the individual has not completed the course, the probationary licence would be suspended until such a time as the person completes an alcohol awareness course.

The ACT Greens are concerned that capacity issues may constrain the ability of approved providers to conduct courses in a timely fashion for people who have been disqualified. We were briefed yesterday that under the bill as it stands, if a person were genuinely prevented from enrolling, the person could be considered as experiencing exceptional circumstances for the purposes of the exemption clause. However, in this circumstance the exemption clause would then mean the individual would have no incentive to attend the course as the person would be exempt from those requirements.

This amendment ensures that a person who commits a drink-driving offence will attend an alcohol awareness course prior to obtaining a permanent licence. I do appreciate also the feedback we have received on this amendment from the Chief Minister's office.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.00): The government will support the amendment. We do not oppose it, though, I think as has been explained, the government do not believe the amendment is necessary. We do not believe it will be an issue but we have no objection to it being included, without necessarily agreeing that it is warranted or will be required.

There is one issue which I think may also have been drawn to Ms Bresnan's attention. There is some concern in the department that the provision for the suspension of a licence does not require that notice be given of the suspension. And there is a view that perhaps that is something we might wish to reflect on and provide an appropriate notice provision on. But at this stage I foreshadow that but indicate the government will not be opposing, will indeed support, the amendment.

To the extent that it does provide that the Road Transport Authority suspend a person's licence, the authority does not have to provide the person with written evidence of the person's suspension. In all other instances where a licence is suspended under this legislation as it currently exists, notice of that suspension is given. That is not included in this particular amendment and it may be that we will want to reflect on that.

Amendment agreed to.

MR HANSON (Molonglo) (5.02): I move amendment No 5 circulated in my name *[see schedule 2 at page 5754]*.

This is an amendment that allows the Road Transport Authority to cancel or suspend a person's licence where the person fails to complete a drug awareness course.

MS BRESNAN (Brindabella) (5.02): The Greens will be supporting this amendment from Mr Hanson. Awareness courses, be they for drugs or alcohol, are crucial in changing unsafe driving behaviours and generating a cultural change to minimise the incidence of drug driving on our roads. We support this amendment, for the reasons outlined early in the debate, with an amendment to provide the same provisions regarding individuals who miss out on a course for a genuine reason as applied to the alcohol awareness provisions.

MR ASSISTANT SPEAKER (Mr Hargreaves): Ms Bresnan, do you have an amendment to Mr Hanson's proposed amendment?

MS BRESNAN: I believe I have to move it after this.

MR ASSISTANT SPEAKER: You have to formally move it if you have one.

MS BRESNAN: I thought we were voting on this one before moving on.

MR ASSISTANT SPEAKER: No, we need to vote on yours first.

MS BRESNAN: It was not in the script. I move an amendment to Mr Hanson's proposed amendment *[see schedule 4 at page 5760]*

The ACT Greens are presenting this amendment to allow for the same provisions to ensure that people excluded from drug awareness programs due to capacity issues or other circumstances are still compelled to attend a course in a timely fashion. The amendment operates in the same way as an amendment made to the alcohol awareness section and is included for the same reason.

Ms Bresnan's amendment to **Mr Hanson's** proposed amendment agreed to.

Mr Hanson's amendment, as amended, agreed to.

Clause 126, as amended, agreed to.

Clause 127.

MR HANSON (Molonglo) (5.04): I move amendment No 6 circulated in my name *[see schedule 2 at page 5758]*.

This is a further consequential amendment relating to the drug awareness course.

MS BRESNAN (Brindabella) (5.04): The Greens will be supporting this amendment, as we will the next amendment to be moved by Mr Hanson.

Amendment agreed to.

Clause 127, as amended, agreed to.

Clause 128.

MR HANSON (Molonglo) (5.05): I move amendment No 7 circulated in my name *[see schedule 2 at page 5758]*.

This is a further consequential amendment that defines what a drug awareness course is and drug-related disqualifying offences are in the Road Transport (Driver Licence) Regulation 2000.

Amendment agreed to.

Clause 128, as amended, agreed to.

Clause 129.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.05): I move amendment No 2 circulated in my name *[see schedule 1 at page 5752]*.

This is the first of a series of related amendments to ensure that the immediate licence suspension notice provisions can be enforced against interstate drivers. When TAMS was working with the police to develop implementation arrangements for the immediate licence suspension scheme, it became clear the application of these provisions to interstate drivers was going to be a more significant issue than was anticipated when the legislation was first developed.

The legislation was developed on the assumption that comparatively few interstate drivers committed drink-driving offences in the ACT and that existing penalties for drink-driving offences would be sufficient for dealing with those offenders. The bill did not seek to apply the immediate licence suspension provisions to interstate licence holders. However, ACT Policing have advised that their records indicate that a little over 10 per cent of people who are detected committing drink-driving and related offences in the ACT—on average that is around 150 people—reside outside the territory.

Clearly this is a higher proportion of total drink-driving offenders than had been anticipated. In light of this information, it seems appropriate to ensure that the immediate licence suspension provisions can be used effectively against those interstate licence holders and that they can be enforced where necessary.

MR HANSON (Molonglo) (5.07): As foreshadowed earlier, we support the government's amendment and this will ensure that holders of interstate licences driving in the ACT will be subject to immediate suspension provisions. Given the unique nature of the ACT—its proximity to Queanbeyan and being surrounded by New South Wales—we believe this amendment is an important one to ensure that interstate licence holders understand that we take driving under the impairment of drugs or alcohol extremely seriously in the ACT.

MS BRESNAN (Brindabella) (5.07): The ACT Greens will be supporting this amendment as it is a technical amendment inserting a reference to a new offence in the section outlined in the application of the Criminal Code.

Amendment agreed to.

Clause 129, as amended, agreed to.

Clause 130 agreed to.

Clause 131.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.08), by leave: I move amendments Nos 3 to 8 circulated in my name together *[see schedule 1 at page 5752]*.

I will go through each of these amendments. Amendment No 3 applies to section 61B(2)(f), which sets out the matters that must be stated in an immediate suspension notice. This substitutes new sections 61B(2)(f)(i) and (ia). The effect of these provisions is that if the person holds an ACT driver licence the suspension notice suspends the person's driver licence.

The situation for interstate or external drivers is a little different. This is because ACT legislation cannot suspend an interstate or external driver licence. It can only suspend an interstate or external licence holder's right to drive in the ACT. Therefore, the amendments provide that the suspension notice must explain that if the person holds an interstate or external driver licence the notice operates to suspend that person's right to drive in the ACT.

Amendment 4 is an amendment that applies to section 61B(2)(f) which sets out the matters that must be stated in an immediate suspension notice. The notice must explain that while a suspension notice is in effect an ACT driver licence holder must not drive a vehicle. For interstate and external licence holders, while a suspension notice is in effect the driver must not drive a vehicle in the ACT.

Amendment 5 applies to proposed section 61B(4). That provision explains what happens when a person is served with an immediate suspension notice. The

amendment substitutes new sections 61B(4)(a) and (aa). These provisions explain that if the person holds an ACT driver licence the person's licence is suspended. And, of course, if the person holds an interstate or external driver licence the person's right to drive in the ACT is suspended.

Similarly, amendment 6 is an amendment to section 61B(4). This provision sets out what happens when a person is given an immediate suspension notice. The amendment substitutes new sections 61B(4)(c) and (ca). These provisions explain that if the person holds an ACT driver licence the person must not drive a vehicle anywhere. If the person holds an interstate or external licence, the person must not drive a vehicle in the ACT.

Amendment 7 inserts new section 61BA. The amendment creates a new offence of "drive whilst suspension notice in effect". Although there is an offence under section 32 of the Road Transport (Driver Licensing) Act of "drive while suspended", that applies to an ACT driver whose licence is suspended by a court or by a territory law. That offence does not apply to interstate or external drivers. Accordingly, to ensure that immediate suspension notices can be enforced against interstate and external licence holders, it is necessary to create a specific offence of driving while a suspension notice is in effect.

Amendment 8 is a consequential amendment to insert definitions of "conditional licence" and "driver licence receipt" in the dictionary to the Road Transport (General) Act.

MR HANSON (Molonglo) (5.11): We have already foreshadowed that we will support these.

MS BRESNAN (Brindabella) (5.12): The ACT Greens will be supporting these amendments as they provide clarity as to the effect of suspension notices for ACT and interstate licence holders. The amendments also create a new offence of driving whilst a suspension notice is in effect, with a smaller penalty than an offence where a driver's licence has been suspended by an order of a court. This is in recognition that violating a court order should rightfully be considered more serious than violating a non-judicial suspension notice. The penalties are equivalent to the other circumstance where a licence can be suspended without an order of court, where a person fails to pay an infringement notice.

Amendments agreed to.

Clause 131, as amended, agreed to.

Clauses 132 to 134, by leave, taken together and agreed to.

Clause 135.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.13), by leave: I move

amendments Nos 9 and 10 circulated in my name together *[see schedule 1 at page 5753]*.

Amendment 9 is a consequential amendment to insert definitions of "probationary licence" and "provisional licence" in the dictionary to the Road Transport (General) Act.

Amendment 10 is a consequential amendment to the table in schedule 1, part 1.7 of the Road Transport (Offences) Regulation 2005 to include references to the offences in new sections 61BA and 61C of the Road Transport (General) Act.

MR HANSON (Molonglo) (5.14): These are consequential amendments, Mr Assistant Speaker, and we will be supporting them.

MS BRESNAN (Brindabella) (5.14): The ACT Greens will be supporting these consequential amendments to dictionary references as they relate to interstate driver licences.

Amendments agreed to.

Clause 135, as amended, agreed to.

Clause 136 agreed to.

Clause 137.

MR HANSON (Molonglo) (5.14): I move amendment No 8 circulated in my name *[see schedule 2 at page 5758]*.

This amendment inserts in the schedule of Road Transport (General) Regulation 2000 that the road transport authority has the ability to refuse to grant exemption from the requirement to attend a drug awareness course.

MS BRESNAN (Brindabella) (5.15): The ACT Greens will be supporting this amendment giving effect to drug awareness courses.

Amendment agreed to.

Clause 137, as amended, agreed to.

Clauses 138 to 143, by leave, taken together and agreed to.

Clause 144.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.15): I move amendment No 11 circulated in my name *[see schedule1 at page 5753]*.

This item substitutes replacement clause 144, which amends schedule 1, part 1.7, to insert new items 12A and 12B. This clause consequentially amends the table to include reference to the offences in new sections 61BA and 61C of the Road Transport (General) Act 1999.

MS BRESNAN (Brindabella) (5.16): The Greens will support this consequential amendment to the offence schedule, reflecting the new offence relating to suspension notices.

Amendment agreed to.

Clause 144, as amended, agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Territory Records Amendment Bill 2010

Debate resumed from 23 September 2010, on motion by **Mr Stanhope**:

> That this bill be agreed to in principle.

MR COE (Ginninderra) (5.17): The opposition will be supporting this bill. We believe this bill will strengthen the role of the Territory Records Act 2002 in both managing and linking with other legislation to manage all records in the territory. The bill follows a review of the Territory Records Act which recommended these legislative changes. The review was tabled in the Assembly a few months ago—I believe on 1 July.

The bill will ensure, along with some technical amendments, that there is a common release date for territory and executive records, proposed to be Canberra Day each year, and that cabinet records will be released after 10 years and territory records after 20 years. The bill also states that the director can now monitor the disposal of records by all agencies and their functions have been extended to include the ability to suspend records disposal schedules, primarily to ensure that records are not disposed of prior to an impending court case if required as evidence. The director will now be able to transfer records to another jurisdiction if required.

The bill also states that health records are included that were previously exempt, while remaining consistent with the Health Records (Privacy and Access) Act 1997. The Territory Records Advisory Council includes a provision for representation from organisations interested in public administration, governance and public accountability.

The bill will also allow for record management arrangements for agencies and/or bodies that cross jurisdictional boundaries. We are also of the view that the new council member from the public administration sector will add to the scope of the

Territory Records Office in a positive way. So the opposition does commit to supporting this bill and the amendments.

MS LE COUTEUR (Molonglo) (5.19): The Greens will be supporting the Territory Records Amendment Bill 2010. The Greens is a party that is committed to good governance. Transparency and accountability are key principles of a healthy democracy. These principles are reflected in the way we manage our records and the access we give the public to territory records. This includes both executive records and records from cabinet. Members of the public must have the power to access and scrutinise information from the government to see how decisions were made.

The Greens have always argued for open, accessible and transparent parliamentary rules, conventions and structures. We also want these rules, conventions and structures to keep pace with changing community expectations. We were therefore pleased to see that the review provision in the original Territory Records Act was activated and resulted in the comprehensive review of the act by an independent reviewer, Mr Paul Macpherson. I understand that Mr Macpherson is an eminent records manager and archivist.

I see from the government's response to this review that it has accepted all the recommendations. Many of these recommendations are now being implemented through this amendment bill. We support these changes which I believe will result in overall improvements to the management of records in the territory. Before I discuss these, I would like briefly to pick up on a point raised by the scrutiny of bills committee in its comments on this bill. The committee raised the question of whether the bill is a justifiable limitation on the right to freedom of expression stated in section 16 of the Human Rights Act, and/or the right to take part in public life stated in section 17.

I draw the Assembly's attention to these comments because I, and the Greens party, believe very strongly that these rights need to be protected. The Territory Records Act places restrictions on people's ability to access information. There is always a question of whether these are justifiable limits, and they need to be considered in their full context. For example, how does the complexity of an FOI system impact on people's opportunity to access information? What is the impact of people's limited capacity to challenge a government through FOI proceedings, given that they may be unrepresented in an appeal, and the government has such disproportionately large resources? Or what about individuals and community groups who may not be able to pay fees that apply to their attempts to access government records? Many of these are bigger questions about the overall scheme that we operate in the territory through the FOI Act, the records management act and other government policies and instruments.

The bill that we are considering today touches on these rights only in two specific and relatively minor areas. I am pleased to see that the government responded to the scrutiny committee, circulated an amended explanatory statement and proposed amendments which will address these issues.

In regard to a particular issue raised by the committee—that of the new power for the director to transfer records to different jurisdictions—I do note that the review of the

act said that making this amendment is "a matter of some urgency". The Council of Australasian Archives and Records Authorities has been calling for a speedy resolution to the problems caused by the lack of this power. I am satisfied that this is a good amendment to make and that it will better records management. Given that the government will now move an amendment to ensure that there is not an unreasonable delegation of power to the executive, I am satisfied that the amendment should stay.

I will briefly refer to the other improvements to record management made through this bill. It has picked up new definitions of records, territory records and records of an agency, as recommended by the review and as requested by those intimately involved in the administration of this act. These now basically parallel the definitions in the international standard.

These new amendments also affect the management of health records. They allow people who manage health records to utilise the standards for records management established in the act, as well as to develop records disposal schedules to manage and eventually dispose of the records. I consider this a useful amendment from a management perspective, while not impacting on any of the special privacy requirements that exist in relation to health records.

As I mentioned, the bill will give the director of records a new power to authorise the transfer of a record to another jurisdiction following the transfer of a person or responsibility to that jurisdiction. This is particularly relevant in relation to personal security files of people who move interstate. It also takes account of the movement of responsibilities between jurisdictions.

A new part of the act also establishes a common release date for territory and executive records as Canberra Day each year. I think this is a good idea, and I hope that it helps to foster an increased interest in the territory's history and the rich source of knowledge contained in the territory records.

I want to specifically discuss electronic records. I note that recommendations about electronic records are not being dealt with through this amendment bill. However, I am assured that they are being picked up and that they are just being dealt with through other avenues. Mr Macpherson's review acknowledged that the recommendations around electronic records were not suitable for implementation through legislation. He did note that it requires "advice, assistance and monitoring from the Territory Records Office and adherence to standards by agencies when resources allow for the implementation of electronic record-keeping or business systems".

I am looking forward to hearing more about how the government is addressing this issue. The review identified electronic record-keeping and the problems related to it as a significant issue. This is an issue that has been raised with me a number of times. It is not a lot of use just to have a good records management act if it then falls down in compliance and implementation because people are creating electronic records, emails and the like and then not archiving them for later use. It becomes more and more of a problem as more and more of our records become electronic, and increasingly email based.

Our current approach is to say basically that the medium does not matter, that we can define a record and that it is a record regardless of whether it is a paper record, an electronic record or even a record of hieroglyphics. As we become more and more innovative with our electronic communication, this becomes more and more problematical. For instance, you can do things with Google Maps that simply cannot be done with paper-based records. As the territory is moving into using social media such as Facebook, and possibly in the future Twitter, it will become increasingly difficult to deal with these things in a paper-based way.

We may end up in the future using the new technology as a more integral part of records management. For instance, we might save a large body of data, or hopefully information, and then use search techniques to extract what we need from it. This could enable our formal record management to be more like our record use.

Many organisations and governments are working on the best way to manage electronic records. I understand the Victorian government has published the Victorian electronic records strategy, which includes a standard for the preservation, long-term storage and access to permanent electronic records. I do urge the ACT's record managers to look at these issues because they are not going to go away.

While on this issue, I would also like to mention the concept of proactive disclosure. This is the concept of governments using new technologies to keep documents and data online, where members of the public are able to search for material for themselves. Proactive disclosure could be regarded as one part of a bigger initiative, sometimes called e-government, e-participation or Gov 2.0.

Gov 2.0 could be described as using new technology for tools—that is why there is a 2.0—to do government better. It involves better communication within the government as well as without. Gov 2.0 involves direct engagement with citizens, business and community groups in potentially two-way or more conversations about government services and public policy through open access to public sector information and new ICT technologies.

As I said in the August debate on green ICT, I would like to have a debate in this Assembly about Gov 2.0 and its adoption by the ACT government. In the meantime I will make a few observations. I will start with my usual whinge—ACTPLA and DAs. I continually get told by people that DAs are not up on ACTPLA's website at the time of initial notification and that, if you do get to the DA, sometimes they are megs and megs in size, they do not have executive summaries, and they are all but incomprehensible in many cases by members of the public. This is something that I believe ACTPLA needs to work on.

It also needs to work on actually keeping the DA information available to the public. I appreciate that there is a need for ACTPLA to move some of its information from more expensive to less expensive data storage areas, but it could still keep a database of DAs that is publicly accessible and allow people to make an email request for access to them. At present, as far as I can tell, the only way of doing it is to get your MLA to write to the minister, who then may give access to the records.

We have talked a lot about ACTION, ACTION timetables and the impossibility of finding out those crucial records for everyday life. I do urge the government to take on board using Google Transit, but before that, to take on board simply printing enough paper records of bus timetables, as I have had complaints from people about this.

The commonwealth government has done a lot of work on Gov 2.0 and recently announced that it is going to make "creative commons" the default licence for information published by the commonwealth government. The commonwealth has also said that the default will be one of the more permissive creative commons licences, the CC-BY, which allows complete freedom to reproduce and remix, subject only to acknowledgement of the original source.

The Australian Bureau of Statistics is the first national statistical office in the world to make the entire census dataset available online in an interactive way using CDATA. And here in the Assembly we are also leaders with Daily on Demand. This is at the forefront of Australian parliaments and puts the Assembly, in fact, at the forefront of world legislatures in making parliamentary procedures more accessible in a timely way, and very nicely done by leveraging existing Hansard technology.

Gov 2.0, though, can be more than just the provision of general information. There can be protocols so that individuals can obtain the information that the government has about them more easily, and that is really important. Individuals should be able to know what the government has on them, basically. Gov 2.0 can also facilitate citizens, community groups and business interaction with government. It can allow crowd sourcing of ideas and two-way or more conversations. It facilitates interaction and feedback.

I also note the Auditor-General's recent report on how the government currently handles these issues of feedback and complaints and the Auditor-General's comments about the need for improvement. The "fix my street" initiative launched by the government this year is an example of this. "Fix my street" mimics a Canadian program, also called "fix my street". I would love to see the ACT government do more along these lines.

Returning to the records management act, as I said, the Greens will support the changes it makes. They are useful amendments to the Territory Records Act, based on the findings of the independent review of the act. Again, I appreciate that the government has responded in a good way to the recommendations of the scrutiny of bills committee. These amendments have been circulated to all parties and I believe we are all in agreement. I am happy that we take these amendments and the bill as a whole.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.32), in reply: I thank members for their contribution to the debate and for their expressions of support. The

Territory Records Amendment Bill under consideration today was presented to the Assembly a couple of months ago. The bill proposes a range of amendments to ensure that the Territory Records Act continues to be an element of the open and accountable approach of government.

The amendments in the bill come from a review of the operations of the Territory Records Act and the government's response to the review which I tabled in the Assembly on 1 July. Findings of the review, which was undertaken by Mr Paul Macpherson, an archivist and records manager, provided a positive overview of the current state of records management in the ACT but the review was still able to recommend some areas where improvements could and should be made. This legislative response to those recommendations constitutes this bill.

The bill contains a new purpose clause. It says, in effect, that the act should exist to support the management and operation of territory agencies, which is a clear indicator of the priority attached to effective records management within departments. Members of the Assembly will be well aware of the importance of the Executive Documents Release Act 2001. This is the act that enables the public to be given access to the decisions of cabinet.

An issue that came up in the public consultation and review of the Territory Records Act was why there were two pieces of legislation for giving access to what are, in effect, all territory records. Therefore, one of the most significant amendments in this bill brings together the provisions of the Executive Documents Release Act and those of the Territory Records Act, making the amended act the primary point of access for government records. Cabinet records are open at 10 years and other government records at 20 years, and they will be available for public access each year. Since the introduction of records management legislation in the ACT, the government has been keen for the Territory Records Act to become the key piece of legislation guiding the way for high standards in the management of the territory's records.

There is a consequential amendment in the bill to the Legal Aid Act which will ensure that certain records of the Legal Aid Commission are managed in a way consistent with the Territory Records Act.

The amended act will also enable the ACT to transfer records, when required, to another jurisdiction. This may be when a person transfers to a position in another jurisdiction and the personal security file is required or where the ACT participates in a new initiative at a national level, such as the recently established Australian Health Practitioner Regulation Agency, where some ACT records will be required by that new agency.

I thank the scrutiny of bills and subordinate legislation committee for their comments in relation to the bill before the Assembly today. The committee made comments in a letter. Those comments have been addressed in the government's response to the committee. Indeed, that was a response by my colleague Simon Corbell acting in the capacity of Minister for Territory and Municipal Services.

The government does have some minor amendments which I will move in a moment. The bill that we are debating today will ensure that the ACT has the best possible

legislation to regulate the management of its records within its jurisdiction and to ensure that it is able to share information with other jurisdictions across Australia. Increasingly we will be working in environments that require us to develop and share information with other jurisdictions.

This legislation places the ACT in a position to meet our responsibilities at a national level. As I said, I thank members for their contribution, their consideration of this bill and their support and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (5.37): Pursuant to standing order 182A(b), I seek leave to move amendments Nos 1 to 4 circulated in my name together. They are minor and technical in nature.

Leave granted.

MR STANHOPE: I move amendments No 1 to 4 circulated in my name *[see schedule 5 at page 5761]*.

I will speak briefly to these amendments which, as I said, are technical. The amendments are intended to give effect to the issues raised by the scrutiny of bills committee in the report of 18 October 2010. The amendments were foreshadowed in response to the chair of the committee.

Government amendment No 1 adds the phrase "on reasonable grounds", at the suggestion of the committee following their query that the director's power in proposed subsection 23(2A) should be qualified by requiring the director to act only if satisfied on reasonable grounds of the matters stated in the proposed section.

Government amendment No 2 provides that "and" is substituted for "or" in proposed new section 23(2A)(a) to emphasise that, when the director is considering whether to enter into an agreement with another public body, all decisions in relation to section 23(2A) must be reported to the Assembly, again in response to the concerns expressed by the committee.

Government amendment 3 provides proposed new sections 23A and 23B. Proposed new 23B provides for a report on intergovernmental records agreements. The original provision in relation to this particular amendment acknowledged that on occasion a body or agency is established that crosses jurisdictional boundaries and it allows for

records management arrangements to be made for that body. The new section, again arising from the scrutiny report, addresses a concern of the committee and proposes that a report be provided to the Assembly of agreements reached with other jurisdictions so that the Assembly is made aware of these agreements.

Amendment No 4 is something of a mystery to me at this minute but I am advised it is technical in nature.

Amendments agreed to.

Bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Stanhope** proposed:

> That the Assembly do now adjourn.

Energy—cost

MR SMYTH (Brindabella) (5.40): It is good to see that the workings of the Assembly and the *Hansard* of the Assembly are read around the country. I have had forwarded to me the Catallaxy Files that has a quote from yesterday's question time. It was in fact Mr Coe's question, an excellent question to the Minister for Energy, and relates to the increasing cost of electricity in the ACT. It is about this $225 and whether it is really 15 per cent of an annual electricity bill of $1,522. It goes through Mr Corbell's attempts at explaining that $225 really is not 15 per cent, it is just $4 a week.

There was a supplementary question. Mr Corbell said a number of times, "Listen carefully," and then of course the dimwit comment which he was forced to withdraw was made, and he withdrew. The blogger finishes with:

> and so on.
>
> The best bit is this.
>
> **MR SMYTH**: Thank you, Mr Speaker. Minister, do you agree that $4 a week at 52 weeks a year equals $208 per annum, divided by $1,522 per year as the average electricity bill equals one-seventh or approximately 14 per cent?

The commentary then goes on:

> Basic arithmetic is now the basis of parliamentary questions.

There are a number of responses to this. No 1, from Fleeced, is:

> Wow … that's pathetic. Continually repeating that it's not $225 a year, but "only $4 a week".

Then Alex comes on and says:

> To be fair, Corbell could be correct that $4 per week is only 2%—he might be telling us that power bills will soon be $10,400 per year.

Then Mother Hubbard's Dog says:

> Basic arithmetic that appears to be beyond the wit of Simon Corbell, unfortunately. I wonder how long it will be before the ACT also reneges on its feed in tariff for solar panels.

Dover_beach goes on:

> That is a staggering exchange. You have earned my contempt, Mr Corbell.

Samuel J comes on and says:

> Simon Corbell is thus qualified to be Treasurer of the Commonwealth of Australia

To which JC responds:

> Hey, Samuel … Don't be so harsh. Swandive has set the bar so low anybody could be treasurer.
>
> Anyone can "save the country from the worst recession since the 30's".

I hear Mr Hargreaves asking me to table the document. If Hansard wants my computer, they can come and get it; otherwise I will give them the link. But it is good that people pay attention and realise that basic maths is important. Mr Coe, that was an excellent question from question time.

Foreshore Summer Music Festival

MR COE (Ginninderra) (5.42): I rise this evening to put on the record the contribution that Foreshore Summer Musical Festival makes to the cultural life of Canberra, tourism and the local economy. The yearly festival is run in the parliamentary triangle and in just about a week or so is about to be run for the fourth time. The event has evolved into more than simply a music event. It is now a festival involving food and other market stalls, in addition to the two stages for Australian and international live bands and the best electronic acts sourced from around the world.

The organisers promote responsible behaviour while people are enjoying the event. Whether it be first aid, security and policing, minimising the risk of sun exposure and dehydration or the responsible use of the environment it is provided. The event supports hundreds of jobs, in addition to supporting a number of community groups, including Climate Friendly, Mix 106.3, Canberra Special Children's Christmas Party and St John Ambulance.

I think to have a music festival in the heart of the parliamentary triangle in the national capital is significant, very special and consistent with the notion that the parliamentary triangle belongs to all Australians of all demographics. Part 1.1 of the national capital plan states:

> The Parliamentary Zone will be given meaning as "the place of the people", accessible to all Australians, so they can more fully understand and appreciate the collective experience and rich diversity of this country.

It goes on to say:

> The place of the people must have:
>
> - A sense of scale, dignity and openness;
> - A cohesive and comprehensible layout;
> - A large forum for public ceremony and debate;
> - Intimate, enjoyable spaces for individuals and groups;
> - A dynamic program of national, state and regional events; and
> - Public facilities that are accessible and affordable.

It is my opinion that the responsible engagement and coming together of thousands of young people does comply with this vision of what is a special part of our national estate. I firmly believe that the more people come to Canberra and see our great city, the more pride and respect there will be in the territory and in Australia as a whole. Especially for the thousands who travel to Canberra from interstate for the event, I think the festival taps into a demographic that might otherwise not be engaged with much of what is typically associated with the national capital. It is this end, in addition to the huge sums of money poured into our community, which makes this event significant and indeed worth while.

Of course, whenever there are big crowds and alcohol is consumed, there are risks and the foreshore festival, sporting matches, Australia Day or New Year's Eve celebrations and others are not exempt from these risks. However, these risks can be managed and, from what I know of the organisers of this event, they are doing all they can to ensure that the event remains as trouble free as possible, as it has done in the past.

I believe that the ACT government and the commonwealth government, through the National Capital Authority, should be doing all which is reasonable to help facilitate the event. I think it is reasonable to expect a multi year lease or agreement to be engaged, to allow the planning for future events. I think it is reasonable that the ACT government work with the promoters and owners of the festival to ensure maximum leverage for the festival, on the back of other activities taking place in Canberra, and for other activities to make the most of visitors to foreshore. I think that it is

reasonable that levels of noise and temporary disruptions should be tolerated, given the significance of the event.

The foreshore is quickly turning into one of Australia's leading music festivals and it is due to the dedication and commitment of Kicks, which own and run the event. Kicks came about when Paul Azzopardi and Jeff Drake of Friction amalgamated with Ryan Philips and Laurence Kain of Lexington Music, to bring about the first foreshore festival in 2007.

As can be imagined, the risks of weather, planning, attendees' behaviour and more are a lot to take into account. However, the organisers are committed to the event and are indeed committed to Canberra. I ask that the territory government and the National Capital Authority provide a certainty for a number of years, to help ensure the future of the event. I congratulate the organisers on their success to date and wish them all the best for the 2010 festival.

White Ribbon Day

MR RATTENBURY (Molonglo) (5.46): I want to speak briefly about an event which is coming up next Thursday, 25 November. That date is White Ribbon Day and the International Day for the Elimination of Violence Against Women. One in three Australian women will experience physical or sexual violence in their lifetime. This reality is something that I am not prepared to stay silent about. That is why I have chosen to become an ambassador for the White Ribbon Foundation, whose aim is to prevent violence against women by changing the social attitudes that allow this to occur.

It is the view of the White Ribbon Foundation, and one I ascribe to, that only men can bring about this change. White Ribbon ambassadors, and there are over 1,100 of us, including many parliamentary colleagues across the country, encourage men to demonstrate the positive models of masculinity based on respectful behaviour toward women.

The central premise of the White Ribbon Foundation and the ambassadors is that we should publicly reject behaviour that is violent, abusive, dominating or derogatory toward women. We should reflect on our own behaviour, challenge our own misconceptions and consider our own relationships as well as challenging sexist remarks and jokes and talking about it with our mates.

On 25 November—and the reason I bring it up today is that it will occur before we sit again—at 7.30 in the morning in Civic Square I will be joining many other men from Canberra who will be taking a public oath to never commit, excuse or remain silent about violence against women. I urge my colleagues in the Assembly and men who might be listening to this or reading the *Hansard* to join me in that pledge in person or online and to wear a ribbon to promote the campaign.

For too long, we have told ourselves that violence in intimate relationships is a private concern. It is very clear that it is not and on White Ribbon Day I encourage all of us to speak publicly about this difficult topic and say no to violence against women. What the White Ribbon Foundation asks men to do is to swear this pledge:

> I swear:
> never to commit violence against women,
> never to excuse violence against women, and
> never to remain silent about violence against women.
> That is my oath.

If people are interested they can go online and take that oath at www.myoath.com.au. I would encourage men particularly to go to the White Ribbon site and have a think about what is said there, because the central premise is a very powerful one—that men must take responsibility.

Often men find themselves in a situation where a joke will be made or some comment will be made, and perhaps historically people have felt uncomfortable and perhaps disagreed with it but they have turned a blind eye or not said anything out of discomfort. Well, the real discomfort actually comes in not saying anything, in not speaking up.

I think that the premise of peer pressure, of having the courage to say violence against women is not okay, is a very powerful force and one that I would encourage all men to use—to say to our mates, to our brothers, to our fathers, to our relatives and to our workmates that that sort of culture, that sort of behaviour, is not okay and it is a culture that we, as men, want to stamp out in our society. So on 25 November I would encourage as many men as possible in Australia to stand up, take the oath and swear that we are going to stamp this out in this country.

Australian National University music education program
Schools—musical performances
Inclusion art competition
St Thomas the Apostle—fete
ArtSound FM—open day

MR DOSZPOT (Brindabella) (5.50): I look forward to swearing with Mr Rattenbury on the 25th and wish him a happy birthday on the same day as well.

On 29 October, in my capacity as shadow education minister, I was pleased to accept an invitation to attend the ANU music education program—"A Singing Odyssey"—at the Llewellyn Hall, and I thank Dr Susan West and her music education program team, including Nicole Mengel, Georgia Pike and Lauren Davis, for their invitation. I also offer my congratulations on their superb organisation of the "Big Gig: A Singing Odyssey". It featured over 1,200 children from 11 schools in the ACT, from both government and non-government schools. The children and the many parents that came to watch the performance filled the cavernous Llewellyn Hall to bursting point for a wonderful celebration of song during National Children's Week.

Apart from the large audience, viewers from around the world also watched the concert live, online, singing along with the performance and interacting via the internet with the audience. The participating schools included the Kingsford Smith school, years 3 and 4, who sang a rousing rendition of one of my favourite songs, *Men of Harlech*. Ainslie school, years 3 and 4, sang *Awake*, a native American song. South

Africa was represented by Emmaus Christian school, years 3 to 5, who sang *Siyahamba*.

Then it was Torrens primary school year 4's turn with a Turkish song called *Mee Habai*. I had earlier attended a morning function at Torrens primary and had already experienced their musical capabilities. I have to say I was just as impressed with their vocal abilities. Then it was Christian Trinity school's choral group, years 2 to 6, as they presented a wonderful version of *Veni Emmanuel*. I then had the opportunity to listen to Gordon primary school years 3 to 5's great performance of *Bound for South Australia* before having to race back to the Assembly.

I offer my sincere congratulations to all involved in the "Big Gig"—the principals and relevant teachers from all the schools involved, the students who were so enthusiastic and talented in their performances and the parents who also joined in and added to the atmosphere of the day. But I would particularly like to acknowledge the talents and creativity of Dr Susan West and her music education team, Nicole Mengel, Georgia Pike and Lauren Davis, that enabled these interactive performance events to be experienced by all of us—the community, the performers and the parents.

On 4 October, I also attended a very enjoyable event at my neighbourhood high school, Lanyon high—their concert titled "Lanyon under the stars". As it happened, it was raining quite heavily so it was not quite under the stars, but was held in the school hall. We saw quite a few emerging young stars of Tuggeranong and marvelled at their various talented performances. It was also good to catch up with principal Bill Thompson and the nearby principal of Gordon primary, Murray Bruce. It was great to see the principals supporting each other's activities.

On 9 November, as the shadow minister for disability, I was pleased to welcome some artists and their families to the Assembly for a very special art exhibition—the inclusion art competition. It was the brainchild of local charity Advocacy for Inclusion. They invited artists with disabilities to depict their concept of inclusion. There were over 40 entries of high quality and all the entries have been exhibited at the ACT Legislative Assembly's first floor exhibition room for the week.

The winning artist was Andrew Delaney with his work entitled, "In my thoughts I have many friends". Andrew grew up watching his grandfather doing art classes at hands on studio since October 2009 and loves to paint. In particular, he loves to paint tractors and farms. Advocacy for Inclusion has designed a Christmas card with Andrew Delaney's painting as the cover and these are now available to the public for $10 for a pack of 10 cards through the Advocacy for Inclusion website. I commend all of our colleagues here at the Assembly to take part or to contribute to these Christmas cards that are available. I applaud the vision and enterprise of Christina Ryan who planned this project and brought it to such successful fruition.

On Saturday, 13 November I attended the annual fete of St Thomas the Apostle primary school in Kambah—another event I always enjoy, especially for the part I play each year with principal Judy Spence. Her enthusiastic selling and promoting of the chocolate wheel and the many prizes available is always entertaining and creates great revenue for the school. I congratulate all the teachers and volunteers, including Mike Desmond, for their great contribution on the day.

And, finally, on a busy day on 14 November I attended ArtSound FM's annual open day and fundraiser. I was invited to drop by during the day and enjoyed live music, food and wine and toured the studios and the now legendary book and music fair. I also enjoyed the magnificent landscaping that was completed over the last few months. I would just like to compliment them on the fundraising that they had which raised about $46,000, as I understand it.

Schools—distribution of political material

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) (5.55): I would like to clarify an answer I gave during question time today in response to a supplementary question from Mr Coe.

Mr Coe asked me when I became aware of the contents of the show bag. I responded that I had become notified by my staff of the contents of the bag very soon after the event, either later that day or the following morning.

I have since gone back and had my office check our records of what information they provided to me about the contents. In light of the advice I received at the time, I would like to clarify my answer to Mr Coe. I would like to put on record that a Labor Club membership form, or indeed any material associated with the Labor Club, was not in the information provided to me after the event.

I put on record that the first time I heard there was a Labor Club membership form in the show bag was when I heard that allegation on the radio this morning.

To reiterate, I was notified of the contents of the bag by my office on 2 September. However, this information made no mention of Labor Club material. The first time I heard about the presence of Labor Club material in the show bag was this morning. So responses that I gave to this chamber on 21 September on this topic should be viewed in light of what I have just said and explained.

Animal welfare

MS LE COUTEUR (Molonglo) (5.57): I rise today to draw the Assembly's attention to several significant developments in animal welfare that have occurred today and in recent months.

Firstly, yesterday our Australian pig farmers made an agreement that they would phase out the use of sow stalls by the year 2017. There are hundreds of thousands of sow stalls used in Australian farms. They keep pigs confined to indoor stalls so small that a pig cannot even turn around. Sow stalls are basically a metal crate two metres long by 60 centimetres wide. The poor animals who live in them cannot express their normal animal behaviour: they cannot go outside, they cannot move around, they cannot socialise with other pigs. Understandably, they suffer in these conditions, both mentally and physically, with many pigs even having trouble standing up or lying, due to muscle and bone deterioration.

No longer having sow stalls is a small step in the overall battle to undo all the cruel and inhumane factory farming systems we have set up over the last 50 years or so. It is a small step, but it is an important one.

What is most interesting about the move today by pig farmers is that it shows how positive action by a single jurisdiction can then have positive repercussions throughout Australia. In June this year Tasmania became the first state to legislate a phase out of sow stalls. Restrictions will begin in 2014, with a full ban by 2017. Tasmania acted alone, even though no other states were on board. But now others are following suit. The whole industry are working together to improve animal welfare.

I would draw this specifically to the attention of the government, who refuse to phase out battery hen farming in the ACT. One of the primary reasons for this, they say, is that it will not make any difference; it will not work if the ACT goes it alone. However, the Tasmanian sow stall example is evidence that that is just wrong.

Members may also have heard that Coles supermarkets have also agreed to phase out pork from farms that use sow stalls. They made this announcement in July. It looks like Coles too were inspired by Tasmania's solo move to phase out these stalls. Today Coles have gone a step further and joined Woolworths in agreeing to cease selling their own brand of cage eggs. This is the result of a growing awareness in the public of the need, and consumer pressure, for more ethical food production. Probably the only sad thing about this is that every step forward by these retailers actually leaves the ACT further and further behind.

As members would know, I feel strongly that there is much more that should happen in terms of the way we use animals for food production. It is a terrible system that sees millions of animals suffer, and that is kept largely hidden away from society.

But today I would like to offer my congratulations to the retailers and industry that are taking some steps forward. And at the same time I would like to urge the government to take a good look at what is happening. It needs to reconsider its persistent but outdated refusal to make changes to the factory farming operations in our own city.

Children—adoption

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.00): I am pleased to be speaking this afternoon on the result of a motion that was passed in this Assembly in the last sitting week. It was a motion that I put up to recognise the terrible past practices of forcible removal of babies from unwed mothers, particularly between the 1940s and the 1980s. This happened right across Australia.

Over the last so many years there has been a gathering movement of people to say that we do need to inquire into this particular issue and to then look at issuing an apology. An apology was issued by the Western Australian parliament last month and it obviously has been picked up by other jurisdictions that are looking carefully at this issue.

I introduced the motion and it was successful. I am pleased that members in this place did support the call for a national inquiry, a federal inquiry, into the forcible removal of babies from their mothers for adoption or to be put into institutional care, and also then, after that inquiry, to look at an apology here from this Assembly. And of course, we would hope that would go hand in hand with a national apology.

After it was passed in this house, Senator Rachel Siewert, a Greens senator, took this issue up in the federal parliament. Again I am pleased to say that Senator Siewert's motion for a federal inquiry was supported and that will be going ahead. That really will be the start of many people being able to tell their stories.

We heard from many, many people and groups around the country who said that they felt an inquiry needed to be held so that people, other Australians, understood the terrible trauma that they went through; so that people understood that many of these babies were taken from their mothers against their will. Those mothers wanted those babies to know that they had not been unwanted babies; that the policies and the practices at the time did not allow them to keep those babies and raise those children.

I am very pleased to see that there will be a national inquiry. One of the issues I raised was that, when many of these practices were going on, of course we did not have self-government here in the territory. It was put forward that maybe these practices did not happen here in the territory. But we have had some feedback from women around the country that it did go on here, and certainly there were young, unwed women who when they found themselves pregnant were shipped across the border to unwed women's homes to give birth to those children and then have those babies removed.

So I am very pleased to say that that issue has progressed. There will be a national inquiry, and I am pleased that thousands and thousands of women will be able to participate and to tell their stories, and those babies who now of course have grown into adults will also be able to be part of that process.

I thought it was important to raise this issue in the adjournment debate this afternoon and I know that there will be thousands of women around the country, and the groups that advocate on their behalf, who will see this as a great step forward.

Question resolved in the affirmative.

The Assembly adjourned at 6.04 pm until Tuesday, 7 December 2010, at 10 am.

Schedules of amendments

Schedule A

Liquor (Fees) Determination 2010 (No 1)

Amendments moved by Mrs Dunne

Schedule **Amendments to Liquor Regulation 2010**

1

Part 5, section 16(1)(a), example—food and wine stall

omit

2

Part 5, section 16

insert

(3) Section 16 does not apply to non-commercial permits

3

Section 21—

insert

(2) However, subsection (l) (m) and (n) do not apply to a private event.

4

Section 29(1)(d)—

omit

5

Schedule 1, section 1.2—

insert

(3A) However, subsection (3)(b) does not apply to licensed premises if—

(a) the licence for the premises is a restaurant and café licence; and

(b) the toilet facility or toilet room is located in common property of a units plan.

6

Schedule 1, section 1.2—

insert

(6) In this section:

common property—see the *Unit Titles Act 2001*, section 13.

units plan—see the *Unit Titles Act 2001*, dictionary

7

Schedule 1, section 1.5(4) and (5)—

omit

8

Schedule 1, section 1.17—

omit section 1.17, substitute

1.17 Licensee's name sign must be displayed

A sign displaying the name of the licensee of the premises must be displayed prominently at the premises so that it can be seen and read easily by a person at or near each liquor serving counter at the premises.

9

Schedule 1, section 1.20—

omit

10

Schedule 1, section 1.22(2) and (3) except note—

omit

11

Schedule 1, section 1.23(b), example and note—

omit

12

Dictionary, note 3—

insert

- Restaurant and café licence (see s 24)

Schedule 1

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010

Amendments moved by the Minister for Territory and Municipal Services

1
Clause 42
Proposed new section 20 (1B)
Page 36, line 22

omit proposed new section 20 (1B), substitute

(1B) In a proceeding for an offence against subsection (1), evidence may be given that a person has a prescribed drug in the person's oral fluid or blood based on—

(a) for proof of the presence of a prescribed drug in the person's oral fluid—an analysis of a part of a sample of the person's oral fluid under section 13G (Oral fluid—confirmatory analysis) that indicates that a prescribed drug is present in the sample; or

(b) for proof of the presence of a prescribed drug in the person's blood—an analysis of a part of a sample of the person's blood under section 15A (Analysis of blood samples) that indicates that a prescribed drug is present in the sample.

2
Clause 129
Proposed new section 5A, note 1, new dot point
Page 78, line 15—

insert

- s 61BA (Drive while suspension notice in effect)

3
Clause 131
Proposed new section 61A, new definition of *interstate driver licence*
Page 84, line 3—

insert

interstate driver licence means a licence (including a conditional licence, learner licence, probationary licence, provisional licence or restricted licence or a driver licence receipt) issued under the law of another State authorising the holder to drive a motor vehicle on a road or road related area.

4
Clause 131
Proposed new section 61B (2) (f) (i)
Page 84, line 26—

omit proposed new section 61B (2) (f) (i), substitute

(i) if the person is the holder of a driver licence—the person's licence is suspended; and

(ia) if the person is the holder of an interstate driver licence or an external driver licence—the person's right to drive in the ACT is suspended; and

5
Clause 131
Proposed new section 61B (2) (f) (iii)
Page 85, line 4—

omit proposed new section 61B (2) (f) (iii), substitute

(iii) if the person is the holder of a driver licence—the person must not drive a vehicle; and

(iiia) if the person is the holder of an interstate driver licence or an external driver licence—the person must not drive a vehicle in the ACT; and

6
Clause 131
Proposed new section 61B (4) (a)
Page 85, line 16—

omit proposed new section 61B (4) (a), substitute

(a) if the person is the holder of a driver licence—the person's licence is suspended;

(aa) if the person is the holder of an interstate driver licence or an external driver licence—the person's right to drive in the ACT is suspended;

7
Clause 131
Proposed new section 61B (4) (c)
Page 85, line 21—

omit proposed new section 61B (4) (c), substitute

(c) if the person is the holder of a driver licence—the person must not drive a vehicle;

(ca) if the person is the holder of an interstate driver licence or an external driver licence—the person must not drive a vehicle in the ACT;

8
Clause 131
Proposed new section 61BA
Page 86, line 7—

insert

61BA Drive while suspension notice in effect

(1) A person commits an offence if—

(a) the person has been served with an immediate suspension notice; and

(b) the notice has not ceased to have effect; and

(c) the person contravenes section 61B (4) (c) or section 61B (4) (ca), whichever applies.

Maximum penalty: 20 penalty units.

(2) An offence against this section is a strict liability offence.

9
Clause 135
Proposed new definitions of *conditional licence and driver licence receipt*
Page 93, line 8—

insert

conditional licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

driver licence receipt—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

10
Clause 135
Proposed new definitions of *probationary licence and provisional licence*
Page 93, line 14—

insert

probationary licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

provisional licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

11
Clause 144
Page 101, line 1—

omit clause 144, substitute

144 Schedule 1, part 1.7, new items 12A and 12B

insert

12A	61BA		
12A.1	• holder of driver licence contravene s 61 (4) (c)	drive while suspension notice in effect (driver licence holder)	20
12A.2	• holder of interstate driver licence/external driver licence contravene s 61 (4) (ca)	drive while suspension notice in effect (interstate/external driver licence holder)	20
12B	61C (1)	fail to surrender suspended licence	20

Schedule 2

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010

Amendments moved by Mr Hanson

1
Clause 111
Page 68, line 3—

omit clause 111, substitute

111 Driver licensing system
New section 28 (2) (s) and (t)

insert

(s) require a person convicted or found guilty of a disqualifying offence, that relates to alcohol, against the *Road Transport (Alcohol and Drugs) Act 1977* to complete a course approved by the road transport authority about the effects of alcohol, including its effects on driving and health; and

(t) require a person convicted or found guilty of a disqualifying offence, that relates to a prescribed drug, against the *Road Transport (Alcohol and Drugs) Act 1977* to complete a course approved by the road transport authority about the effects of drugs, including their effects on driving and health.

2
Clause 122
Proposed new section 49 (3), note
Page 71, line 18—

omit proposed new note, substitute

Note The road transport authority must not issue a restricted licence to a person if s 73E (2) or s 73N (2) applies.

3
Clause 123
Proposed new section 52 (3), note
Page 71, line 25—

omit proposed new note, substitute

Note The road transport authority must not issue a probationary licence to a person if s 73D (3) or s 73M (3) applies.

4
Clause 126 heading
Page 72, line 7—

omit clause 126 heading, substitute

126 New divisions 3.13 and 3.14

5
Clause 126
Proposed new division 3.14
Page 76, line 26—

insert

Division 3.14 Drug awareness courses

73J Application—div 3.14

This division applies to a person who commits a drug-related disqualifying offence on or after the day the Act, section 28 (2) (t) commences.

73K Definitions—div 3.14

In this division:

drug awareness course means a course approved under section 73R (Drug awareness course—approval).

drug-related disqualifying offence means an offence against any of the following provisions of the *Road Transport (Alcohol and Drugs) Act 1977* that relates to a prescribed drug:

(a) section 20 (Driving with prescribed drug in oral fluid or blood);

(b) section 22A (Refusing to provide oral fluid sample);

(c) section 23 (Refusing blood test etc);

(d) section 24 (Driving under the influence of intoxicating liquor or a drug);

(e) another provision prescribed by regulation.

73L Requirement to complete drug awareness course—person not disqualified

(1) This section applies to a person who—

(a) is found guilty of a drug-related disqualifying offence; and

(b) is not disqualified from holding or obtaining a driver licence; and

(c) has not completed a drug awareness course within the previous 12 months.

(2) The person must complete a drug awareness course within 6 months after being found guilty of the disqualifying offence.

(3) If the person does not complete a drug awareness course and give the road transport authority written evidence to that effect within the 6-month period, the authority must suspend the person's driver licence.

(4) However, the road transport authority must end the suspension if the authority receives written evidence that the person has completed a drug awareness course.

73M Requirement to complete drug awareness course—person disqualified and not eligible for restricted licence

(1) This section applies to a person who—

(a) is convicted or found guilty of a drug-related disqualifying offence; and

(b) is disqualified from holding or obtaining a driver licence; and

(c) is not eligible to apply for, or be issued with, a restricted licence; and

(d) has not completed a drug awareness course within the previous 12 months.

(2) The person must complete a drug awareness course before the end of the period of disqualification.

(3) Despite section 52 (3) (When probationary licence must be issued), if the person does not complete a drug awareness course and give the road transport authority written evidence to that effect before the end of the period of disqualification, the authority must not issue a probationary licence to the person.

(4) However, the road transport authority must issue a probationary licence to the person if the authority receives written evidence that the person has completed a drug awareness course after the end of the disqualification period.

73N Requirement to complete drug awareness course—person disqualified and eligible for restricted licence

(1) This section applies to a person if—

(a) the person is convicted or found guilty of a drug-related disqualifying offence; and

(b) the person is disqualified from holding or obtaining a driver licence; and

(c) the Magistrates Court has made an order authorising the road transport authority to issue a restricted licence to the person; and

(d) the person has not completed a drug awareness course within the previous 12 months.

(2) Despite section 49 (Issue of restricted licence by road transport authority), the road transport authority must not issue a restricted licence to the person unless the person has completed a drug awareness course and given the road transport authority written evidence to that effect.

73O Requirement to complete drug awareness course—person no longer disqualified and eligible for probationary licence

(1) This section applies to a person if—

(a) the person was convicted or found guilty of a drug-related disqualifying offence; and

(b) the person was disqualified from holding or obtaining a driver licence for the offence; and

(c) the Magistrates Court made an order authorising the road transport authority to issue a restricted licence to the person for the period of disqualification; and

(d) the person—

(i) did not apply for, or was not issued with, a restricted licence; and

(ii) is eligible to apply for, or be issued with, a probationary licence because the person is no longer disqualified from holding or obtaining a probationary driver licence; and

(iii) has not completed a drug awareness course within the previous 12 months.

(2) Despite section 52 (3) (When probationary licence must be issued), the road transport authority must not issue a probationary licence to the person unless the person has completed a drug awareness course and given the road transport authority written evidence to that effect.

73P Exemption from drug awareness course—application

(1) The road transport authority may, on application, grant a person an exemption from the requirement to complete a drug awareness course because of exceptional circumstances.

(2) The road transport authority may, in writing, require the applicant to give the authority additional information or documents that the authority reasonably needs to decide the application.

(3) If the applicant does not comply with a requirement under subsection (2), the road transport authority may refuse to consider the application.

73Q Exemption from drug awareness course—decision on application

(1) On an application by a person for an exemption from the requirement to attend a drug awareness course, the road transport authority must—

(a) grant the exemption; or

(b) refuse to grant the exemption.

(2) The road transport authority must refuse to grant the exemption if satisfied on reasonable grounds that exceptional circumstances do not exist for granting the exemption.

73R Drug awareness course—approval

(1) The road transport authority may approve a course (a ***drug awareness course***) about the effects of prescribed drugs, including their effects on driving and health.

(2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

6
Clause 127
Proposed new section 87 (1) (p)
Page 77, line 5—

omit proposed new section 87 (1) (p), substitute

(p) the person has failed to complete—

(i) an alcohol awareness course as required under section 73C (Requirement to complete alcohol awareness course—person not disqualified); or

(ii) a drug awareness course as required under section 73L (Requirement to complete drug awareness course—person not disqualified).

7
Clause 128
Proposed new definitions of *drug awareness course and drug-related disqualifying offence*
Page 77, line 13—

insert

drug awareness course, for division 3.14 (Drug awareness courses)—see section 73K.

drug-related disqualifying offence, for division 3.14 (Drug awareness courses)—see section 73K.

8
Clause 137
Page 94, line 5—

omit clause 137, substitute

137 Schedule 1, part 1.4, new items 24A and 24B

insert

24A	73H (1) (b)	road transport authority—refuse to grant exemption from requirement to attend alcohol awareness course
24B	73Q (1) (b)	road transport authority—refuse to grant exemption from requirement to attend drug awareness course

---

Schedule 3

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010

Amendment moved by Ms Bresnan

1
Clause 126
Proposed new section 73D (4)
Page 74, line 12—

omit proposed section 73D (4), substitute

(4) However, the road transport authority must issue a probationary licence to the person if—

(a) after the end of the period of disqualification, the authority receives written evidence that the person has completed an alcohol awareness course; or

(b) the authority—

(i) receives written notice from the person before the end of the period of disqualification stating that—

(A) the person has made genuine attempts to enrol in an alcohol awareness course before the end of the period of disqualification but has not been able to do so; and

(B) the person is enrolled in an alcohol awareness course that will be completed on a stated date after the end of the period of disqualification; and

(ii) is satisfied on reasonable grounds of the matters mentioned in the notice.

Examples—s (4) (b) (i) (A)

1 all alcohol awareness courses are fully booked during the person's period of disqualification

2 no alcohol awareness courses are being conducted during the person's period of disqualification

Note 1 A probationary licence issued under s (4) (b) is issued after the person's period of disqualification has ended—see s 52 (1).

Note 2 An example is part of the regulation, 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).

(5) If, in relation to a person issued with a probationary licence under subsection (4) (b) the road transport authority does not, within 7 days after the day the alcohol awareness course mentioned in that subsection ends, receive written evidence that the person has completed the course, the authority must suspend the licence.

(6) However, the road transport authority must end the suspension if the authority receives written evidence that the person has completed an alcohol awareness course.

Schedule 4

Road Transport (Alcohol and Drugs) Legislation Amendment Bill 2010

Amendment moved by Ms Bresnan to Mr Hanson's amendment No. 5

1
Amendment 5
Proposed new section 73M (4)

omit proposed section 73M (4), substitute

(4) However, the road transport authority must issue a probationary licence to the person if—

(a) after the end of the period of disqualification, the authority receives written evidence that the person has completed a drug awareness course; or

(b) the authority—

(i) receives written notice from the person before the end of the period of disqualification stating that—

(A) the person has made genuine attempts to enrol in a drug awareness course before the end of the period of disqualification but has not been able to do so; and

(B) the person is enrolled in a drug awareness course that will be completed on a stated date after the end of the period of disqualification; and

(ii) is satisfied on reasonable grounds of the matters mentioned in the notice.

Examples—s (4) (b) (i) (A)

1 all drug awareness courses are fully booked during the person's period of disqualification

2 no drug awareness courses are being conducted during the person's period of disqualification

Note 1 A probationary licence issued under s (4) (b) is issued after the person's period of disqualification has ended—see s 52 (1).

Note 2 An example is part of the regulation, 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).

(5) If, in relation to a person issued with a probationary licence under subsection (4) (b), the road transport authority does not, within 7 days after the day the drug awareness course mentioned in that subsection ends, receive written evidence that the person has completed the course, the authority must suspend the licence.

(6) However, the road transport authority must end the suspension if the authority receives written evidence that the person has completed a drug awareness course.

Schedule 5

Territory Records Amendment Bill 2010

Amendments moved by the Minister for Territory and Municipal Services

1
Clause 12
Proposed new section 23 (2A)
Page 5, line 18—

after

satisfied

insert

on reasonable grounds

2
Clause 12
Proposed new section 23 (2A) (a)
Page 5, line 20—

omit

or

substitute

and

3
Clause 13 heading
Page 6, line 1—

substitute

13 New sections 23A and 23B

4
Clause 13
Proposed new section 23B
Page 6, line 23—

insert

23B Report about inter-government records agreements

(1) This section applies if the director enters into an inter government records agreement with an agency under section 23A (2).

(2) The director must give a report about the agreement to the Minister.

(3) The report must include the following information:

(a) the name of the agency;

(b) the date the agreement was entered into;

(c) a brief description of the agreement, including whether the agreement excludes or modifies the operation of a provision of this Act in its application to inter-government records.

(4) If the Minister is given a report under subsection (2), the Minister must present the report to the Legislative Assembly within 6 sitting days after the day the Minister receives the report.

Answers to questions

ACTION bus service—ticket machines (Question No 1047)

Mr Coe asked the Minister for Transport, upon notice, on 25 August 2010 *(redirected to the Acting Minister for Transport)*:

(1) How many ACTION ticket machines were out of order during each month since July 2009.

(2) What was the estimated loss of revenue as a result of the faulty machines for each month listed in part (1).

(3) How many days were there, in total across all buses, of non-working ticket machines for each month since July 2009.

(4) On average, how much revenue is received by each machine per day.

(5) On days when the ticket validation machines are not working, does ACTION receive cash fares.

(6) How many of the ticket machines identified in part (1) have been repaired and what was the total cost of these repairs.

(7) For the machines identified in part (1) which have not been repaired, how many (a) will be repaired and at what cost and (b) will not be repaired and what would be the cost of repairing them.

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

(1) ACTION does not hold the requested data in for the period requested.

ACTION commenced recording data about ticket machine repairs and costs in October 2009 after the implementation of its new fleet and inventory management system. Since that time on average, 314 reports have been made per month on machines being out of order.

(2) Analysis of 2009-10 patronage and ticket trend data has indicated that revenue loss for the year associated with faulty machines may have been up to $0.910 million.

(3) Using the data from answer to question (1), on average, 16 machines per working day (assuming 20 working days per month) were recorded as non working.

(4) The average week day revenue for August 2010 was around $76,700, consisting of $21,300 in cash and $55,400 in validations. Based on the number of buses in use each day (up to 378) this equates to an average of $203 in revenue collected per ticket machine, consisting of $56 in cash and $147 in validations.

(5) On days when the validator is not working, but the rest of the ticketing machine is operating, the driver is still able to collect cash fares.

(6) All ticket machines identified in (1) have been repaired. The total cost of repairs, including parts and labour, was $167,200.

(7) See (6).

Taxation—change of use (Question No 1173)

Mr Seselja asked the Treasurer, upon notice, on 26 August 2010 *(redirected to the Minister for Planning)*:

What was the average amount of change of use charge paid by developers, per unit, from (a) 2003 to May 2010 and (b) May 2010 to date, and how many units has this been applied to.

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

(a) In relation to the period 2003 to May 2010 an answer to the Member's question cannot be provided without a manual examination of all relevant records for the seven year period. Given that this would require significant resources I consider that this is not an appropriate use of ACTPLA's resources.

The Change of Use Charge Internal Audit Review was tabled in the Legislative Assembly on 26 August 2010.

(b) No change of use charge for residential development has been paid since May 2010.

Add note to (b)

Note: The answer to this question was clarified in the Assembly on 28 October 2010. In order to ensure that there can be no misunderstanding in relation to this matter, I now present all relevant change of use charge payment data from 30 April to 31 October in tabular form in response to Question on Notice No. 1173 part (b).

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

Education—teachers and teacher assistants (Question No 1178)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 21 September 2010:

(1) Can the Minister list all teaching and administrative staff employment levels and corresponding salary ranges for this and the last four financial years.

(2) How many teachers and teacher assistants will the Department of Education and Training recruit this financial year and at what employment levels.

(3) Can the Minister provide a breakdown of teachers recruited for the last four financial years with corresponding employment levels referred to in part (2).

(4) What are the Department's anticipated teacher and teacher assistant requirements for the next three years and can the Minister provide a breakdown and corresponding employment levels.

(5) What is the anticipated turnover rate for teachers and teacher assistant's leaving the profession for this financial year and can the Minister provide a breakdown for the last four financial years, including employment level and official reason for leaving role, for example, retirement or leaving ACT.

(6) Can the Minister provide a breakdown of programs and corresponding budget for teacher professional development programs for this and the previous four financial years.

(7) Does the Government include support for professional development as an element for negotiations on pay and work conditions with teaching staff; if so, why.

(8) What school subject areas, for example, mathematics and vocational education, has the Government identified as experiencing a shortage of qualified teachers.

(9) How many teachers are needed to fill the subject areas referred to in part (8) and what incentives does the Government provide to attract/train qualified teachers in these fields.

(10) How many teaching positions have been discontinued in the last four years and can the Minister list the number of discontinued positions and the corresponding schools.

(11) Why have the positions referred to in part (10) not been filled.

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

(1)

Employment level	Salary as at 1 July 2006	Salary as at 1 July 2007	Salary as at 1 July 2008	Salary as at 1 July 2009	Salary as at 1 July 2010
Classroom teacher	$43,073 – $66,353	$46,588 – $71,767	$48,219 – $74,279	$48,942 – $75,393	$51,178 – $78,837
School leaders C and B	$77,237 – $82,546	$83,539 – $89,282	$86,463 – $92,407	$86,760 – $93,793	$90,412 – $96,628
School leaders A	$82,546 – $107,799	$94,931 – $116,595	$98,254 – $120,676	$99,728 – $136,143	$102,742 – $140,258
Administrative Services Officers	$19,904 – $65,953	$20,700 – $68,591	$21,528 – $71,335	$22,389 – $74,188	$22,389 – $74,188
Senior Officers	$72,695 – $99,755	$75,603 – $103,745	$78,627 – $107,895	$81,772 – $112,211	$81,772 – $112,211
School Assistants	$31,926 – $39,246	$33,203 – $40,816	$34,531 – $42,449	$35,912 – $44,147	$35,912 – $44,147
Building Service Officers and General Service Officers	$33,173 – $44,622	$34,500 – $46,407	$35,880 – $48,263	$37,315 – $50,194	$37,315 – $50,194
Health Professional Officers	$41,211 – $66,387	$42,859 – $69,042	$44,573 – $71,084	$47,051 – $75,393	$48,473 – $77,672
Information Technology Officers	$46,153 – $65,953	$47,999 – $68,591	$49,919 – $71,355	$51,916 – $74,188	$51,916 – $74,188
Senior Information Technology Officers	$72,695 – $99,755	$75,603 – $103,745	$78,627 – $107,895	$81,722 – $112,211	$81,722 – $112,211
Professional Officers	$40,038 – $65,953	$41,640 – $68,591	$43,306 – $71,335	$45,038 – $74,188	$45,038 – $74,188
Senior Professional Officers	$72,695 – $99,755	$75,603 – $103,745	$78,627 – $107,895	$81,722 – $112,211	$81,722 – $112,211

(2) 98 new teachers were recruited in July 2010 at the beginning of Semester 2. Principals are still assessing their staffing needs for 2011 and, in addition, two new schools will be opening at the beginning of 2011. On currently available information it is expected that up to another 200 teachers will be recruited in this financial year. In the 2009-10 financial year the Department recruited 83 school assistants at the SA2 level. It is anticipated that there would be approximately the same level of recruitment for 2010-11. The employment levels (classifications) cannot be determined until after recruitment action is completed.

(3) Based on information provided by Shared Services permanent recruitment for teachers, school leaders and teacher assistants for the last four financial years is set out in the table below:

Financial year	Teachers	School leaders	Teacher Assistants (School Assistants)
2006-2007	113	2	13
2007-2008	286	4	83
2008-2009	360	6	148
2009-2010	276	4	83

(4) The Department anticipates similar demands as in this financial year. See Part (2).

(5) Separations for permanent teachers and teacher assistants for the last four financial years and for this financial year to 24 September 2010 are set out in the table below. Detailed reasons for employees leaving the Department are not recorded.

Financial year	Teachers	School leaders	Teacher Assistants (School Assistants)
2006-2007	189	39	28
2007-2008	253	53	61
2008-2009	159	26	38
2009-2010	159	21	33
2010-2011	47	12	10

(6)

FinancialYear	Teacher Professional Learning Fund*	Teacher Scholarships
2006-07	$1 000 000	$250 000
2007-08	$1 000 000	$250 000
2008-09	$1 000 000	$250 000
2009-10	$1 000 000	$250 000
2010-11	$1 000 000	$250 000

*of this, each year $500 000 is allocated in total to all public schools and $500 000 is allocated for strategic initiatives system-wide.

It should be noted that this excludes the costs of operating and maintaining the Centre for Teaching and Learning and the costs of dedicated staff to manage and provide specialist in-house training and support services.

(7) Yes, support for professional development is included in the enterprise bargaining negotiations with teaching staff. The ACT Department of Education and Training values professional learning for all staff in support of better outcomes for all students in ACT public schools.

(8) The Department ensures all staff recruited are appropriately qualified. Nation-wide shortages are being experienced for teachers with expertise in Mathematics, Science, English, Teacher/Librarian, Technology, and some languages.

(9) Principals are currently assessing their staffing needs for the next school year. The Department has an active recruitment program which includes working with universities to address the areas of need.

(10) Teachers are employed by the Department of Education and Training as a system rather than by individual schools. Teaching staff move out of individual schools for a variety of reasons including promotion, transfer and retirement. Total teacher staffing numbers (headcount) increased by 150 between 2006-07 and 2009-10.

(11) Not applicable. See Part (10).

Multicultural affairs—bilingual schools and multicultural programs (Question No 1182)

Mr Doszpot asked the Minister for Multicultural Affairs, upon notice, on 21 September 2010:

(1) Can the Minister provide a list of all bilingual school programs and funding received from the ACT Government for this and the last four financial years.

(2) What is the total amount of ACT Government financial support provided to the ACT Ethnic Schools' Association for this financial year and can the Minister provide funding details for the last four financial years.

(3) If the Association referred to in part (2) receives funding support from more than one ACT Government agency, can the Minister specify and provide funding breakdown.

(4) Can the Minister list all multicultural affairs language and community programs and the number of applications for the programs for the last four financial years, including numbers for successful applications.

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

(1) The following is a list of all bilingual schools (as opposed to community language schools) and programs in the ACT:

Telopea – French - only bilingual school
Yarralumla – Italian – has a bilingual program
Mawson Primary – Chinese – has a bilingual program

Beyond the normal annual allocation under school-based management, the ACT Government does not provide any funding to these schools. .

(2) The total amount of ACT Government financial support provided to the ACT Ethnic Schools Association Inc in 2010-11 is $20,000. An additional amount is the subject of contract negotiations between the Department of Education and Training and the ACT Ethnic Schools Association Inc.

The total amount of financial support provided to the ACT Ethnic Schools Association Inc during the past four years is as follows:

Year	Total Financial Support Provided by ACT Government
2006-07	$ 128,500
2007-08	$ 120,000
2008-09	$ 119,000
2009-10	$ 110,000

(3) The ACT Ethnic Schools Association Inc has received an annual amount of $20,000 in 2010-11 to assist it to meet its administration costs from the Department of Disability Housing and Community Services.

An additional amount is the subject of contract negotiations between the Department of Education and Training and the ACT Ethnic Schools Association Inc.

(4) The following table indicates the total number of applications received and the number of successful applications under the three multicultural affairs language and community programs for the past four years:

Year	**Number of applications**	**Number of successful applications**
Community Languages Grants Program		
2006-07	34	31
2007-08	28	27
2008-09	33	33
2009-10	43	40
Multicultural Grants Program		
2006-07	139	122
2007-08	134	96
2008-09	122	95
2009-10	164	123
Multicultural Radio Grants Program		
2006-07	44	43
2007-08	42	42
2008-09	37	37
2009-10	36	36

Children—kinship carers (Question No 1195)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 23 September 2010:

(1) Given that in the ACT Labor 2008 Election Policy, Children and Young People, page 6, the Stanhope Government promised to provide $800 000 over four years to "create a dedicated service run by a non-government organisation to provide information, advice and support to grandparents and kinship carers who are caring for children", has the Government "created a dedicated service run by a non-government organisation"; if so, (a) what is the name of the service, (b) when did the Government create it, (c) what is the name of the non-government organisation running the service, (d) when was the non-government organisation appointed to run the service, (e) when did the non-government organisation begin to provide information, advice and support to grandparent and kinship carers, (f) what quantum of funding did the Government provide to the non-government organisation, (g) when did the Government provide that funding and (h) what procurement process did the Government employ.

(2) If the Government has not created the dedicated service run by a non-government organisation referred to in part (1), (a) why not, (b) when will the Government create the service, (c) when will the government appoint a non-government organisation to run the service, (d) what funding has the Government budgeted to be provided to the non-government organisation for the purpose and (e) what procurement process will the Government employ.

(3) During the period (a) October 2008 to 30 June 2009 and (b) 1 July 2009 to 30 June 2010, (i) what was the total quantum of funding that the ACT Government provided to non-government organisations to provide information advice and support for grandparents and kinship carers who are caring for children, (ii) what are the names of the non-government organisations that received that funding, (iii) what quantum of funding did the Government provide to each organisation, (iv) what was the stated purpose of the funding provided for each organisation, (v) on what dates did the Government make the funding payments and (vi) what procurement process did the Government employ.

(4) During the period 1 July 2010 to 30 June 2011, (a) what is the total quantum of funding that the Government has budgeted to be provided to non-government organisations to provide information advice and support for grandparents and kinship carers who are caring for children, (b) of the budgeted figure referred to in part (4)(a), what is the total quantum of funding that the Government has paid to non-government organisations to date, (c) what are the names of the non-government organisations that received that funding, (d) what quantum of funding did the Government provide to each organisation, (e) what was the stated purpose of the funding provided for each organisation, (f) on what dates did the Government make the funding payments and (g) what procurement process did the Government employ.

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

1 (a) The needs of kinship carers in the ACT are addressed through a range of non-government and government services. The $800,000 referred to in the question is one component. This funding has been used to part fund a Carer Liaison position within the Department and to fund the Kinship Care Support Program through the Office for Children Youth and Family Support. This program was tendered earlier this year and the outcome was notified to the successful organisation on 2 August. However, not all the components of the tender were subject to successful proposals from provider organisations and at this stage $40,000 per annum has been allocated.

1 (b) The outcome of the tender was notified to the successful organisation (Marymead) on 2 August. Since that time Marymead and the Department have agreed the details of this service. Marymead are in the process of recruiting a worker and establishing the service which is due to commence operating in December 2010.

1 (c) Marymead

1 (d) August 2010

1 (e) Marymead are currently funded to provide support services to grandparent and kinship carers through the Family Support Program. This new service funded under the Kinship Care Support Program will begin operating in December.

1 (f) the new funding agreement will be for $40,000 per annum.

1 (g) funding under the agreement above at (f) will be paid quarterly.

2 (a)this is a new area of service and the emerging evidence of need and the messages from consultation indicated a need for a range of services using the strengths of a number of providers. For example one in five children in care are Aboriginal or Torres Strait Islander and any strategy has to take account of the need to invest in services to this community. No one organisation currently has the skills or experience to provide the range of provision identified as needed. Also a need was identified for advice and advocacy as well as counselling across the carer population.

2 (b) Please see I (b).

2 (c) Please refer to (b) above.

2 (d) $140,000 per annum was available under the Kinship Care Support Program of which $40,000 has been allocated.

2 (e) in exploring the availability of appropriate service providers the department will follow procurement guidelines.

3 (a and b (i)) An October 2008-2009 figure is not provided as financial data is reported on an annual basis. 2009-2010 figures are provided. The department supports kinship carers in a variety of ways including a Carer Liaison Officer who provides advice and information, funding to the Foster Care Association ($56,700 per annum) who represent both foster and kinship carers, two case management teams within Care and Protection to support kinship placements, $2.3 million per annum on on-going subsidies and $1.4 million per annum in contingencies (09-10), $19,000 per annum (09-10) to Marymead Grandparents Support Service (through the Family Support Program) and committed in the last year $10,000 to Grandparent and Kinship Carers Act to fund carers to attend relevant conferences. Funding agreements are indexed annually, the figure for subsidies and contingencies increases annually in line with the number of children in Out of Home Care, and these payments are also indexed.

3 (b (ii)Please see 3 (a)

3 (b(iv)) Marymead are funded to provide a support service to grandparent carers, Grandparent and Kinship Carers ACT were funded to attend conferences and conduct meetings, the Foster Care Association of the ACT are funded to provide advice and support to foster and kinship carers.

3 (b(v))Payments under ongoing funding agreements are made quarterly throughout the financial year, ad hoc payments (as for Grandparent and Kinship Carers ACT) are made in response to specific requests.

3 (b(vi)) Department funding of Marymead commenced in 2003 following the withdrawal of funding by the Commonwealth and was single select. The Foster Care Association of the ACT have been in receipt of ongoing funding since 2006 through single select. An open tender process was used for the Kinship Support Program with Marymead being a successful organisation.

4 (a)$40,000 has been allocated to Marymead under the Kinship Support Program and $19,000 under the Family Support Program, $56,700 (Out of Home Care funding) has been allocated to the Foster Care Association of the ACT. These agreements are subject to quarterly payments. A further $140,000 from the Kinship Support Program is unallocated following an unsuccessful tender process.

4 (b)Please refer to 3 (v)

4 (c) Marymead and the Foster Care Association of the ACT, Grandparent and Kinship Carers ACT

4 (d) Please refer to 4 (a)

4 (e) Marymead are to provide a support group, phone line, web site, advocacy information and advice. The Foster Care Association are to provide a phone line and website, advocacy, information and advice and some support activities, Grandparent and Kinship Carers have been funded to attend conferences.

4 (f) Payments under funding agreements are made quarterly, reimbursements are made ad hoc.

4 (g) single select, open tender and reimbursement.

Gungahlin Leisure Centre (Question No 1200)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 23 September 2010 *(redirected to the Minister for Tourism, Sport and Recreation)*:

(1) In relation to the 2010-11 Budget Measure, Gungahlin Leisure Centre (Design), how much of the $1.460 million in funding is allocated for spending on consultants.

(2) How many of these consultants have been engaged to work on this project to date.

(3) What is the size of the pool(s) that will be included in the leisure centre.

(4) What facilities, other than a pool(s), will the leisure centre include.

(5) What community consultation is the Government undertaking in relation to the design of the centre.

(6) When does the Minister anticipate that construction will begin on the leisure centre.

(7) When will the leisure centre commence trading.

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

(1) It is anticipated all of this funding is to be used for architects and related consultants to prepare the detailed design, based on the favoured concept resulting from the feasibility study, which is due for completion by February 2011.

(2) No consultants have yet been engaged for the forward design project from the 2010-11 Budget Measure in Question 1. A consultant for the Forward Design will be appointed following the results of the Feasibility Study which is expected in February 2011.

(3) The feasibility study is assessing the main options for the configuration of the pools and associated activity areas, and the implications of these in terms of the capital cost, operational costs, and programs that the centre would provide. Central to this will be the option of both a 50 metre pool and a 25 metre pool.

(4) These decisions will be made at the end of the feasibility study and before the detailed design process in consultation with the community. The Government's intention is that the leisure centre maximises usability for the whole of the Gungahlin community.

(5) Consultation with community and sporting organisations was undertaken in the development of the concepts in the feasibility study and through the course of the study. This consultation will continue through the design process. Details on further consultation will be advised once the design consultants are engaged. This will be done in early 2011.

(6) Construction funding will be sought in the 2011/12 budget and if successful, construction will begin during that financial year.

(7) Given the uncertainty regarding construction timeframes, trading commencement cannot yet be confirmed.

Libraries—staff
(Question No 1205)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 21 October 2010:

(1) What is the Government's policy for deciding in which branch ACT Library employees will be placed.

(2) When was the policy referred to in part (1) put into place and when was it last revised.

(3) How does this policy take into account (a) the distance that employees need to travel from their home to work, (b) greenhouse gas emissions from travel and (c) the convenience of travel distance for the employees.

(4) Has this policy been assessed in terms of the Government's 40 per cent greenhouse gas reduction target.

(5) Are there plans to review and revise this policy; if so, when will this occur.

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

(1) Library staff are placed in branches on the basis of the mix of skills required to deliver high quality library services. All staff accept positions within the library service on this basis.

(2) This policy has been in place for at least ten years.

(3) a. The distance staff travel is one consideration in the placement of staff.

b. Greenhouse gas emissions have not been a direct consideration.

c. The convenience for staff is considered although the business needs of the library service cannot always deliver maximum convenience for all staff.

(4) No

(5) No

Libraries—story time sessions (Question No 1207)

Ms Hunter asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2010:

(1) How many "Story Time" sessions are held in each ACT Public Library per week.

(2) How does the library or the department determine how many sessions will be held at each library each week.

(3) Are attendance numbers monitored in order to reassess the number of sessions held each week

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

1. A total of 16 story times sessions are held across library branches each week:
   - Belconnen - two sessions;
   - Dickson - three sessions;
   - Erindale - three sessions;
   - Gungahlin - one session;
   - Kingston - two sessions;
   - Kippax - one session;
   - Tuggeranong - two sessions; and
   - Woden - two sessions.

2. The number of story time sessions is determined by balancing demand with available resources.

3. Yes.

Planning—Cuppacumbalong (Question No 1209)

Ms Bresnan asked the Minister for Planning, upon notice, on 27 October 2010:

(1) What is the status of the front four hectares of the Cuppacumbalong property, including the gardens and driveway.

(2) Is the land referred to in part (1), (a) owned by the ACT Government and (b) considered to be an arts precinct.

(3) Do some leases adjacent to the Cuppacumbalong property have lease purpose clauses which mean that only approved recognised artists can take up these leases.

(4) Do the lease conditions for the Cuppacumbalong site (a) include ensuring that the front four hectares of the property is open to the public and (b) preclude subdivision of the property.

(5) Are there specific planning restrictions for some properties in Tharwa which reflect the sensitive nature of the Murrumbidgee River corridor; if so, (a) what are those restrictions, (b) are there any restrictions on the number of people or properties allowed in the area and (c) is there a specific rule about effluent management and allowable toilets.

(6) Is the development of a Masterplan for Tharwa being considered; if so, will it be in conjunction with the development of a tourism plan for Tharwa.

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

(1) If the member is referring to Block 6 Section 10 Tharwa, this land is unleased Territory Land.

(2) (a) As noted above, this land is unleased Territory Land.

(b) No.

(3) No. The Lessee must be a "craftsman" not an "artist". The craftsman is not obliged to carry on his or her full time occupation, calling or trade on the land.

(4) (a) No.

(b) No. However, any application would need to be considered in the context of the provisions of the *Planning and Development Act 2007* and the Territory Plan.

(5) Yes. The National Capital Plan contains provisions relating to rivers and corridors at section 8.6 of the plan. These provisions call up Appendix F to the National Capital

Plan which contains requirements for the Murrumbidgee and Molonglo River Corridors. Appendix F contains provisions specific to the Tharwa/Cuppacumbalong area. The Territory Plan cannot be inconsistent with the National Capital Plan. Where an inconsistency is identified, the National Capital Plan applies.

The Territory Plan includes the land in the non urban NUZ4 river corridor zone. Land within this zone is subject to the non urban zones development code. This code contains a range of development controls that apply to all land within the NUZ4 river corridor zone reflecting the sensitive nature of all rivers in the ACT including the Murrumbidgee. There are also two controls within the non urban zones development code that relate specifically to the Tharwa/Cuppacumbalong area. These are:

C49
Development is of low intensity on large blocks permitting point source retention of storm water run off and opportunities for large scale landscaping. Stormwater run off should be contained on site.

C50
Development, including existing uses, incorporates measures to minimise impacts on the ecology and improve the visual character of the locality.

There is also a range of controls in the general codes of the Territory Plan that would apply depending on the nature of any development proposed. These controls relate to land uses, buildings and structures, sewerage treatment, water supply and stormwater management and water sensitive urban design. Also applying to the site are the Building Code of Australia, Land Management Agreements and individual lease clauses.

(6) Yes. A master plan for the village of Tharwa is programmed for the 2011-12 year. The ACT Planning and Land Authority will consider all relevant issues for triple bottom line sustainability, including tourism as it is a key destination on Tourist Drive 5.

Business—gross floor allowances (Question No 1216)

Ms Le Couteur asked the Minister for Land and Property Services, upon notice, on 28 October 2010 *(redirected to the Minister for Planning)*:

(1) When gross floor allowances (GFAs) are calculated for commercial leases, (a) are shared spaces included, (b) does GFAs include (i) foyers, (ii) storerooms, (iii) parking areas, (iv) corridors, (v) shared toilets and (vi) waste enclosures, (c) what other shared spaces are included in the GFAs, (d) what shared spaces are excluded from the GFAs, (e) are GFAs, including exclusions for shared space, for office leases, retail leases, supermarket leases or industrial leases calculated in the same manner; if not, how do the calculations differ.

(2) When GFAs are calculated for residential spaces, (a) are shared spaces included, (b) does GFA include (i) foyers, (ii) storerooms, (iii) parking areas, (iv) laundries, (v) corridors, (vi) shared toilets and (vii) waste enclosures, (c) what other shared spaces are included in the GFA and (d) what shared spaces are excluded from the GFA.

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

(1) Gross Floor Area (GFA) as defined in the Territory Plan "means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or basement car parking". All the commercial, retail and industrial spaces identified, that comply with the GFA definition whether or not the space is shared, are included in the calculation of GFA.

(2) All the residential spaces identified, that comply with the GFA definition whether or not the space is shared, are included in the calculation of GFA.

Roads—parking infringements (Question No 1220)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2010 *(redirected to the Attorney-General)*:

(1) Do Parking Operations target the area around schools on the day of their fetes/fairs.

(2) How many parking infringement notices were issued on the day of a fete/fair, in 2009 and 2010, broken down by school/suburb.

(3) In relation to parking operations on 23 October 2010, (a) how many infringements were issued on or around Melbourne Avenue and what is the total of the fines issued, (b) how many warnings were issued on or around Melbourne Avenue, (c) what was the cost of patrolling that area and (d) how many officers were on duty in that area.

(4) What is the average number of parking infringements and warnings issued on Saturdays, excluding the City and town centres.

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

(1) Parking Operations will only attend a school fete/fair when a complaint is received relating to parking.

(2) Parking Operations does not have records of the dates of school fetes or fairs and has no way of knowing whether the driver of a particular vehicle is attending a fete or fair.

(3) In relation to parking operations on 23 October 2010;

(a) No Infringements were issued in the area of Melbourne Avenue on 23 October 2010.

(b) 13 Warning Notices were issued in the area of Melbourne Avenue on 23 October 2010.

(c) There was no specific cost associated with patrolling the area as officers were on duty in any case.

(d) One Team Leader and two Inspectors attended the Melbourne Avenue area as the result of a complaint. Parking Operations took an approach of encouraging those

attending the Canberra Girls' Grammar School Fete, to park responsibly and to minimise damage to the grassed areas in the vicinity.

(4) The average number of Parking Infringements issued on Saturdays for a two month period from 21 August 2010 – 23 October 2010, excluding City and Town centres was three per Saturday, an overall total of 30. These infringements consist of attendance to truck parking complaints or residents inappropriately parking and causing damage to grassed areas, such as nature strips, in the suburbs.

Questions without notice taken on notice

Housing—OwnPlace—Thursday, 28 October 2010

Ms GALLAGHER *(in reply to a question by Ms Hunter)*: I have been advised by the Land Development Agency (LDA) that in accordance with the ACT Revenue policy, eligible purchasers must stay in the home for a minimum of six months before selling the dwelling. I have been further advised by the LDA that it does not track established home sales. The LDA is aware of four such sales to date. These have all been sold after the required six month residency period.

Housing—OwnPlace—Thursday, 28 October 2010

Ms GALLAGHER *(in reply to a supplementary question by Ms Le Couteur)*: I have been advised by the Land Development Agency (LDA) that this information is not collated as the sales are private sales and are not part of the business operations of the LDA.

Housing—OwnPlace—Thursday, 28 October 2010

Ms GALLAGHER *(in reply to a supplementary question by Ms Bresnan)*: I have been advised by the Land Development Agency that Community Housing Canberra has not acquired any properties under the OwnPlace scheme. Therefore it cannot have resold any such properties.

Public housing—contractors—Wednesday, 27 October 2010

Ms BURCH *(in reply to questions by Ms Hunter and Ms Le Couteur)*: In relation to the first question by Ms Hunter regarding a constituent complaint about unlicensed contractors performing electrical work at an ACT Housing property and what investigation were conducted into whether the individuals who attended the property were properly licensed electricians? Specifically, was there any information sought from the Construction Occupations Registrar as to the licensing status of the individuals who performed the work?

I would like to advise the Assembly when Housing ACT became aware of the incident the matter was directed to its Total Facilities Manager, Spotless through the Contract Management Unit. Spotless investigated the complaint that an unlicensed electrician had completed work at a Housing residence. Spotless immediately contacted the contractor that carried out the work and advised Housing ACT that:

(1) a licenced electrician was in attendance at the property and he was accompanied by an apprentice;

(2) the licenced contractor confirmed that the apprentice had completed elements of the work, under the instruction and supervision of the licenced senior electrician;

(3) in accordance with the Total Facilities Management contract all works were carried out by an appropriately licenced/qualified tradesperson.

It should be noted that an apprentice or trainee electrician is permitted to carry out some types of work after receiving direction from a licensed tradesperson and they may carry out electrical connections if a licensed electrician is with them while the work is in progress. The licensed tradesperson is obliged to check, commission and certify that electrical works are carried out in accordance with the Australian/New Zealand Standards for Wiring Rules (AS/NZS 3000:2007).

Housing ACT did not contract the Registrar, it followed the processes under the contract with Spotless which is that Spotless is required to confirm the necessary registration. Spotless ensures compliance with legislation through its Contracts Administration section, which ensures all its employees and contractors who provide services to Housing ACT tenants, are appropriately licensed and/or qualified to provide services. This information is sourced from the ACT Planning and Land Authority website which lists all licensed accredited and registered Industry professionals.

In relation to the first supplementary question by Ms Hunter relating to what actions, if any, have been taken to ensure that all work done by contractors on behalf of Housing ACT is performed by individuals with the appropriate licences? I would like to advise the Assembly that the process by which Spotless ensures their contractors are licensed is through an Expression of Interest submission from potential contractors. Contractors must provide evidence of licences/qualifications required to operate their trade in the ACT before being considered for work on the Housing ACT contract. This information is entered into the Spotless computer system. If a licence expires the system will not allow work orders to be raised and issued to the contractor.

In relation to the second supplementary question by Ms Le Couteur regarding if my Office or department received any other complaints from public housing tenants about Housing ACT contractors and have any actions been taken against any contractors as a result of major or repeated complaints? I can advise the Assembly Housing ACT operates a Complaints Management Unit that investigates and addresses all complaints received, this includes complaints about work undertaken by its Total Facilities Manager. Complaints about maintenance work and contractors is referred to Spotless by Housing ACT's Contract Management Unit for their investigation, action and advice. In some cases a non-conformance notice is issued to Spotless by Housing ACT under the terms of the Total Facilities Management contract. Spotless responds to Housing ACT within 7 days of the notice and where required takes appropriate action with the contractor.

On Ms Le Courteur final supplementary question about what compensation is available to Housing ACT tenants when contractors cause further damage to a property and that inconveniences the tenants, I would like to advise the Assembly that a contractor is required to rectify (make good) any damage that they may cause during the completion of the work. Housing ACT, through its Total Facilities Manager, investigates all claims of damage and where appropriate the tenant is compensated for the damage.

Children and young people—education disability services—Thursday, 21 October 2010

Ms BURCH *(in reply to questions by Mr Doszpot and Mrs Dunne)*: I would like to inform the Assembly that neither the Department of Education and Training nor the Department of Disability, Housing and Community Services are aware of any such services being transferred from the Department of Education and Training to the Department of Disability, Housing and Community Services. I ask that the Members please clarify which services they are referring to.

There is also an officer level group which is working on the development of the Service Partnership Agreement between Therapy ACT and the relevant sections of the Department of Education and Training as recommended in the Shaddock Review. This group held its annual planning day in October 2010 and is making progress toward ensuring that services to students with a disability and their families are coordinated and that access to professional services in schools through Therapy ACT is as effective as possible.

The trial of the Therapy Assistant model is taking place at Malkara School rather than Woden as I advised last week. This trial is currently being monitored by the principal of Malkara School and Therapy ACT Senior Professionals.

ACTION bus service—online trip planner—Wednesday, 22 September 2010

Mr STANHOPE *(in reply to a supplementary question by Ms Hunter)*: Implementation of Google maps/Google Transit for the ACT will be contingent on the recommendations of the transport information systems review which is currently underway, and subsequent budgetary decisions.

ACTION bus service—management—Thursday, 23 September 2010

Mr STANHOPE *(in reply to a supplementary question by Mrs Dunne)*: Mr Hargreaves was the Minister for Transport from the time the ACTION Authority was dissolved until late in 2008. I am advised that the then Minister would not have been aware of any issues relating to corporate systems, governance capability which the Auditor-General has recently reported.

ACTION bus service—ticketing system—Thursday, 23 September 2010

Mr STANHOPE *(in reply to a question by Mr Smyth)*: Analysis of estimated revenue loss due to ticketing machine failures for the first quarter of 2010-11 is currently underway. Analysis of 2009-10 patronage and ticket trend data has indicated that revenue loss for the year associated with faulty machines was estimated to be up to $0.910 million.

With regard to your comments about frequent delays, I would remind you that the Government funded a replacement system in 2007-08 on the advice that it would be

implemented in the 2009-10 financial year following a rigorous procurement process in 2008-09. Given the experiences of other jurisdictions I support a prudent approach to implementation for this complex system.

ACTION bus service—online trip planner—Wednesday, 22 September 2010

Mr STANHOPE *(in reply to a question by Ms Bresnan)*: A consultant has been engaged by the Department of Territory and Municipal Services (TAMS) to undertake a review and deliver a report on all transport information systems that are relevant to the effective and efficient operations of bus services, including the possibility of online trip planning tools. The items which require budget will be considered in the Department's budget process for 2011-12. The review of transport information systems will determine timing, budget and data implications for a fully functional online journey planner, which will in turn dictate the timeframe to deliver an online journey planner.