Debates

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Thursday, 9 December 2010

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

Public Sector Management Amendment Bill 2010

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

Title read by Clerk.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.02): I move:

> That this bill be agreed to in principle.

I am pleased to introduce the Public Sector Management Amendment Bill 2010. This bill is designed to achieve a number of things. Some of them are simply procedural, reflecting the passage of time and the need for the act to remain consistent with other pieces of legislation, particularly commonwealth legislation.

Some of the amendments are designed to reflect the movement of particular entitlements out of the legislative arena and into workplace agreements. But there are also elements to this bill that go to the heart of the government's determination to build a stronger and better public service, a more representative public service, a fairer and more respectful public service, better attuned to the community's needs and better able to meet those needs.

When I launched the ACT public service's respect, equity and diversity framework last week I announced my intention to amend the Public Sector Management Act in a bid to improve the representation within our service of Canberrans with disabilities and Aboriginal and Torres Strait Islander Canberrans. This amendment bill gives effect to that intention.

It amends the merit principle, enabling chief executives to nominate and dedicate particular positions within their departments or agencies to Indigenous officers or officers with a disability. The government is determined to boost the representation of these two groups of Canberrans in our public service.

To quote just one statistic, people with disabilities make up 16 per cent of our population, yet they currently occupy just 1.6 per cent of the jobs in the ACT public service. That clearly is not good enough. The government is currently preparing dedicated employment strategies for the ACT public service for both Aboriginal and Torres Strait Islanders and people with disabilities.

Today the amendment I am proposing to the Public Sector Management Act is a marker of how seriously we will take the challenge and how vigorously I intend those employment strategies to be implemented once they are finalised. As I made clear to all chief executives at last week's launch of the framework, I would expect these positions not just to be created but to be filled, be supported and to survive whatever organisational restructuring occurs over time.

I now turn to other aspects of the bill. It is a bill that must be viewed in the context of the ACT public service legislative employment framework. That framework is a hierarchy consisting of the Public Sector Management Act 1994, the subordinate public sector management standards and a number of industrial agreements. The Public Sector Management Act derives from the commonwealth Public Service Act 1922, now repealed.

It was enacted before the existence of collective agreements made under the Workplace Relations Act 1996 and enterprise agreement made under the Fair Work Act 2009. The legislative employment framework is continually evolving to meet the needs of the public service and to respond to changes in relevant commonwealth legislation.

Many recent changes to the framework have occurred as a result of negotiations between the territory and its employees as a part of agreement making. Successive rounds of agreements in the public service have seen matters that were once covered exclusively in the Public Sector Management Act and standards being modified or overridden by agreements.

To deliver a simpler, more consistent and coherent legislative employment framework, the Public Sector Management Act and the standards are now being amended to better align with those agreements. The act, the standards and the agreement ought to form a coherent whole.

The Public Sector Management Act provides for the establishment and management of the service including the grounds on which a person can join, move within or leave the service and matters supporting these mechanisms, such as merit-based selection, for example.

Public sector management standards support the act by expanding on principles and operations with enabling mechanisms and administrative processes. And the purpose of agreements outlines the provision of entitlements agreed by the territory and its employees—things such as salaries, leave entitlements and allowances.

This bill deals with the relocation of provisions across the framework—updating or incorporating matters from agreements or the standards, and omitting matters from the act which are now covered in the public sector management standards or agreements.

The relocation of provisions across the employment framework requires deft timing to ensure that all matters remain in force as they are moved. As a consequence of occupational-specific arrangements, enterprise agreements are coming into effect in a staggered manner.

Therefore, the bill has a split commencement date with each component commencing on a date determined by the minister. This provides flexibility to ensure that no entitlements or arrangements will lapse during the transition.

Although considerable progress was made towards harmonising the legislative employment framework through the recent round of agreement negotiations in this bill, some elements of the framework still require reform. Additionally, there are other parts of the Public Sector Management Act that are not directly affected by the operation of agreements. These have not been reviewed.

Other amendments contained in the bill broadly fall into two categories: those amendments which specifically address matters where overlap and inconsistencies exist across the employment framework and those amendments which support the ongoing evolution of the ACT public service by removing anachronistic ties to commonwealth provisions and practices, noting that the commonwealth itself has repealed these since the commencement of ACT self-government.

The bill covers a range of employment condition amendments, including long service leave, maternity leave, probation, redeployment, acting arrangements, promotion, transfers and portability entitlements. The bill removes all provisions relating to long service leave and maternity leave from the act. Due to the complexity, the movement of long service leave provisions from the act to agreements will be a staged process.

Maternity leave entitlements will move directly to enterprise agreements and the latest agreements negotiated by the government provide a generous 18 weeks of leave for mothers or primary care givers. However, to ensure that employees such as teachers, nurses, doctors and fire fighters are covered by occupational-specific agreements, maternity leave will not be omitted from the act until all occupational-specific agreements have incorporated the consolidated maternity leave provisions.

The bill omits provisions relating to the management of inefficiency, discipline and reviews and grievances, principally to remove current inconsistencies across the employment framework and reduce ambiguity about the processes. Currently the ACT public service agreements cover these areas.

Further, due to the repeal of the Commonwealth Merit Protection (Australian Government Employees) Act 1984, significant elements of the current discipline and review provisions within the act have been rendered inoperable.

In the unlikely event that agreements have ceased to operate in the public service, the bill provides a safety net. Additionally, all reviewable and appellable decisions within the Public Sector Management Act that are subject to the review and appeal processes prescribed in agreements are listed in a schedule to the act.

Matters that will continue to be located in both the act and agreements are also updated so that various provisions about particular matters are better aligned across the employment framework. This includes clarifying the powers for chief executives to extend probation and to terminate probation in cases where an officer fails to undertake a requisite medical assessment. Probation provisions are also amended to

allow for the confirmation of probation at any time during the probationary period, and this is dependent on the completion of all other prescribed pre-appointment requirements.

The bill amends provisions relating to directions to act in another position, updating terminology and amending time frames, advertising requirements and notification requirements. Consistent with agreements, the bill will amend the act to allow for greater flexibility in the redeployment of officers who are medically unfit to perform the functions of their substantive position.

Provisions relating to joint selection committees and management-initiated joint selection committees have been streamlined. The act will retain powers for promotion or transfer of an officer on the advice of either of these committees. However, prescription about the constitution, establishment, management and processes of joint selection committees and management-initiated committees has been omitted and will be relocated to the standards. Provisions about the promotion and transfer of officers have been separated to reduce confusion around the two different processes.

Further, all types of transfer have been revised so that individual and management-initiated transfers use consistent language and complementary formats. In response to the changes in the structure of the service, in particular the growing use of positions created specifically for short and medium-term initiatives, the mechanisms around fixed-term engagements have been updated.

This bill introduces the capacity to extend a fixed-term temporary engagement of more than 12 months for additional periods up to a maximum term of five years where the initial engagement was made in accordance with the merit principle. This amendment recognises changes to employment expectations over recent years and gives greater employment security to temporary staff.

The bill updates various mobility provisions to ensure these provisions within the Public Sector Management Act are contemporaneous with those of an independent public service. A central element of this was the portability or recognition of prior service for all accrued entitlements.

For any other new employee to the ACT public service, prior service is recognised in limited circumstances only. Recognition of prior service for accrued entitlements for all employees to the ACT public service will be more clearly and appropriately set out in the standards. This will include recognition of the existing level of entitlements for officers moving from the Australian public service.

However, mobility provisions also exempted staff moving from the Australian public service from the ACT public service probation requirements. Recognising that the ACT public service and the Australian public service are now clearly distinct services, it is no longer considered appropriate to exempt staff moving from the Australian public from ACT public service probation requirements, and the bill amends these arrangements accordingly.

Finally, a number of other technical amendments are made and there was one technical consequential amendment to the Tobacco Act 1927, which is set out in schedule 2 of the bill.

Mr Speaker, I have detailed a range of amendments addressed in the bill. The overarching aim is the creation of a better-aligned employment framework that maximises the efficiency and effectiveness of the service while protecting the rights of workers and supporting the development of a high-quality, world-class public service.

I commend the bill the Assembly.

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

Dangerous Substances 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) (10.12): I move:

> That this bill be agreed to in principle.

Today I introduce the Dangerous Substances Amendment Bill 2010. The bill will amend the definition of asbestos used in the Dangerous Substances Act 2004. This definition will also apply to those parts of the dangerous substances general regulation that applies to asbestos.

The purpose of this amendment is to clarify what should be treated as asbestos for the purposes of regulation. Many people would assume it is a simple matter to identify what is and what is not asbestos. Members may not be aware that asbestos is actually a naturally occurring silicate that can be present in a range of minerals. The same minerals may not contain any asbestos at all.

From a legal point of view, this makes it difficult to accurately state what governments are trying to regulate for health and safety reasons. The asbestos form of these minerals may present a danger to health. However, other common products can also be made from these minerals. For example, the mineral tremolite may contain asbestos but could also just be used to make jade jewellery.

As members would be aware, it is illegal to import asbestos. It is also illegal to install or reuse asbestos or asbestos products. In 2001 the Workplace Relations Ministers Council agreed to a future national asbestos ban. In the ACT this ban was given effect under the Dangerous Substances Act 2004 from 31 December 2003.

Earlier this year the national industrial chemicals notification and assessment scheme, being the commonwealth regulator of industrial chemicals, advised the commonwealth government that to ensure legislation in each jurisdiction adequately covered the asbestos form of relevant that the names of each mineral must be expressed in a specific way.

In June of this year Prime Minister Gillard wrote to me in her capacity as the Minister for Employment and Workplace Relations. The Prime Minister requested an urgent review of ACT laws to ensure that the national asbestos ban is implemented in line with that advice. I am advised that the same request has been made of all other Australian jurisdictions.

After receiving this request I did instigate a review to ascertain whether the Dangerous Substances Act required amendment. I am advised that the definition presently set out in chapter 3A of the Dangerous Substances Act does not strictly use the new terms recommended. As such, it may inadvertently capture minerals that do not contain any asbestos as well as products made from those minerals. To ensure that this is not the case and to put the matter beyond doubt I have brought forward this amendment bill.

The new definition of asbestos as set out in the bill will apply to both the Dangerous Substances Act 2004 and the dangerous substances general regulation. I am advised that the new definition was formulated following consultation with officers from other jurisdictions and is consistent with the advice provided by the commonwealth.

As the term "asbestos product" is no longer used, the bill also omits that definition. I am advised that most Australian legislation implementing the ban is also being reviewed and, if necessary, revised following the commonwealth's request.

As the national leader with respect to asbestos regulation to date, the government remains strongly committed to ensuring that legislation in this area is as robust and as effective as possible. This commitment is reflected in the bill, which ensures that legislation protecting the territory community from asbestos remains effective and up to date. I commend the bill to the Assembly.

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

Courts Legislation Amendment Bill 2010

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.17): I move:

> That this bill be agreed to in principle.

Today I am introducing the Courts Legislation Amendment Bill 2010, which contains initiatives to reduce the pressure on our Supreme Court. In May this year the government released the 2010 "Access to Justice Initiative" paper, which proposed reforms to address the backlog of cases in the Supreme Court. In that initiative I proposed structural reform to the court system. Much of the work currently

undertaken in the ACT Supreme Court would occur in the intermediate district or county court in jurisdictions such as New South Wales and Victoria.

In response to the gap between the judicial resources and case load in the Supreme Court, the paper proposed the establishment of an intermediate criminal jurisdiction in the ACT in the form of a district court jurisdiction. The jurisdiction was to have been presided over by judicial officers holding dual commissions and supported by the existing registry and administrative resources of the ACT courts, and the new court would have sat in the existing court buildings.

If the ACT established a district court, the streamlined procedures of the court would be better suited to many of the less serious criminal and civil matters currently heard in the ACT Supreme Court.

The government believes that if we continue to have the system where a very large range of matters end up being heard in the Supreme Court, the sorts of matters that are not heard in most other supreme courts around the country, then we are going to continue to face problems with delays in our Supreme Court. Regrettably, the other parties in the Assembly have indicated that there should be incremental reform rather than a more substantive structural reform at this stage. Accordingly, the government is going to have to proceed with options which, while they will assist, are not going to be as effective as structural reform.

The government has moved to implement some of these options immediately. The government has appointed three highly experienced retired judges as acting judges for a cumulative period of nine months to assist with the backlog in the Supreme Court in the short term. The government has also converted underutilised hearing rooms in the Magistrates Court building into a jury courtroom and jury retirement room to enable more jury trials to proceed.

The government is introducing legislative reform to reduce the number of matters coming before the Supreme Court. In November I introduced the Bail Amendment Bill 2010. The government's proposed reforms to the Bail Act 1992 will ensure that the issue of bail is explored fully in the Magistrates Court while still ensuring that appropriate access to the Supreme Court is retained. This should reduce the number of bail hearings in the Supreme Court.

The bill has the effect that offences under ACT law with a maximum penalty of five years or less will be dealt with in the summary jurisdiction of the Magistrates Court. To that end, the definition of ACT indictable offences will be amended to apply only to those offences with a maximum penalty greater than five years.

The Magistrates Court already has jurisdiction to deal summarily with all indictable offences with a maximum penalty of 10 years, and some with much higher maximum penalties where the parties so elect. If the Assembly agrees, in relation to charges with an offence greater than two years but less than the revised definition of an indictable offence, a defendant will no longer be able to elect to have the matter proceed to the Supreme Court for hearing. Instead, as is the case now where a defendant elects to have these matters proceed summarily in the Magistrates Court, all these matters will be dealt with summarily in the Magistrates Court. As with other summary matters, an appeal will lie to the Supreme Court.

While this proposal was put forward by the Law Society and the Bar Association and others, the Law Society and Bar Association linked this proposal with a requirement for an additional significant change. Those parties proposed that all summary matters should have full rehearing rights in the Supreme Court. The government does not support the introduction of a right to rehearing of all criminal matters coming before the Magistrates Court. This would be likely to significantly undermine the government's attempt to reduce the pressure on the Supreme Court. While this type of appeal appears to be working quickly and efficiently within the New South Wales District Court, which has procedures in place to deliver fast justice to litigants, there can be no guarantee that this experience would be replicated in a superior court of record such as the ACT Supreme Court.

In addition to amending the definition of indictable offence, the bill also increases the civil jurisdiction of the Magistrates Court. The government proposes to increase the civil jurisdiction of the Magistrates Court to a $250,000 threshold from the current threshold of only $50,000. The cumulative effect of this change will be that the Supreme Court will generally hear the civil claims with the most significant outcomes, such as major medical negligence claims.

In addition to the legislative reform and other measures already implemented by the government, I have jointly, with the acting chief justice, requested a review of case management in the ACT Supreme Court. The review will examine listing practices and consider practices adopted in the other jurisdictions, including docket and reserved trial practices. This review will be undertaken by Her Honour Justice Hilary Penfold and the chief executive of my department, Ms Kathy Leigh. It will be assisted by a reference group consisting of senior members of the ACT Bar Association, the ACT Law Society, the ACT Legal Aid Commission and the Office of the Director of Public Prosecutions. I am particularly grateful that His Honour Acting Justice Bernard Teague AO will assist the review while he is an acting judge of the ACT Supreme Court.

These measures go some way to reducing the backlog of cases and number of outstanding reserve judgements in the Supreme Court.

The government is committed to continuous improvement of the justice system in the territory and will continue to deliver reforms to achieve this goal.

In addition to the measures related to the 2010 access to justice initiative, the Courts Legislation Amendment Bill 2010 contains two other important reforms. The bill formally establishes in legislation the Family Violence Court and the Galambany Court.

I announced on White Ribbon Day this year that the ACT will have a dedicated Family Violence Court to further protect some of the most vulnerable people in the ACT community. The effect of the bill is to give statutory recognition to the family violence list created by the Magistrates Court. Legislating for a specialised Family Violence Court acknowledges the specialisation and inspiration of the Family Violence Court and recognises the complexities, vulnerabilities and special interests in protection of individual victims and the community as a whole.

The proposal is consistent with the goals of the ACT family violence intervention program, a coordinated ACT government criminal justice and community response to criminal family violence. The ACT's family violence intervention program is recognised as a world leader in its criminal justice approach to dealing with family violence and its innovative and collaborative response to family violence in the criminal justice system. A dedicated Family Violence Court will build on the success of this program to ensure improved access to justice for victims of family violence in the ACT.

The final reform contained in the bill is the statutory recognition of the specialist ACT Aboriginal and Torres Strait Islander circle sentencing court. The specialist Aboriginal and Torres Strait Islander sentencing process, previously known as Ngambra Circle Sentencing Court, has existed as part of the ACT Magistrates Court practice since 2004. The purpose of the circle court is to provide a culturally relevant sentencing option in the ACT Magistrates Court jurisdiction for eligible Aboriginal and Torres Strait Islander people who have offended.

It is proposed that the circle court now be known as the Galambany Court. Galambany is a Ngunnawal word and was recommended by a Ngunnawal woman, Ros Brown, who is a member of the ACT Aboriginal and Torres Strait Islander Elected Body. It means "we all, including you".

This bill builds on the reforms the government is committed to implementing to improve the operation of the criminal justice system in the ACT and I commend the bill to the Assembly.

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

Crimes Legislation Amendment Bill 2010

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.26): I move:

> That this bill be agreed to in principle.

The Crimes Legislation Amendment Bill 2010 proposes to enact a number of amendments to the ACT's criminal laws. These amendments are required to provide our laws with greater clarity and consistency and to ensure that our criminal laws give effect to the intention of the Legislative Assembly at the time of enactment.

The bill proposes seven amendments to the Crimes Act 1900, the Crimes (Sentencing) Act 2005, the Criminal Code 2002 and the Prostitution Act 1992.

I will talk members through each of the amendments in turn.

Firstly, the bill proposes to reintroduce the offence of bestiality into the Crimes Act 1900. The reintroduced offence will criminalise all sexual activities between a person and an animal and will be punishable by a maximum of 10 years imprisonment.

As the imprisonment penalties across Australian jurisdictions are diverse for bestiality offences, ranging from three years in the Northern Territory to 21 years in Tasmania, the ACT's proposed maximum penalty of 10 years has been deemed appropriate as it is consistent with the territory's existing sexual offences in the Crimes Act.

I can advise members that historically the ACT had an offence of bestiality and buggery, which was located at section 79 of the Crimes Act. This offence was repealed in November 1985, prior to the ACT attaining self-government.

The reintroduced bestiality offence has been broadly drafted to include all sexual activities between a person and an animal. This broad definition is distinct from the definitions in many Australian jurisdictions, where the offences only include the penetration of or by an animal as the behaviour which is criminalised by the offence. The ACT will join South Australia as the only jurisdictions which state that bestiality includes any sexual activity between a person and an animal.

I can advise members that the government had been working towards the reintroduction of this offence prior to the recent publicity relating to this issue. The reintroduced offence and the scope of and penalty for the offence had been proposed without influence from the recent publicity. However, it is timely to be reminded why an offence such as this is important and to have the community squarely behind the introduction of the offence.

In the course of investigating the breadth of the bestiality offence, a Queensland case came to attention, involving an offender forcing his daughter into sexual acts with an animal. This case gave rise to the second amendment proposed by this bill.

In order to ensure that serious sexual offending of this manner is captured by the territory's existing criminal laws, this bill proposes to amend the definition of sexual intercourse at section 50B of the Crimes Act. The definition is to be amended to specifically state that an "object" includes an animal.

The third proposed amendment is to clarify the fault element at section 60 of the Crimes Act. Section 60 creates the sexual offence of an act of indecency on or in the presence of another person and the offence of an act of indecency in company. Both of the offences state that the required fault element is knowledge or recklessness.

The Supreme Court has raised a concern with duplicity in relation to section 60 because of the inclusion of both knowledge and recklessness as fault elements. Previously, this issue was discussed in the case of the Queen and Maddison, which raised concern with the inclusion of both of these fault elements in another section of the Crimes Act. The court determined that, where both the fault elements of knowledge and recklessness are stated in the offence, questions of duplicity are raised.

Consequently, the court found that the prosecution must elect which fault element to proceed with.

This interpretation is contrary to the intention of this Assembly. The intention behind the inclusion of both the fault elements was to allow for a judge or jury to decide which alternative element was satisfied based on the facts before them. So, if the fault element of knowledge is not proved, the decision maker could consider if recklessness had been proved.

To address this concern it is proposed that section 60 be amended to remove the fault element of knowledge from subsections (1) and (2) of the Criminal Code. A new subsection (3) will be included to state that either knowledge or recklessness will satisfy the element of recklessness. Therefore, recklessness is the fault element that is to be established, and recklessness can be established by proving knowledge or recklessness.

The fourth proposed amendment is to the Crimes (Sentencing) Act 2005. The amendment will allow for a victim impact statement to be given to a court once an offender has pleaded guilty to an offence or once the court has found the offence proved or once the offender has been found guilty or convicted of the offence and before the offender is sentenced.

This amendment will specifically allow the court to consider a victim impact statement in order to determine if a conviction should be recorded against the offender.

The fifth and sixth proposed amendments are to the Criminal Code 2002. The fifth amendment seeks to insert an alternative verdict provision for the indictable drug trafficking offence at section 603 of the code.

This amendment will allow the Supreme Court to consider the alternative summary offences of possession in the Drugs of Dependence Act 1989 and the Medicines, Poisons and Therapeutic Goods Act 2008 if a defendant has been found not guilty of the section 603 offence.

An alternative verdict allows an accused person to be convicted of a lesser offence than the offence charged, where the offence that is charged includes the less serious offence. As stated in the case of the Queen and Springfield, the test is whether the lesser offence is an essential ingredient of the major one.

The inclusion of the alternative verdict provision for the drug trafficking offence at section 603 will allow the Supreme Court to convict an offender of a lesser offence at the time of trial. This outcome is advantageous as all of the charges can be determined at once, providing for an expedient outcome for the defendant and the territory's justice system.

The sixth amendment will amend the definition of stolen property as it applies to the section 324 unlawful possession of stolen property offence in the code.

The section 324 unlawful possession offence creates an offence where a person has property or where a person gives possession of property to another person not entitled

to it and the property is reasonably suspected of being stolen property or property otherwise unlawfully obtained.

The section 324 offence relies on the definition of stolen property currently at section 314 of the code. However, by using this definition, some of the criminal behaviour that is intended to be captured by the offence is excluded. This is because the definition arguably does not capture subsequent receivers of property, apart from the first receiver and the person who appropriated the property.

The exclusion of subsequent receivers of stolen property from the offence is contrary to the intention of the Assembly. In the original explanatory statement the intention of section 324 was to create an offence for a person who has property or who gives possession of that property to a person who is not lawfully entitled to it, if the property is reasonably suspected of being stolen property or property otherwise unlawfully obtained. The section also intended to capture a person who innocently receives stolen goods and who subsequently discovers that the goods are stolen.

The proposed amendment will define stolen property at section 324 to be appropriated property, by adopting the definition at section 304 of the code. This definition will ensure that any person who assumes the rights of an owner to ownership, possession or control of property without the consent of the person who owns the property is captured by the offence. By applying this definition, the original intent of the Assembly will be achieved.

The final amendment is a consequential amendment to the Prostitution Act 1992 to include the new bestiality offence as a disqualifying offence. A disqualifying offence disqualifies people convicted of the offence from becoming or continuing to be an operator, the owner or a director of a commercial brothel or escort agency.

The seven amendments which I have outlined today will ensure that the territory's justice system encapsulates the conduct which we seek to criminalise, enshrines transparency in its provisions and promotes expediency for the benefit of those who come before the justice system, are invested in it and who are responsible for it. I commend the bill to the Assembly.

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

Electricity Feed-in (Renewable Energy Premium) 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) (10.36): I move:

> That this bill be agreed to in principle.

Today I am tabling proposed amendments to the Electricity (Renewable Energy Premium) Act 2008.

In June 2008, the Assembly passed landmark legislation that established the most forward looking and innovative electricity feed-in tariff scheme in the country.

This act was amended in February 2009 to simplify procedures and clarify operational issues that had become apparent during the implementation of the act.

The ACT electricity feed-in tariff scheme has proven to be an outstanding success with ACT households. From a base of 521 installations in March last year, there are currently almost 3,500 solar arrays on ACT roofs.

Photovoltaic, PV, systems have been installed in all of Canberra's residential suburbs and by people from all walks of life. They have been embraced by householders, community groups and business owners interested in a renewable energy future for the ACT. The result has been the creation of around six megawatts of clean energy generating capacity in the territory.

It is pleasing to note that a significant number of ACT-based jobs can be directly attributed to the introduction of the ACT's feed-in tariff. A recent survey of industry conducted by my department indicates that there are 35 businesses now delivering solar and other renewable energy generation equipment services to the ACT—an increase from just four when the scheme commenced. These businesses directly employ 150 full-time staff and draw upon a pool of another 120 subcontractors.

It is worth noting that almost 4.2 million kilowatt hours of clean energy was returned to the local grid up to 30 September this year. This contribution, just a fraction of what the scheme will ultimately deliver, is equivalent to the full annual electricity requirements of 513 ACT households. And it has reduced greenhouse gas emissions by about 4,620 tonnes to date. In time, the scheme should provide renewable generation capacity to meet up to 25 per cent of the territory's electricity needs.

When introducing the 2009 amendments, I flagged the government's intention to undertake a review of the scheme with a view to encouraging the participation of larger scale generators. It is in this industry sector where the full benefits of reduced emissions and new employment and other economic opportunities will arise.

This review was undertaken earlier this year and in September I announced the government's decision to expand the scheme.

The government proposes an expanded feed-in tariff scheme that will convert the existing household-level scheme to one that encompasses microgeneration, the existing household component, up to 30 kilowatts in capacity; a new category of medium generation, for generators between 30 and 200 kilowatts in capacity; and a new category of large generation, being any generator in excess of 200 kilowatts in capacity.

These categories will be capped both as a protection for ACT consumers and to provide investors with certainty. Each category will also be paid a premium rate appropriate to the scale of operation and degree of risk borne.

The bill I introduce today is the first of two that are required to introduce and implement the expanded feed-in tariff scheme.

It is my intention to introduce next year a further bill as the basis for the large generator category. This category, of up to 210 megawatts over 10 years, will deliver the territory with the most cost-effective emission reduction and security of supply outcomes. Industry consultation and modelling are currently being undertaken to confirm the appropriate structure for that bill. Passage of that bill will allow for the first option of up to 40 megawatts of large generator capacity in 2011.

The bill I introduce today will have the following effects. Firstly, it will rename the existing household component as being a microgenerator. Secondly, it will create a new medium generator category. Thirdly, it will introduce capacity caps for both new categories at 15 megawatts each. Fourthly, it will provide for a mechanism by which the premium price applicable to each category may be set and reviewed. And fifthly, it will extend scheme eligibility to not-for-profit community organisations.

An explanatory statement outlining the effects of each proposed amendment has been circulated. It is important to note that the guaranteed 20-year payment period remains unchanged.

I would like to focus on the issue of the extension of eligibility. Many individuals and organisations made submissions during the scheme review noting that people who occupied rental or structurally unsuitable properties could not participate in the existing feed-in tariff scheme. Almost 30 per cent of Canberrans fall within this category.

The government acknowledges that some Canberrans have been excluded and that community groups have not to date had the potential to contribute to meeting the ACT's climate change challenge to the extent they may have wished.

My department has worked with community groups to develop a process by which incorporated not-for-profit community-based groups may form with the express purpose of owning, developing or operating an eligible renewable energy generator on a shared basis.

For these groups it will no longer be necessary that the occupant of the property on which the generator is installed be the sole beneficiary of the premium payment. Groups may choose to pool funds to install a generator on their own property, the property of a group member or the property of a third party—for example, a leased roof or block of land.

This increases the range of options open to residents whose access to the scheme has previously been denied because of building location, design or tenure. Both the micro and medium generator categories will be open to such groups.

My department has developed a guide to assist community groups to organise themselves to take up these opportunities. I will be releasing that guide early next year to allow interested groups to form and consider their options prior to the commencement of the new scheme.

It is appropriate today to take the opportunity to once again correct some misinformation that circulates about the feed-in tariff on two fronts—first, that only those on high incomes can get access to the feed-in tariff scheme, and, second, that these schemes play a significant part in increasing electricity prices.

An analysis of ACT installations of solar PV systems to date shows that the largest number of installations have actually been in the quartile of lowest income households. The fact is that those 23 lowest income suburbs have a greater number of PV installations than the highest quartile suburbs, even though the high income suburbs have double the average income of the lowest. This shows that a wide range of Canberrans see the benefits of moving to a renewable energy generation future and have demonstrated this by investing their hard-earned money in solar PV systems.

The other furphy that has been repeated in this place is that FITs are a major contributor to rising electricity prices. That, too, is simply not the case. In the ACT the feed-in tariff is a way to achieve a step change increase in renewable energy generating capacity for the ACT over the coming 10 years. The cost so far to the ACT electricity consumer is around 20c a week.

So how will the fully expanded scheme affect ACT electricity consumers? The cost of the initial program has been capped, so when the ACT reaches 30 megawatts of roof-top solar renewable generating capacity in 18 months to two years time, no more feed-in tariff will be available. As those systems start producing all year round, ACT consumers will pay $1 a week extra. That is a fixed amount and it will not grow as their power bill increases.

In any event, the government has capped the maximum possible impact on ACT consumers at $4 a week at the end of 10 years, a fixed and maximum amount that will not increase. It is important to remember that other components of power bills will increase during this time. If the electricity bills increase at the rates they have in the last couple of years in New South Wales, but not in the ACT, that $4 will represent less than three per cent of the total power bill in 10 years time and will be responsible for providing 240 megawatts of renewable generating capacity in the ACT, approximately 25 per cent of its average daily electricity demand.

It is vital that as a community we recognise that the major drivers of increases in electricity costs are not feed-in tariffs or other measures to encourage the deployment of renewable energy generation but the costs of upgrading existing transmission infrastructure as it reaches the end of its economic life or requires augmentation because of increasing demand. It is worth restating that the cost of augmenting the electricity distribution network to meet increased demand due to energy-hungry big-screen televisions or air conditioners is a cost being borne by all consumers, not just those who can afford to buy and run those appliances.

The government's scheme for renewable energy generation has been warmly received by Canberrans. There is broad community support for the government's policies, which will make the ACT a sustainable community and guide our transformation to a cleaner, low emission future and help us become Australia's solar capital.

This bill is another step on that path. I commend the bill to the Assembly.

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

Assembly sittings 2011

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.47): I move:

> That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2011:

February	15	16	17
March	8	9	10
	29	30	31
April	5	6	7
May	3	4	5
June	21	22	23
	28	29	30
August	16	17	18
	23	24	25
September	20	21	22
October	18	19	20
	25	26	27
November	15	16	17
December	6	7	8

The sitting pattern was circulated to all members in advance of these December sittings. The sitting pattern takes account of the various commitments the Assembly has to accommodate during its sitting pattern for the year. These include provision for an extended period of non-sittings to allow for budget estimates hearings. It also avoids clashes with school holidays and, finally, it accommodates other commitments that ministers particularly have in attending intergovernmental meetings.

I thank members for their feedback in relation to the calendar. In particular, I thank Ms Bresnan for her advice on behalf of the Greens in relation to the number of sitting weeks they felt was appropriate for the year. I am pleased the government has been able to accommodate that request. The government therefore proposes 14 sitting weeks for the coming calendar year. Fourteen sitting weeks has been the consistent sitting pattern now for the last three to four years, and we believe it is an adequate period to allow the Assembly to conduct its business and for the government to introduce and pursue its legislative program. I commend the motion to the Assembly.

MRS DUNNE (Ginninderra) (10.49): I move the amendment to the sitting pattern circulated in my name:

"**February**	8	9	10
September	13	14	15"

The Canberra Liberals do not believe that the default pattern of the last two or three years is an appropriate length of time for the sitting of this Assembly. The long-term historic pattern has been more like 16 weeks, and it has been the consistent view of the Canberra Liberals that we should have 16 weeks of sittings. It may be that if we had 16 weeks of sittings we would not be in the situation we have been in this week in dealing with legislation that is being pushed through at the last minute because the government has suddenly realised that it actually has some work to do. It may give the government an opportunity to better manage its program so that important legislation, some of which has national implications and certainly substantial implications for the community, is not rushed through at the eleventh hour.

It is interesting to note that we have a little bit of theatre and play acting here. Mr Corbell originally circulated a proposed sitting pattern that had 13 weeks in it. The Greens came back and said, "Actually, we'd like 14," and the minister then said, "Actually, we wanted 14 all along," which are the words he used in the government business meeting when this matter was raised. I am not quite sure what that little bit of theatre is about, except, of course, to cement the Labor-Greens coalition even further.

We believe the time the Labor Party and the Greens propose is not sufficient to do the work of the Assembly. There are many aspects of the work of the Assembly that get put aside. There are a range of papers that never get dealt with and that clog up the notice paper. They may never be dealt with and may fall off the notice paper unless something is done about it. There are plenty of other things to do apart from debate and pass legislation that is often ill thought out and rushed. There are aspects of the life of Canberra that can be addressed in other ways, which this government generally fails to do. I therefore commend to the Assembly the amendment I proposed on behalf of the Canberra Liberals. It gives us more time for exploration of the issues that are important to the people who elect us.

There is a wider issue in relation to the sitting pattern that needs to be addressed. Many other parliaments manage to sit during school holidays. I am not entirely sure why we should pack up all our goods and chattels and move out because of school holidays. Even as a parent I question that. Most of the people who pay our salaries do not get time off because it is school holidays. I think we should be prepared to work at least as hard as the people who pay our salaries. If they are required to be at work during school holidays, then perhaps the same should be said for us.

It is interesting that there is, again, a lengthy break over the July-August period, and I draw it to the Chief Minister's attention that, if he wants to go overseas, that is the time that he should do it. He could not manage 14 weeks this year; he had to have two weeks off for good behaviour. I draw his attention to the fact that there is a lengthy period over the July-August period which, if someone does need to take some leave, is usually the time to do it. I recommend that he does that in future, rather than taking leave of absence during the very few sitting weeks that we already have.

MS BRESNAN (Brindabella) (10.53): The Greens support 14 weeks for the sitting calendar, and this is based on a number of factors. We have looked over the years of the Assembly, and 14 weeks is the average sitting period. Apart from the first few years of operation, the Assembly has had between 11 to 14 sitting weeks since 1995. Three were 15 sitting weeks in 1994, 1993 and 1992, 19 in 1991 and 17 in 1991, but since 1995 it has been between 11 and 14 sitting weeks. Some of the sittings that sat for 15 weeks or more only had one sitting day in the week and some had four days. It depended on what the business was during that time, but the average is 14 sitting weeks, and since 1995 there have been between 11 and 14 sitting weeks.

We believe that 14 weeks is the maximum number of weeks required. This is comparable to the federal parliament. It also takes into account the fact that we would continue to have the late sitting each sitting week that we now have. I note, too, that we need to remember that, along with the sitting weeks, a lot of committee work takes place. This is not just through budget estimates and annual reports; there are quite a number of inquiries being undertaken by the committees. We need to take that into account as well in terms of the fact that that is important work of the Assembly and is often the primary way that the public and community organisations get to provide input to the Assembly. We need to take that into account when we are talking about the important work we do here in the Assembly.

I am not going to comment on some of the issues that Mrs Dunne raised, because we need to stop having this debate about who works hard and who does not. We all work hard here, and we have a lot of important work that we do during sitting weeks but also through committees and other work we do as local members. We support the 14 sitting weeks.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.56): The government will not be supporting Mrs Dunne's amendment either. It is a nonsense to suggest that the only time members are at work is when the Assembly is in session. That is clearly not the case—well, it may be the case for the opposition. In fact, I think many of us suspect that that is their modus operandi in this place. They think they only have to turn up for work when the Assembly is in session, but the rest of us do not think that. The government will not be supporting the Liberal Party's amendment.

Question put:

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

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

MR SPEAKER: The question now is that Mr Corbell's motion be agreed to.

Question resolved in the affirmative.

Leave of absence

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

> That leave of absence from 10 December 2010 to 14 February 2011 inclusive be given to all Members.

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent the adjournment debate for this sitting continuing past 30 minutes.

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

Executive business—precedence

Ordered that executive business be called on.

Payroll Tax Amendment Bill 2010

Debate resumed from 18 November 2010, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (11.01): This is a perfectly reasonable solution to an earlier error and the opposition will be supporting the bill.

Ms Gallagher: I would appreciate it if all speeches today could be of that length!

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.02): Very briefly, the Greens will be supporting this bill. We welcome the administrative correction. It is now some time since the error was effectively corrected by an updated payroll tax determination. It is, of course, important that administrative action that would otherwise be an error as a result of the determination is validated by the Assembly.

The error only applies to a single year and we have been assured that no taxpayers were adversely affected by the mistake. The budget papers for 2002-03 indicate the Treasury was operating on the 1.25 million figure. Page 85 of budget paper 3 states that "current payroll tax threshold of $1.25 million will remain unchanged". Again, the Greens welcome the correction. It is our view that it is appropriate that the Assembly correct the error.

It stands to reason that, by effectively creating a higher threshold for that period, no person could possibly be disadvantaged. We accept the government's assurance that this is the case.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.03), in reply: I do have, I think, the lengthiest speech for the purposes of this debate, but I think it is important just for the record to put it on. I would like to acknowledge perhaps the best speech that Mr Smyth has ever given in this place—the one that he has just given this morning—and I look forward to other speeches of that length from the opposition today.

The Payroll Tax Amendment Bill amends the Payroll Tax Act 1987 to correct an erroneously published payroll tax threshold amount for the 2001-02 financial year. As part of the 2000-01 ACT budget, it was announced that the annual payroll tax threshold would be increased to 1.25 million for the 2001-02 financial year. A disallowable instrument was subsequently signed by the Treasurer to implement that decision.

In 2000, the Treasurer tabled in the Assembly a disallowable instrument setting the ACT annual payroll tax threshold for 2001-02. However, the instrument tabled in the Assembly was not the instrument that was signed by the Treasurer. The instrument incorrectly set the threshold at 950,000, instead of the intended 1.25 million. The Revenue Office was unaware that the incorrect instrument had been gazetted and so went on and administered the tax on the basis of the intended threshold—that is, at 1.25 million, which is why no individual has been disadvantaged. All relevant information and publications made available by the Revenue Office reflected the correct amount as announced in the 2000-01 ACT budget.

I note that a comment was raised by the scrutiny of bills committee in relation to whether the bill could have an adverse effect on the interests of any person and I provided a formal response to Mrs Dunne as chair of that committee.

The purpose of amending the bill is to validate the intended payroll tax threshold amount for the financial year of 1.25 million to address that error of the published amount for that year. The Revenue Office administered the right threshold. Taxpayers were assessed on the basis of the higher amount and the amendment proposed by this bill would not adversely affect the interests of any person. I commend the Payroll Tax Amendment Bill 2010 to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Fair Trading (Australian Consumer Law) Amendment Bill 2010

Debate resumed from 18 November 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

Motion (by **Mrs Dunne**) put:

> That debate be adjourned.

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

MRS DUNNE (Ginninderra) (11.09): The Canberra Liberals will be opposing this bill today, not because of the merits or otherwise of the legislation but simply on the basis that there has not been enough time for us to appropriately consider the measures and to consult with the community. There is no necessity for this bill to be forced through on the third-week anniversary of its being introduced into this place. The Canberra Liberals will not be supporting this bill.

This bill seeks to bring into effect the agreement that was agreed by COAG in July 2009 to implement the national consumer law. The enabling legislation was passed by the commonwealth in two tranches—in May and June this year—and the commonwealth desires that it come into effect on 1 January. It is interesting that in his introductory speech on this bill the minister, in his concluding paragraph, said that, as the chair of the Ministerial Council on Consumer Affairs, he was recommending this bill to the Assembly for its passage.

I think it is rather rich and ironic that the chair of the Ministerial Council on Consumer Affairs is the last minister to do this work. The ACT is the last jurisdiction to introduce this legislation. Queensland introduced theirs on 31 August this year. New South Wales had passed and received assent for their legislation by 29 November and Victoria by 19 October. Tasmania introduced theirs on 12 September. South Australia have passed theirs and are waiting for assent, as is the case in Western Australia. The Northern Territory finalised theirs on 30 November and I understand it has now received assent.

Everybody else in this country could do this work, but Simon Corbell, who boasted about the fact that he was the chairman of the consumer affairs ministerial council, took until 18 November and then needed to rush it through. On the basis of that and that alone—the fact that we do not have the time and the necessary wherewithal to

scrutinise more than 270 elements of the legislation, because the pieces that are being dropped in consist of 270 sections or more—we are not prepared to support this legislation at this time.

MR RATTENBURY (Molonglo) (11.13): The Greens will be supporting this bill today, but only after we have done some detailed work and had some careful consideration of all of the issues raised. With regard to Mrs Dunne's attempts to adjourn this bill for further consideration, as I said in the chamber on Tuesday, the Greens have taken each of the bills this week on a case-by-case basis and judged each of them on their merits. I made that comment in response to a motion by Mrs Dunne that attempted to join together all three justice-related bills before the Assembly this week and debate whether all of them should be passed.

We declined to support the motion because, as I have said, we see each bill individually and judge each on its merits. For the same reason, we did not support the adjournment today. I will address the reasons why shortly. In terms of the bill at hand, I would like to set out the framework we have used to assess this bill because I think that will illustrate the point that I am making on taking each bill on its merits.

In assessing this, we asked ourselves four questions. Firstly, the fundamental question: is the Australian Consumer Law a good law to implement? Secondly, has the Assembly had enough time to assess the bill? Thirdly, what impacts does the bill have on the sovereignty of the ACT Legislative Assembly? And, fourthly, and finally, on a local level in the ACT, how will business and consumers be told about the new consumer protection regime to commence on 1 January next year?

Using that framework I would like to address each question in turn. Firstly, that fundamental question: is the Australian Consumer Law a good law to implement? We believe the answer is clearly yes. The bill is good for consumers and good for business—one of those classic win-win scenarios.

It is good for consumers because for the first time all consumers across Australia will have the same level of protection. For the ACT, we have had a good level of consumer protection and the changes will retain that quality of protection. However, other jurisdictions will have their protections increased to come up to the national scheme, and that is to be supported as a good outcome.

One practical example of the uniform improvements will be the statutory guarantees adopted across Australia. This improves on the status quo where consumers have had to rely on implied guarantees and warranties to protect themselves from defective goods.

The difference between a statutory protection and an implied protection will mean a greater range of legislative remedies for consumers. Whereas currently the only real remedy open to consumers is compensation, the new national scheme will offer consumers the option of having replacement goods provided. For many, this is actually what they want, the goods replaced rather than compensation, which simply means they have to go out and buy the product again.

These changes are also good for business. They are good for business because, by having one national law to comply with as opposed to differing state laws, the cost of compliance will be reduced.

It is worth noting that it was Peter Costello in 2006, the former Treasurer, who asked the Productivity Commission what the benefit would be to business from a national approach to consumer law. The answer was $4.5 billion in projected savings to business per year. This is what started the reform process that culminates with this legislation in the Assembly today.

During the development phase of the commonwealth act, the federal Treasury and Senate economics committee conducted five consultations with stakeholders and received hundreds of submissions. These came from a wide range of groups, both national and local, including the Australian Chamber of Commerce and Industry, the Master Builders Association, Foxtel and the ACT Centre for Consumer Law. The Greens are satisfied that this is a good reform and that the federal government have extensively consulted upon it.

We know that essentially it does three things. The bill repeals sections of the existing ACT consumer protection law and, in their place, adopts the Australian Consumer Law as passed by the federal parliament. In the ACT, this will be enforced by the Australian Competition and Consumer Commission and the ACT's own Office of Regulatory Services.

The second thing it does is rename the ACT Fair Trading Act 1992 as the Fair Trading (Australian Consumer Law) Act 1992. Thirdly, it makes consequential amendments to 27 existing ACT acts under which the Office of Regulatory Services have inspectorate powers. A topical example is the Liquor Act, which gives power of entry to ORS inspectors. Because the ACT act will be renamed, references in the ACT need to be updated.

The second question that I alluded to earlier was: has the Assembly had enough time to assess the bill? The Greens believe we have. In the time since the bill was tabled we have taken the opportunity to consult with a range of stakeholders, including a selection of local businesses, the ACT Consumer Law Centre, the National Independent Retailers Association based here in Canberra and the legal academics specialising in consumer law.

What we have learnt is that all stakeholders agree that the reform is a good one. Stakeholders want a national approach to consumer protection. But there is an important point to make about the timing. We believe that the government did not leave any room for error. If there were any issues identified during our work that needed addressing and we needed to adjourn the debate until next year, the ACT taxpayer would have paid the price of the government leaving it to the last minute. It is lucky that this is not the case.

Whilst I certainly listened to Mrs Dunne's concerns, as I am detailing here, when you weigh it up, at the end of the day the all-care-no-responsibility approach is fine and you can do that when you know the numbers are against you, but we do have to think

seriously about whether we simply want to block this because we are unhappy with the government's timing. Do we want to think about a bit of poor management of the legislative process or do we want to take a bigger picture approach and think about the merits of the legislation?

The Greens have also assessed the human rights implications as identified by the scrutiny report. Scrutiny raised questions about the strict liability offences for businesses and asked whether they are justified. Noting that the government's human rights analysis in the explanatory statement is relatively brief compared to the same work done in Victoria, the Greens are satisfied that the strict liability offences in the commonwealth act are warranted. While we accept the reasoning provided by the government and agree that the public interest in protecting consumers does warrant the offences, we do support the scrutiny committee in saying that more information could have been included in the explanatory statement.

The third question we ask ourselves is: what impact does the bill have on the sovereignty of the ACT Legislative Assembly? This has come up as somewhat of a significant issue in the discussion. Proposed section 8 of the ACT's Fair Trading (Australian Consumer Law) Act will allow an ACT regulation to disallow any future changes that the commonwealth makes to the Australian Consumer Law. It gives a two-month window in which the ACT must make the regulation, otherwise the commonwealth changes are locked in. This two-month window is enough time for the government to act and make a regulation. This is because they can make a regulation at any time they wish, regardless of whether the Assembly is sitting.

Of course, the situation for private members is different. Should the Greens or the Liberals or any other private members in the future wish to exercise their ability to disallow a change made by the commonwealth, they may miss the window because the Assembly does not sit during that time. There have been instances of two-month recesses in the Assembly's sitting schedule, and there may again be in the future. I note, having just passed the new sitting calendar for next year, for example, it will be more than two months until the Assembly sits again from today.

At the heart of this issue is whether private members should be given the same opportunity as the executive government to raise a debate about whether a commonwealth law should be adopted in the ACT. The Greens' position is that it is the proper role of the Assembly as a whole to pass, amend or disallow laws for the ACT. To ensure this is the case, we propose a simple amendment to expand the window for acting from two months to three months. I will be moving that amendment later in this discussion. If passed, this amendment will ensure private members of this Assembly and future assemblies are able to do their job and debate and scrutinise legislation that applies in the ACT.

The final issue we considered was this: on a local level in the ACT, how will business and consumers be told about the new consumer protection regime to commence on 1 January next year? Is a good process in place to communicate and educate the reforms? My office was pleased to hear from ORS staff during a briefing on their plans for communication. ORS plan to visit shopping centres around the ACT, shop by shop, and tell businesses about the changes. This certainly sounds like a big job. I wish the ORS staff well in their efforts to fulfil that, but I am pleased to hear of their plans. I am satisfied that the plans are ready to be rolled out.

Often governments rely on media releases and their websites to tell stakeholders about changes being made. I think actually getting out and talking with people face to face can be a very important process, one that I think will really help business owners understand the new changes and be able to ask questions. I welcome the different approach that is being taken here and I congratulate ORS on developing a plan to roll that out.

In conclusion, this is an important bill. Nationally it promises $4.5 billion in savings to businesses and better, more consistent protection to consumers. It was also a risky bill. Had the Assembly found issues with it and moved to adjourn it, there would have been ramifications and the ACT would have lost out on COAG-related funding. Luckily for the government and the ACT taxpayer, there was no such need to adjourn, but we encourage the government to plan ahead more in 2011 and not leave similar bills to the last possible opportunity.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.23), in reply: I thank the Greens for their support of this bill. I note that of course the Greens were able to get around the detail of the bill and understand its ramifications in a way that the opposition were not. It says a lot about how the opposition operates and perhaps confirms the sneaking suspicion that many of us have that they really do only work during sitting weeks.

Mr Hanson: The Chief Minister does not even do that when he is in Spain.

MADAM DEPUTY SPEAKER: Mr Hanson!

Mr Hanson: He was taunting me, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: You do not need to respond.

Mr Smyth: You should be protective then, Madam Deputy Speaker, as is your job.

Mr Hanson: Remind him to put his comments through you.

MADAM DEPUTY SPEAKER: We are not having a conversation about this.

MR CORBELL: The passing of the Fair Trading (Australian Consumer Law) Amendment Bill 2010 by this Assembly will provide positive results for the ACT that will flow from the application of the ACL, as the Australian consumer law is known. 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 ACL by 31 December 2010, for the ACL to commence in all jurisdictions on 1 January 2011.

This process was undertaken with extensive national consultation across nearly two years. The consultation process provided all stakeholders, consumers and businesses alike with a number of opportunities to comment on various aspects of the proposed law, such as the overarching reform process and details of the agreed reforms, draft unfair contract terms and provisions, best practice proposals, product safety and the

proposed legislation itself. Submissions to the consultations included submissions from many peak industry bodies, many of which are based in the ACT.

In 2008 the Productivity Commission's review suggested that the complexity and duplication resulting from the current consumer law system could lead to a lack of consumer confidence in the market and a negative effect on competition and innovation.

In 2010 the commonwealth passed the primary legislation implementation of the reforms. The first act, the Trade Practices Amendment (Australian Consumer Law) Act (No 1) 2010, was the first in a suite of legislation to implement the ACL. The first act included the unfair contract terms provisions of the ACL, as well as enhanced enforcement provisions for the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission. The remainder of the ACL was implemented by the Trade Practices Amendment (Australian Consumer Law) Act (No 2) 2010.

The bill we are debating today largely replaces the Fair Trading Act 1992. Features of the nationally consistent consumer laws that it enacts include a single set of definitions and interpretive provisions, some of which differ from those currently used in the Trade Practices Act, and a single set of consumer guarantees, which replaces laws on statutory conditions and warranties where the pre-existing law required consumers to enforce their rights as breaches of contract. These remedies are now set out in the statute. This eliminates the need for consumers to understand contract law to enforce their rights and is a very positive reform.

Other features include a new national law on unfair contract terms, a new national regime for unsolicited consumer agreements which replaces existing state and territory laws on door-to-door sales and other unsolicited sales practices, five basic rules about lay-by agreements which are simple and always provide for full refund to the consumer, a new national product safety legislative regime and new national provisions on information standards which apply to services as well as goods.

The introduction of the ACL into participating Australian jurisdictions, including the ACT, will provide clarity and certainty for consumers and businesses alike. Commonwealth provisions for interpretation of legislation apply these skills, which will also enhance uniform interpretation across jurisdictions. Taken together, the provisions of the bill will enhance consistent application of the law by reference to one single national consumer law with new enforcement powers, penalties and remedies for breaches of the law. These new powers mean that consumer law will be enforced more consistently in the territory and across Australia and will provide greater clarity and predictability for business.

It is extraordinary that the party that says it is here for small business is not supporting this law today, a law that will provide a single set of national consumer protections and obligations that make it easier for business and consumers to understand their rights and obligations, that removes the multiplicity of different rules and regulations that have existed across eight separate jurisdictions. It is extraordinary that the Liberal Party, which claims to be the party of small business, stands today in opposition to these reforms, reforms that will make it easier for small business to understand their

rights and obligations when it comes to their engagement with consumers, and vice versa. It is extraordinary that today the so-called party of small business stands in opposition to these reforms that help small business and help and protect consumers.

The ACT bill also retains a number of significant provisions specific to the territory, such as section 51D of the Fair Trading Act which provides a maximum annual percentage rate for a credit contract. ACT consumers continue to be protected so that credit providers in the territory cannot charge above the cap set at 48 per cent. The fair trading (fitness industry) and the retirement villages industry codes of practice are retained to provide consumer protections in these industries. The decision to keep them has been made because it is imperative that the government ensure consumer protections for particular ongoing transactions where it has been shown that protections are necessary, not just the protections that apply to retirement village arrangements.

The ACL will introduce new enforcement powers, penalties and remedies for breaches of consumer laws, including civil pecuniary penalties, infringement notices allowing for minor infringements, public warning notices and consumer redress orders allowing non-party consumers to obtain redress for breaches of the ACL. These powers mean that consumer law will be enforced more consistently and therefore will provide greater clarity for business, particularly those that operate across borders. And that is important in a place like Canberra, with the close proximity of another city such as Queanbeyan.

In the territory, the ACL will be enforced jointly by the ACT Office of Regulatory Services, the Australian Competition and Consumer Commission and the Australian Securities and Investments Commission. Currently, the Office of Regulatory Services is finalising correspondence to send to businesses to ensure that they are kept fully informed of the changes. The ORS website now sets out the details of the Australian consumer law. This is an important reform, one that benefits business, one that benefits consumers, one that provides clarity and ease of understanding and better protections for consumers when it comes to dealings in terms of business transactions.

It is reform that should be supported. It should not be reform that is opposed, certainly not reform that should be opposed because the opposition is too lazy to get its act together to debate the bill. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Smyth
Ms Bresnan	Ms Le Couteur	Mr Doszpot	
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope	Mr Seselja	
Mr Hargreaves			

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (11.35): I move amendment No 1 circulated in my name *[see schedule 1 at page 6172]*.

As I alluded to in my earlier speech, this is a very simple amendment which proposes to change the proposed new section 8(2), the period for which the Assembly has the potential to disallow a change made by the commonwealth government from two months to three months. As I touched on in my earlier speech, this is simply to ensure that the Assembly does sit within the time frame, because there are periods, not common, where we do not sit for two months and we want to have an opportunity to potentially sit if we felt the need arose.

It is, as I say, a very simple one and largely a procedural one. I understand the government will be supporting this amendment and I welcome that support for what is simply a constructive amendment

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.36): This amendment proposes an amendment to schedule 1, amendment 1.6 to proposed new section 8(2), to extend the time of notification of regulation applying modification that is text of the Australian consumer law from two months to three months. Section 8 deals with changes made by the commonwealth to the Australian consumer law text that is being adopted in the ACT. This section allows the territory to dis-apply any change but the dis-applying regulation must be notified within two months.

As Mr Rattenbury has indicated, he is proposing to extend the period to three months, having regard to the fact that there may be circumstances where changes are made and members wish to dis-apply as the Assembly will not sit over a two-month period. It is a sensible amendment. The government does not object to it and will be supporting the amendment.

MRS DUNNE (Ginninderra) (11.37): This is a sensible amendment and the Canberra Liberals are happy to support it. It does address an issue which has arisen on a number of occasions with template legislation which is adopted in another parliament. The issues relating to disallowance are often very difficult indeed. As the chairman of the scrutiny of bills committee, I know this is something that we have wrestled with and have communicated with our colleagues in other committees on at least one occasion with one piece of template legislation where problems had arisen. I commend the Greens for their amendment.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

ACT Teacher Quality Institute Bill 2010

Debate resumed from 18 November 2010, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR DOSZPOT (Brindabella) (11.38): This is an important bill. The ACT is the only jurisdiction in this country to not have a statutory teaching accreditation authority. Tasmania had the Teachers Registration Act governing their teacher registration board as early as 2000. Victoria had its Victorian Institute of Teaching Act in 2001. The New South Wales Institute of Teachers Act came into force in 2004. South Australia introduced the Teachers Registration and Standards Act in 2004. The Western Australian College of Teaching Act came into force in 2004. The Northern Territory introduced the Teacher Registration (Northern Territory) Act in 2004. Queensland instituted the Education (Queensland College of Teachers) Act in 2005.

This is quite an indictment of the priorities of this minister for education who continually lectures us about how proactive and progressive he is. He also has been known to mention the fact that he is the longest-serving education minister in the country. Taking all this into account, this once again exposes Mr Barr's Achilles heel. All the rhetoric and spin of this minister just do not match the reality of the situation once again.

In short, approximately 10 years after Tasmania, nine years after Victoria, six years after New South Wales, South Australia, Western Australia and the Northern Territory, and five years after the last one of these was introduced, by Queensland, the ACT Labor government, with federal cash inducements to the tune of $8 million over five years and $4 million in this year alone, finally comes to the "facilitated" realisation that the territory needs to catch up with the rest of the country.

This week's sittings have been littered with acrimonious accusations. The word "lazy" seems to be the flavour of this sitting, bandied about like it is going out of style. Yet when one considers the fact that all teacher accreditation legislation in the other jurisdictions was instituted by state Labor governments, one wonders why, in the ACT, our present ACT Labor government has taken so long to introduce this bill. Perhaps it is because of laziness. The fact that we are seeing a record number of bills being rushed through by this government on this last sitting day seems to bolster this appraisal even more.

The ACT Labor government's standard procedure, as we have seen in the recent efficiency dividend cuts and the school closures in 2006, is no longer a surprise. The formula is quite simple: wait until the last minute before school holidays and force the agenda when people have little time to properly consider what is being proposed. And when the seat gets a bit too hot to handle for the government, they rely on the Greens for numbers—the third party insurance for the government. This is now standard

procedure in the Assembly, or so it seems. And there is no better example of the tail wagging the dog than what we see played out in this chamber.

In our deliberations on this debate, I would like to put a number of issues on the record. Firstly, the opposition is supportive of a teacher quality institute in the ACT. Secondly, we have conveyed this sentiment to both the government and the Greens and have offered to work together in good faith to address several concerns that have been raised regarding this bill. However, we have a number of issues with regard to the timing of when this bill was tabled and with the series of amendments that have been mentioned, which have only been circulated to us this morning.

The series of events leading up to today's debate goes as follows. The bill was tabled on 18 November and adjourned to be debated on 7 December, after only three weeks. The minister's office organised a 30-minute briefing on the bill in the afternoon on the day prior to when the bill was to be debated, where it was discovered that the government intended to amend its own bill. This also coincided with the publication of the scrutiny report regarding this bill, which identified five pages of concerns. The bill was removed from the 7 December sitting program. And as of late yesterday afternoon, we were advised by the minister's office that the bill would be brought on for debate today.

The time frame between the publication of the scrutiny report and the intended date of debate was less than a day. The time frame between the publication of the scrutiny report and today is a little more than three days. Suffice it to say, whatever amendments can be made in this short time frame can only be cursory. And it is ironic that my Greens counterpart on this matter is, at the same time, a member of the scrutiny committee. Coincidence? I think not.

Truth is, this is a rush job, with a reporting deadline to meet and a benchmark payment to receive. The question begs to be asked: what does the ACT stand to gain with the proposed institute? It is the minister's responsibility to make his much hyped-up promises a reality. It is fine to speak of the benefits that the institute can bring to teachers in the ACT. Yet before we can get carried away with how this initiative will "guarantee the depth and quality of the staff that we already have", as the government has been quoted as saying, they need to give further assurances that teachers will not be disadvantaged by the passing of this bill.

We second the sentiment of both the public and private sector school systems in our support for a teacher quality institute in the ACT. That said, issues on certain key aspects of the proposed bill identified by the scrutiny report warrant monitoring and continued consideration.

The importance of finally being in line with the other jurisdictions in having a statutory authority for teacher accreditation is significant. Hence, if this bill were to be passed, this bill should be properly considered. And given that it will affect approximately 8,000 teachers working in the ACT, there should be no room in this bill for doubt at a base level.

Having conducted the necessary consultations, we feel that this bill meets this basic criterion. Although it has been introduced in haste and is not ideal, it is passable and

as such we will support this bill. I understand that Ms Hunter will be putting her amendments in a few minutes, and I will respond further after Ms Hunter has spoken to her amendments.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.46): The Greens will be supporting this bill. We agree that teaching is a profession that should be regulated in this way and that the teacher quality institute is an appropriate body to fulfil this purpose.

This reform is part of the national reform agenda and we are pleased that the ACT has now adopted these reforms. The ACT is the only jurisdiction without a system of teacher registration. As I understand it, we currently depend on New South Wales for this service, and it is appropriate that we have our own system for teacher registration.

Our delay in adopting the registration scheme being proposed does have the advantage of allowing us to see how similar schemes have worked in other jurisdictions and the benefits and pitfalls. I would very much hope that we will have picked up the best parts of the schemes in other states and that that will prove itself over time.

I understand that all the relevant stakeholders, particularly the ACT branch of the AEU, are very supportive of the proposed changes. My office has been in contact with Penny Gilmour in the last couple of days; she said that it was a good consultative process, that stakeholders were very much included and that the AEU is a great supporter of this move forward in establishing a teacher quality institute.

It is appropriate that the institute be given the responsibility of setting standards for the teaching profession and for regulating and monitoring adherence to these standards. This is a positive step forward and has the potential to help improve the profession and lead to improved teaching outcomes.

The Greens agree with and support initiatives to promote the status of the teaching profession and to provide a better way of remunerating teachers for their efforts. Teachers deliver an enormous service to this community. They are one of the very few professions that every single person in our community has had contact with. Not only that: at the time we come in contact with teachers, quite often we are vulnerable, impressionable and very dependent on the services they provide. That, of course, is because we are the children and the students in those schools.

I am sure—there is no doubt—that a good education provides a very invaluable start in life. We know that the opportunity for a good education can lead to a great pathway to some enormous benefits for anybody who is able to have that positive impact on their lives.

Teaching is a profession that needs some reform. We agree that, like all other professions, there should be a more appropriate recognition of the individual capabilities of each teacher. It is appropriate that we elevate and regulate the profession in a similar way to the way we regulate other professions such as lawyers, doctors and engineers.

The bill creates three classes of registration. The Greens agree that these are appropriate and recognise the nature of the teaching workforce and allow for the efficient administration of the profession.

Ancillary to this is the creation of the teachers register. This is a positive move and promotes accountability and transparency in the profession. It facilitates teachers moving between schools and between states and I think it can improve community confidence in that it provides an assurance that all teachers have the mandatory qualifications and are fit and proper people to be teaching our children. That said, we do note the privacy concerns that this raises; I have circulated amendments to amend this provision slightly so that we can guarantee that privacy.

The other substantive change is giving the institute the capacity to create codes of practice. We think it is appropriate that there are comprehensive standards for teachers. We also agree with entrusting the institute with the responsibility for enforcing compliance and adjudicating on non-adherence. I note that appropriate review measures are created to allow individuals to challenge decisions in the ACT Civil and Administrative Tribunal.

We agree with the proposed institute board members, although I must say that I have some reservations about appointing a member to represent the community and the practical difficulty that this poses. Nevertheless, I am happy to see how it goes into the future and will keep an eye on that.

Whilst there has been a long process leading up to this bill and there has been considerable public consultation and consultation with stakeholders, it is unfortunate that we had such a short period of time to consider the provisions of the bill. I will pick up on Mr Doszpot's point on this, although I would thoroughly reject some sort of weird conspiracy theory about me being on the scrutiny of bills committee.

I must also note the poor standard of the explanatory statement. It is disappointing that it does not explain the intended operation of many of the clauses within the bill; nor does it even attempt to engage with the human rights issues that may arise.

That noted, I must thank the departmental officials for responding to my questions that were sent through—they responded very quickly—and for providing a briefing and satisfying me of the appropriateness of a number of clauses that I had particular concerns about.

I will be moving some minor amendments to clarify the disclosure and privacy provisions and provide a reasonable excuse exemption for those unable to obtain a criminal history from overseas. These amendments address some of the issues that were raised by the Scrutiny of Bills and Subordinate Legislation Committee in its most recent report.

As I said, the Greens will support the creation of the teacher quality institute.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and

Racing) (11.52), in reply: In closing debate at the in-principle stage I would like to thank members for their support—some clearly more enthusiastic than others. It would appear that we have a new definition of legislative support from the Canberra Liberals—the bill that is "passable". In the context of minority governments, you take the support where you can get it. I would like to thank Ms Hunter for her more genuine contribution to the passage of this legislation and for her more genuine engagement in the process.

In the context of debates around consultation, whilst I acknowledge the importance of being able to engage and thoroughly brief members in this place around legislation, it would always be my preference to err on the side of spending more time with the stakeholders and people who are directly affected by legislation. If there is a difficulty in terms of achieving the appropriate balance around consultation with those directly affected and those in this place, I think most people would err on the side of common sense and say that you should spend more time talking with people who are directly impacted by legislation rather than seeking to get political opponents who have no real interest in advancing a particular reform agenda across the line.

I acknowledge that, in the context of future national reform legislation, it would appear that the Greens are more the party of reform, and I welcome some of the comments from Ms Hunter in recognising the need for reform in the teaching profession and what this bill will facilitate. When it comes to opposing parties in Australian politics, yes, the Liberal Party is now the party of just saying no. We see this again repeated at the national and local level.

Madam Deputy Speaker, having got them a little bit excited now, I will turn to the detail of the bill. There is no doubt that education experts are in agreement that the quality of an education system cannot exceed the quality of its teachers, and therefore, to produce the best student outcomes, it must continue to attract, retain and develop the best classroom teachers.

We have invested heavily in the teaching profession, most recently in providing support for an additional 70 teachers in ACT public school classrooms to further reduce student-teacher ratios. We have hired literacy and numeracy coordinators to help our classroom teachers to work with students who are struggling to achieve minimum national benchmarks in relation to reading, writing and mathematics.

I was very pleased with progress at yesterday's ministerial council around the establishment of national professional standards for teachers, particularly the establishment of new highly accomplished and lead teacher classifications. The ACT has signed off on that national approach, and I hope that other jurisdictions will do so within the week. These classifications will pave the way for new career paths which will encourage our top teachers to stay in the classroom. It is all around the philosophy of letting teachers do what they do best—and that is teach. That is why we are investing to free up teachers so that they can spend less time on red tape and administration and more time in the classroom or preparing for the next day's lessons.

Because of the work we have already done in developing our local curriculum framework, "Every chance to learn", we are the best placed of all Australian jurisdictions to commence the introduction of the national curriculum, beginning next

year. We are giving principals more say over how they run their school—more say and clearer accountability. The teacher quality institute is a key part of this investment in education.

The next major reform in Australian education is in improvement of teacher quality. It is about productivity—productivity and the effectiveness of our teaching workforce. The last research from the Grattan Institute found that an increase in teacher effectiveness of 10 per cent would lift Australia's education systems into the highest performing group of countries in the world, including countries like Finland, Singapore and South Korea. This productivity gain would translate into an additional $90 billion in the Australian economy by 2050, making all Australians 12 per cent richer.

It is for these reasons that we make no apologies for wanting to attract and retain the best and brightest into our classrooms. The ACT teacher quality institute will raise the status of the teaching profession.

We are committed to ensuring that graduates with very high ATARs who would look at perhaps law and medicine are also considering a career in teaching. They would choose teaching because they are passionate about making a difference. They would also choose teaching because it offers a series of diverse careers—careers in early childhood, in special education, in teaching students who have English as a second language, in behaviour management and the list goes on. They would choose a teaching career where hard work and contribution to school communities and student outcomes are recognised and rewarded not just with a thankyou from parents or from the school leader but with an enhanced career structure—a structure that will keep the best and brightest in our classrooms, one that will attract leaders in many fields to bring their life experiences into the teaching profession.

The teacher quality institute is vital to this vision of 21st century teaching. The ACT's teacher quality institute will have three key responsibilities: registration of teachers, starting in 2011; accreditation of pre-service teacher education programs; and certification of teachers against the new, nationally recognised performance standards.

The bill establishes the functions of the institute and creates a new board. This board will be representative, with board members from the Association of Independent Schools, the Catholic Education Office, the Australian Education Union, the Independent Education Union, the University of Canberra and the Australian Catholic University as well as the broader community.

The institute shows once again how the old public versus private debate in education is over. All ACT teachers—from public schools, independent schools and Catholic schools—will be brought together under the teacher quality institute umbrella. There is significant momentum amongst stakeholders from the Catholic Education Office, the Association of Independent Schools, the AEU, universities and pre-service teacher education providers for the creation of this institute. The bill establishes a registration process for teachers, giving parents peace of mind that the teacher standing in front of their son or daughter meets professional standards.

In response to the comments made by the scrutiny of bills committee, I am advised that the definition of school in the bill aligns with the definitions in the Education Act 2004. For example, note 1 in the dictionary of the bill refers to the signpost definition of a non-government school and refers to the dictionary within the Education Act 2004.

In relation to obtaining a police clearance certificate, the amendment Ms Hunter has foreshadowed, which gives the institute discretion to waive this requirement if a person has taken all reasonable steps to obtain a copy of the record and is unable to do so, will go to address the committee's concerns on this point.

In relation to privacy issues, it should be noted that it is important that the institute maintains a register of teachers' addresses, gender and whether or not they identify as Indigenous. This is consistent with other professions and other Australian jurisdictions and is important to monitoring our teaching workforce. But again the government believes that the amendment that Ms Hunter has foreshadowed will strike the right balance between disclosing information in the public interest and protecting an individual's right to privacy.

A third party will still be able to find out whether a teacher is registered or not, but will not be able to access the reasons for or the status of suspension or cancellation of a teacher's registration or permit to teach. In relation to accreditation of courses, the grounds for suspension or cancellation are broader than grounds for refusal to ensure quality control of courses. Section 74(3) provides the institute with a broad discretion. This will enable the institute to respond flexibly to a range of circumstances to take into account unforeseen circumstances in the accreditation of education programs.

The Assembly can be assured that appropriate policies and guidelines will be developed to make a clear framework for decision making.

As I have outlined, there is a lot of reform going on in the education sector—investing in new facilities, rolling out a new national curriculum and recognising and rewarding the best teachers. All of these reforms and investments are focused on students. The quality of an education system, however, cannot exceed the quality of its teachers. The teacher quality institute is an integral part of raising the status of the profession and creating a 21st century teaching workforce.

I would like to thank Ms Hunter and her office for their detailed engagement in this process and indicate in advance that the government will be supporting the amendments that Ms Hunter is proposing. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.05), by leave: I move amendments Nos 1 to 5 circulated in my name together *[see schedule 2 at page 6172]*.

These amendments clarify the privacy provisions and ensure that the only information that is available to the public is where the teacher has a full or provisional registration or a permit to teach. The Greens do not believe any further information is reasonably necessary for the public. It is appropriate that the public have confidence and can be assured that teachers are registered, but we believe no more than that needs to be released publicly.

The other amendment inserts a reasonable excuse clause to ensure that, where people take all reasonable steps to obtain a criminal history report but are unable to do so, they will not be discriminated against because of factors beyond their control. This particularly came up in cases where people may have lived overseas in a few different countries where it becomes very difficult to get hold of some sort of report for the time they lived in those countries.

I note the minister's response to the scrutiny report on this matter. The list provided by the Department of Foreign Affairs and Trade will, of course, be a relevant factor. It is important to create a formal mechanism in the legislation to ensure this. As I said, these amendments were very much in response to issues that were raised in the scrutiny of bills and subordinate legislation report, and I commend the amendments to the Assembly.

MR DOSZPOT (Brindabella) (12.07): I would like to comment on Ms Hunter's story about my suggesting a conspiracy of the membership of the scrutiny committee. I was not suggesting a conspiracy, Ms Hunter; I was simply suggesting that after five pages of issues that the scrutiny committee covered, it seems strange that you feel your amendments will cover all those issues. You have given us a shorter time frame than the government to consider your amendments. We do not believe they fully address all the repercussions of maintaining privacy for teachers and ensuring probity in program accreditation.

Although we find merit in the Greens' amendments regarding clauses 32(1)(a), 33(1)(a) and 35(1)(a), we have issues with clause 42(5). With regard to privacy accorded to teachers, we must be mindful that, unlike the case involving doctors, dentists, architects and the like, parents do not directly contract the services of school teachers. This is the work of schools and, as such, teachers should be granted greater scope for privacy.

This amendment does not address the core of this issue. Given the limited time frame for consideration already outlined, the amendments proposed are yet another example of a rush job. As such, we cannot accept these amendments. Teachers and their rights deserve greater consideration than this. We need to focus on quality and lift it from being just a catchword for government spin. That said, I reiterate, once again, our support for a teacher institute in the ACT. As such, we will support this bill. As the teacher quality institute according to the ACT's national partnership implementation plan will not be fully registered and certifying teachers until 2012, there is ample time

to properly consider the issues highlighted in the five pages of the scrutiny report. If the practicality of this bill worries Ms Hunter, I will introduce an amendment bill next year. We look forward to working with the government and the Greens in this regard.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (12.09): As I foreshadowed, the government will be supporting these amendments. In relation to the first one around police certificates, the Department of Immigration and Citizenship hold a list of those countries from which a police certificate may be gained. They also provide advice on what must be done if either the country is not listed or it is not possible to obtain the certificate. The institute will be satisfied that the applicant can show that they have made every endeavour to obtain a certificate but were unable to do so. The government will support that amendment.

We also recognise that, in seeking to strike a balance, Ms Hunter's subsequent amendments provide that the public register will only contain a teacher's name and level of registration. If the teacher is not registered or does not hold a permit to teach, then their name does not need to be on the public register. A parent could still find out whether their teacher does not hold a current teaching licence, but an individual teacher's privacy would be respected. The government will be supporting these amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Planning and Development (Environmental Impact Statements) Amendment Bill 2010

Debate resumed from 18 November 2010, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (12.11): The Canberra Liberals will be supporting this bill. It is our view, after our consultation with industry, that the bill will improve the Planning and Development Act by reducing in some circumstances the amount of red tape that is required for some developments. Through a series of amendments, it will mean that developments are assessed on actual impact and less so on arbitrary estimates.

The main purpose of this bill is to refine triggers for development activities that will require an environmental impact statement. As noted in the explanatory statement, the amendments are aimed at ensuring that only developments which are likely to have a significant adverse impact on the environment will require an EIS. It will do this in part by redefining certain developments, effectively shifting them from being considered under the impact track to the merit track.

The bill also amends some elements of the act which may reduce the opportunity for vexatious actions to stall development. For example, under current arrangements, the requirement for an EIS is triggered if a property is being nominated for heritage listing. Under the bill, this trigger will be refined to require an EIS only if the property has actually been heritage listed. The bill then also allows for the Heritage Council to provide early advice on whether an EIS is required.

I also note that the bill seeks to improve the process of the preparation of environmental impact statements. Similar to the role of the Heritage Council, the conservator will now be involved earlier in the development process to determine whether an EIS is required is some circumstances. Again, we are supportive of these amendments to the act which seek to make it easier for business.

I have consulted the key industry bodies in considering this bill. I note that it has the support of the Master Builders Association and the chamber of commerce. I have also had substantial feedback from the HIA, which noted that its support is based on the redefining of certain developments under the merit track that previously fell under impact assessment thereby avoiding the trigger of an EIS. It also puts in place processes—ACTPLA opinion—to enable early determination of development pathways—that is, merit or impact—so that the need for an EIS can be established upfront.

HIA's view is that major developments that have a significant impact will continue to fall under the impact track and an EIS will need to be undertaken. However, developments that were unnecessarily being held up by EIS triggers causing time delays and costs and when the environmental impact was minimal or negligible can proceed more expediently. In the normal course of assessing merit applications, any environmental issues can still be addressed without the need for complex reports and recommendations that are not commensurate with the potential impact.

The comments from the HIA sum up the bill well. Despite the changes that are proposed in the bill, any developments that will now fall into the merit track will still have environmental issues addressed without the need for an EIS. One good example of this is the removal of lease deconcessionalisation from the impact track. Deconcessionalising a lease on its own is not a good enough reason to trigger an EIS. Any development undertaken following the deconcessionalisation of a lease will still trigger the need for an EIS or have its environmental impact considered under other mechanisms if the type of development that is undertaken warrants that. However, the deconcessionalisation alone should not trigger an EIS.

As noted earlier, the Canberra Liberals will support the bill today. We agree with the intent, which is designed, in part, to reduce the level of red tape faced by business. I have said in this place before, we will always support sensible measures to reduce the regulatory burden on business in the ACT.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (12.15), in reply: I thank Mr Seselja for his support and note that Ms Le Couteur will make a substantive contribution in the detail stage.

As I said when I presented the bill, this is an important piece of legislation. The bill amends the Planning and Development Act to give effect to the government's review of the operation of schedule 4 to the act. Schedule 4 sets out the types of development activities and associated thresholds which trigger an environmental impact statement, or EIS. The bill refines these triggers in line with experience with the operation of schedule 4 since the commencement of the act in March 2008. The bill reaffirms the original intention of the planning reforms that the level of assessment to which a development proposal is subject should be commensurate with the likely significance of any environmental impacts.

The central purpose of this bill is to ensure that only those development proposals which are likely to have a significant adverse environmental impact will need to be assessed in the impact track and require an EIS. The experience with the operation of schedule 4 has been that some proposals which have clearly been unlikely to have a significant impact were likely to trigger an EIS. The act lacked sufficient flexibility to allow such projects to be assessed in the normal merit track.

The present bill provides greater flexibility to decide whether a proposal should be assessed in the impact track or in the merit track, which is generally quicker and less costly. The bill clarifies that the associated EIS process should only be required where the proposed development is likely to have a significant adverse environmental impact.

New section 124A of the bill clarifies the term "significant" by spelling out the matters which should be taken into account in determining whether or not an environmental impact is likely to be significant. What is significant depends often on the context. It is frequently not something that can be determined by simply reading off a table or a simple check list; it requires informed and balanced professional judgment. The bill provides greater flexibility to take the context of the proposal into account while maintaining appropriate environmental safeguards.

I would like to give some examples of this. The key change in the operation of schedule 4 is the greater role given to the Conservator of Flora and Fauna and the Heritage Council in helping to assess whether a particular proposal is unlikely to have a significant adverse environmental impact and whether an EIS should be triggered.

Section 138AA introduces a pre-application process allowing a proponent who believes that a proposal will not have a significant impact to seek an opinion from the relevant authority. An environmental significance opinion from the conservator or the council will allow the specific development proposal to be lodged in the merit track rather than the impact track. The main consequence of this is that an EIS will not be required and the DA will be decided within 45 working days. An assessment of probable environmental effects may still be needed in some cases, but this will not be a separate process to the DA.

There are other areas where the amendments to schedule 4 give greater flexibility, which will particularly help on-the-ground adoption of environmentally friendly technology. The government is committed to supporting such developments. The areas where this is so include solar and other renewable energy generation, waste water treatment and reuse and stormwater management.

The amendments to item 2, part 4.2 allow regulations to prescribe the thresholds for when an EIS is required for electricity generation facilities. This will give flexibility to encourage renewable generating technologies. Small scale generating plants below the prescribed thresholds will be able to be assessed in the merit track.

Similarly, item 5, part 4.2 provides for small scale waste water treatment plants and onsite residential waste water treatment plants to be assessed in the merit track rather than require an EIS. Also under item 5, part 4.3, stormwater management infrastructure such as retardation basins and ponds and waste water reuse schemes can generally be assessed in the merit track.

The government is mindful of community wishes to be notified about proposed developments, even at an early pre-application stage. In line with the government's commitment to transparency in the environmental assessment process, the bill makes a range of changes to chapter 8. These enshrine within the act processes which, until now, have been dealt with by administrative practice. The bill will make the environmental assessment process even more transparent.

Environmental significance opinions, EIS scoping documents, EIS assessment reports and section 211 exemptions from an EIS on the basis of other studies will all be notifiable instruments. They will be valid for a defined period of 18 months. All of these documents will be publicly available.

The scrutiny of bills committee has commented on the bill in its report No 31 of 2010, and I have replied in detail to the committee's comments. The committee asked whether the bill should provide an opportunity for public representations and merit review for environmental significance opinions and commented on related procedural matters.

In considering the processes in review rights that might attach to a decision to provide such an opinion, it is necessary to consider the context of the bill and also the Planning and Development Act as a whole. The giving of an opinion by the conservator or Heritage Council is itself a preliminary screening that leads to a larger development assessment process set out in the act. This is already subject to merit review by ACAT and the public consultation framework under the act.

Under the act, a merit assessment track development application must be publicly notified and is open to public comment. Merit track development applications are also subject to environmental impact assessment. Given the wider process and framework for review that already applies to the merit track development applications, specific provisions for merit review of environmental significance opinions are not necessary.

As I have already said, the bill makes key process decisions for environmental assessment notifiable instruments to help ensure the community is notified and kept informed. In these circumstances, it is the government's view that an additional merit review would create the potential for significant added delay to the assessment process for limited, if any, additional benefit. Such added delay would be contrary to the aims of the bill for a simpler, faster and more effective environmental impact assessment process.

This bill is important for ensuring a more sustainable and more affordable Canberra. It will finetune the EIS triggers in the act and provide greater flexibility and efficiency in deciding the appropriate level of environmental impact assessment. It will in some cases with matters which generally fall into the impact assessment track allow them to be assessed in the merit track. This does not mean that such projects will not be subject to proper assessment, and it does not mean that the community will not have the right to comment on development proposals. But it does ensure projects are subjected to a level of environmental assessment that is appropriate to the level of impact they are likely to have.

Let me assure members that the bill will continue to ensure that high quality environmental impact assessment applies to all development proposals. I thank members for their support and the scrutiny of bills committee for its considered advice on this legislation. I thank members for their contribution to the debate, noting that Ms Le Couteur will make further contributions in the detail stage, and we look forward to those. Again, I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

MS LE COUTEUR (Molonglo) (12.24): The Greens, of course, have a significant interest in the environmental impact assessment process in planning. Our key concern is to ensure that planning legislation in the ACT applies the precautionary principle to development applications so far as possible.

We are very pleased that this bill was put out as an exposure draft in August, which allowed various interest groups to have input into the proposed provisions and allowed us sufficient time to consider the significant proposals for change.

The Greens have taken the approach that we would like to propose the best possible legislation, but of course we do not know what the government of the day will be. The next government could be a government which has less interest in the environment than this government does, so it is important that the legislation is robust, to deal with all issues that may occur.

The main intent of the government's bill in this area is to lower the threshold for the triggers for an EIS, to remove EISs being conducted when they are unnecessary or, hopefully more to the point, to reduce the minister's use of the power to exempt EISs being used so often.

The Greens certainly understand that it is burdensome to undertake a full EIS for a number of proposals which currently require one, such as laying pipes and sewers when an area has already been through an EIS for a development; for the de-concessionalisation of a lease; or for absolutely any activity within 100 metres of a waterway.

The Greens would prefer legislation that does not rely on exemptions as a matter of course, as it means that originally intended processes are not being followed. Exemptions should be used as exceptions, not commonly. However, there were 15 section 211 exemptions from an EIS being carried out in the 2009-10 year alone. For this reason, we do support the concept of improving or refining the triggers to ensure that EISs are carried out when necessary but not called for when it is merely an expensive and burdensome process which does not add to the information sought or needed for a proposal.

This bill allows for a development proposal to go into the merit track instead of the impact track in these circumstances, which means that the proposal still undergoes a full public consultation process. The bill also allows the Conservator of Flora and Fauna, or another relevant agency, to have the power to make a decision on whether it is likely that a proposal will have a significant adverse environmental impact in some instances.

This is a new level of decision making introduced by this concept, and we need to be careful that it is set at the right level, and applied well. As described earlier, we understand that it may sometimes be preferable to avoid a full EIS, but given that the conservator, or in some cases the Heritage Council, may be doing a sublevel of impact assessment, it is imperative that we assess the process that the conservator uses to assess whether or not it is likely that there will be a significant adverse environmental impact caused by the process.

At this point, I will note that very shortly—given the timing, it will be after lunch—I will be introducing a number of amendments. I will be having a more substantive discussion about those amendments, unlike this sort of semi-in-principle speech. I will briefly go through the rest of my speech; I have only got two minutes remaining before lunch time.

We are very pleased that the government has taken on quite a lot of our suggestions through the exposure draft process. I would like to extend my thanks for the cooperative and collegiate way in which we were able to deal with ACTPLA in terms of this process. Obviously, not all the changes we would have liked to see are there, but we are, nonetheless, very pleased that it was a quite positive process as far as we were concerned. We thank ACTPLA and the minister for this.

Let me go to some of the suggestions the government has taken on through the process. One is de-concessionalisation. We are now going to get a social, cultural and economic impact study. That is the issue. De-concessionalisation is a change of the ownership of land. Although it often leads to a change in the use of the land, it is not in itself a change in the use of the land, so that would seem the more important thing to deal with.

There is the issue of strategic environmental assessment. This, we hope, will have some more public process involved in it. Strategic environmental assessment is the process carried out by the government in the early stage of the planning processes. The outputs coming from the strategic environmental assessment are used by the government for planning for most suburban developments.

At present, chapter 2 of the planning and development regulations covers the detail of what is required in the development of the strategic environmental assessment, but there are no provisions or requirements for public notification or input into this process. Our amendment will cover off on the public consultation process period into the strategic environmental assessment process.

We think this is particularly important, because the environmental assessment work undertaken through the strategic environmental process can be used by the minister to exempt environmental impact assessment in future urban areas. It is important that the strategic environmental assessment process has the same level of transparency and scrutiny as an EIS process, because it can lead to an exemption from an EIS process.

It is also worth noting that a number of proposals in this bill lower the triggers for an EIS because of relying on previous assessments. This is why we think that it is very important that the strategic environmental assessment is an open process that the public can have input into—because it sits before the rest.

The other issues include new definitions for whether something is likely to have a significant adverse environmental impact—proposed new sections 124A(1)(b), 124A(3) and 124B. These definitions have been the subject of many legal challenges, but of course they are key to the EIS legislation. Being Greens, we say that it is imperative to apply the precautionary principle wherever possible. Environmental values cannot be easily replaced or replicated once destroyed, so the Greens believe that development decisions should err on the side of caution and environmental protection.

Proposed new subsection 124A(1)(b) replaces the word "substantial" with "significant", to give consistency throughout the act. Proposed new subsection 124A(3) refines the intensity of 124A(2). Proposed new subsection 124B(1) states that "likely to" is a "real or not remote chance or possibility", and 124B(2) clarifies that the impact is relevant whether it is on the development site or elsewhere. In these days of climate change, this is recognising that the environment is not just the ground below us: off-site impacts can be very relevant.

Then there is the issue of the process for producing an environmental significance opinion. It seems reasonable that there should be occasions when the threshold for triggering an EIS is lowered, and we do appreciate this. The government bill introduces a new process for a relevant agency—the Conservator of Flora and Fauna or the Heritage Council—to produce an environmental significance opinion. The Greens agree that this could be a reasonable way forward to avoid unnecessary EIS processes. However, the decision-making process must be rigorous, transparent and renewable. A Greens amendment which I will be moving later adds the ability for a regulation which prescribes the criteria that a relevant agency must take into account in considering whether a proposal is not likely to have a significant adverse environmental impact.

I do not have a lot of time remaining to me. I should very quickly say that the areas that we are concerned about particularly involve the process for a minister exempting an EIS. We believe that the EIS exemption process should also be an accountable and

transparent process. So our amendments will include requirements for a regulation which prescribes the criteria that the minister must take into account in deciding if an environmental impact of a development proposal has been sufficiently addressed by another study; a statement of reasons for the exemptions; a copy of any previous study to be incorporated in the DA paperwork; and an exemption to be a notifiable instrument.

I have only got 20 seconds left. Other issues we are concerned about include the definition of native vegetation. As we have said many times in the past, a vegetation and ecological area overlay in the territory plan would be very helpful in this respect.

I will have more to say at the detail stage, when I will be moving some amendments.

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

Sitting suspended from 12.34 to 2 pm.

Unparliamentary language
Statement by Speaker

MR SPEAKER: On Tuesday, I undertook to review the *Hansard* after Ms Bresnan raised a matter of the use of unparliamentary language. I have reviewed the *Hansard* since then, and there was no use of unparliamentary language. The words Ms Bresnan thought were uttered were not.

MS BRESNAN: I seek leave to make a brief statement in relation to the ruling.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: I just would like to apologise to Mr Seselja for incorrectly hearing what he had stated.

MR SESELJA: I thank Ms Bresnan for the apology and I accept it.

Questions without notice
Energy—feed-in tariff

MR SESELJA: My question is to the Minister for Energy, and it relates to comments made by the minister in his presentation speech for the Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2010. Minister, in that speech, you noted that if electricity bills were to increase at the rates they have in the last couple of years in New South Wales then the $4 per week increase related to the solar feed-in tariff would represent only three per cent of the total electricity bill in 10 years. If, as you claim, the $4 a week increase in electricity bills as a result of the feed-in tariff represents only three per cent of electricity bills, this would mean that electricity bills would be $133 a week or around $7,000 per year for a household. Minister, is this correct? Are you expecting electricity prices to rise to $7,000 per household per year over the next decade?

MR CORBELL: The three per cent figure relates to the projected electricity bills at this point in time. The point that I was making, and I think Mr Seselja misinterprets my comments, was that the total impact is three per cent of the total electricity bill, reflecting the fact, of course, that we have seen significant price rises in New South Wales and a lesser degree of price rises here in the ACT. The point I was simply making was that electricity bills are expected to increase over the next 10 to 20 years, and, whilst difficult to predict, there will be increases. Yet the impact of the feed-in tariff legislation is a capped impact. It does not increase and it certainly will not increase at the same rate that electricity bills are expected to increase at if you look at the trends over the long term.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Thank you, Mr Speaker. If this $7,000 figure is not correct, what estimate have you made for electricity price rises over the next decade?

MR CORBELL: It is very difficult to make estimates in terms of price rises over the next decade, but I would be happy to seek further advice from the ICRC and provide that to the member.

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Will the minister confirm that electricity prices have increased by 75 per cent over the last 10 years and that, if that occurred again over the next decade, then the feed-in tariff would represent about eight per cent of the total bill?

MR CORBELL: I will have to take that question on notice. I do not have detail of price increases over the last decade. Of course, all price increases in the ACT are regulated through the ICRC and the Australian Energy Regulator. And I stand by the advice I have given to members of the Assembly previously that we do not expect the contribution of the feed-in tariff to electricity bills to be any more than the three per cent figure I have previously advised.

Youth and family services—program

MS HUNTER: My question is to the Minister for Children and Young People and is about the new youth and family services framework. Minister, why has the funding pool for peak activities in the new youth and family services program been combined into a single funding pool?

MS BURCH: The youth and family services programs, including the peak bodies, are forming part of an integrated program of delivery. That has been in part of the discussion. It certainly has been formed from input from the submissions. Both peak bodies and both sectors have been informed that integration across the services, including the peaks, is, indeed, a matter of outcome of this.

I am aware that the Youth Coalition and Families ACT have been in discussion with each other and are considering a way forward beyond June and July of next year.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. Minister, are you committed to a stand-alone peak body of Families ACT and a stand-alone peak body to represent the needs of young people in the ACT?

MS BURCH: The sector is undergoing some reform and there certainly is a discussion around how youth services and family services are delivered. It is my understanding that Families ACT and the Youth Coalition have been provided with opportunities to discuss their way forward. That is my understanding. I am quite happy to have individual conversations with Families ACT and the Youth Coalition on that. The CEO of the Youth Coalition has always been one to approach my office with concerns. There has not been a direct approach to my office on any such concern.

Would I stand here and give a guarantee one way or another? I think it is for the sectors themselves to determine and have that discussion. Once they have that, I am quite willing to support and consider their deliberations.

MS BRESNAN: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, can you make a commitment to promptly reviewing the decision to use a single select tender for peak bodies funded under the new service delivery framework?

MS BURCH: There are some services under the youth and family support programs that were provided with a single select tender. These were organisations that deliver quite unique services, and it was thought in the best interest to continue on with that. They include, for example, scouts, girl guides and the Duke of Edinburgh's Award. I am quite happy to stand by those decisions, to think that they were quite particular, unique organisations that warranted ongoing support.

Ms Bresnan: On a point of order, Mr Speaker, my question was actually about a commitment to the decision around a select tender for peak bodies, not the other services under the framework.

MR SPEAKER: Minister Burch, would you like to add further comment?

MS BURCH: Well, it is not my understanding that there is a determination other than on those that have already gone under a select process for funding. The purchasing framework is still out there. It is my understanding that Families ACT and the Youth Coalition are still in active discussion amongst themselves and across the sector on the best way that the peaks represent their memberships.

Education—achievement gap

MR DOSZPOT: My question is to the minister for education. Minister, the OECD program for international student assessment, PISA, report states:

> … low socioeconomic students in the Australian Capital Territory are not particularly well-served by their education system, with average scores for these students only just above those for Tasmania and the Northern Territory and between 19 and 24 points lower than students of the same socioeconomic level in the other five states.

Why is the education system failing to meet the needs of low socioeconomic students in the Australian Capital Territory? Why is the achievement gap between students from low and high socioeconomic backgrounds the highest in Australia?

MR BARR: I do thank Mr Doszpot for the question. It is, indeed, a concerning trend in relation to the program for international student assessment. Without wanting to diminish the value of this three-yearly assessment, about a thousand ACT students across 25 schools within the government, Catholic and independent sectors are tested every three years. It is an assessment that, given the size of the student cohort that participates, is subject to a degree of standard error higher than the more robust NAPLAN assessments that are undertaken by all students within the Australian Capital Territory.

Whilst I acknowledge that the trend for PISA results within Australia over the last decade has been concerning in that, as a nation, our results have been slipping, the ACT results continue to show the territory performing equal to the highest performing countries, Finland, Hong Kong and Singapore. There is some cause for concern in relation to some of the areas that have been highlighted within PISA but of course we have more robust data collected through NAPLAN. Until we get the 2010 NAPLAN results beyond a jurisdictional level, looking at a school-by-school level and a student-by-student level, it is difficult to draw absolute conclusions on the basis of one test. I do note that those who have been critical of the NAPLAN testing process usually say one should not be drawing conclusions on the basis of one test. The same applies in relation to PISA.

Mr Coe: Rest assured if it was the opposite, you would be bragging about it, though.

MR BARR: We acknowledge that there are challenges and that some of those challenges are shared across the nation.

Mr Coe: If it is bad, it is inconclusive. When it is good, it is a Barr media release.

MR BARR: They reflect, in my view, a long-term decline in the status of the teaching profession, which is reflected in the entry-level scores for those wanting to enter the teaching profession to go through university. So in this country what we have seen over a long period is where—

Mr Coe: You are a passionate reformer as well?

MR SPEAKER: Mr Coe, you are warned for interjecting.

MR BARR: once teachers were drawn from the top third of graduates, increasingly they are being drawn from the middle third of graduates. And that is having a long-term impact on the quality of teaching within Australian schools.

PISA presents challenges for the Australian education system but also presents a compelling case for reform. And one would note that these issues, the issues identified by the shadow minister, are common, in fact, across all Australian jurisdictions. That might reflect a failure of policy at the federal level over an extended period of time. And who was in power over most of the last decade at the federal level? The Liberal Party of Australia! And what have we done in partnership with the federal Labor government since 2007? *(Time expired.)*

MR SPEAKER: Mr Doszpot, do you have a supplementary question?

MR DOSZPOT: Minister, why is your department cutting support for students with special needs, given the findings of the OECD?

MR BARR: The department is not cutting resources. In fact, it is increasing resources and, I think most importantly, has a renewed focus on the quality of education; focusing on pedagogy, focusing on the introduction of a new national curriculum and on additional support for those students who might have English as a second language, who might have a disability, who might be suffering educational disadvantage.

That is the basis for the reform agenda in education over the last few years—the series of national partnerships that the ACT has entered into with the federal government, targeting additional resources into these areas of need—and it is a far cry from the sorts of education funding policies we saw under the federal Liberal government that directed resources not to areas of greatest need but to perhaps those who were the most effective lobbyists. That has been the problem in education funding.

Next year, clearly, we will see a rigorous and robust debate in education in relation to the federal funding review and we will also see the publishing of more data in relation to school performance. And it will see for the first time an assessment of the value add of how students' performance improves and how student outcomes improve through the years of schooling, because for the first time students who were tested in 2008 under NAPLAN will be tested again this year and that data will be released, and that will give an assessment, and a true assessment, of the performance of all ACT students, not just a sample who were tested under PISA.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why did the proportion of students not achieving the reading proficiency benchmark increase from eight per cent in 2000 to 13 per cent in 2009?

MR BARR: The member would, of course, be wanting to be cautious in relation to the standard errors associated with sample sizes as small as from the ACT in this context. A better measure will be the NAPLAN data, because every student is tested. But that is not to say that we do not have challenges. Of course there are some students within the Australian Capital Territory who are not meeting the minimum national benchmark. Our national partnership with the federal government directs additional resources to those students. The most crucial thing in terms of policy making that governments can determine is where we will direct extra resources in response to those issues.

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

Mr Doszpot: You've had nine years to do this.

MR SPEAKER: Order, Mr Doszpot.

Mrs Dunne: On a point of order, Mr Speaker, my question was: why did the proportion increase—that is, what were the factors that led to this increase, not what he is going to do about it in the future. I want to know why this has happened.

MR SPEAKER: Minister Barr, perhaps you could focus on the historical aspect.

MR BARR: I indicated that a failure of the federal government to invest in these areas in partnership with the states and territories over this decade, with the notable exception of the last two years, is clearly the driving factor in these results. Since 2007, particularly since 2008 with the national partnerships, we have been able to direct funding into those areas of greatest need. That is the difference in the latter part of this decade as opposed to the 11 long years of neglect, particularly of public education, by the federal Liberal government.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. Minister, why did the proportion of students not achieving the mathematical proficiency benchmark increase from 11 to 14 per cent over the period 2000 to 2009?

MR BARR: I refer the member to my previous answer. Again, at a national level we have seen a decline in performance of Australian students in this PISA testing. Across all Australian jurisdictions there have been states and territories that have had governments of different persuasions over that period. What is the one common factor across—what?—eight-tenths of that decade?

Mr Doszpot: Andrew Barr.

MR BARR: No, it is not me, Mr Doszpot. It is a federal Liberal government that neglected education and neglected public education.

Mrs Dunne: No, we are coming sixth out of eight for our most disadvantaged.

MR SPEAKER: Order, Mrs Dunne!

MR BARR: I would refer Mrs Dunne to the NAPLAN results in these areas where all ACT students are tested. That presents an entirely different picture to the one presented by PISA. So there must be caution when you look at 1,000 students tested in an international program versus every student in the ACT tested against all other Australian students. NAPLAN is a much more robust set of testing data than PISA. NAPLAN is conducted more frequently and involves more students—in fact, all students, Mr Speaker.

So whilst Mrs Dunne may wish to pick over the bones of bad news, as she is wont to do, the government will remain focused on working with the federal government to direct new resources into this area. That stands in marked contrast to the approach of the Liberal Party over 11 long years of federal government where they neglected and continued to neglect education in this country. The test of this is that results in all Australian jurisdictions went backwards over that period because of a lack of leadership from the federal government. We do not have that now. We now have national partnerships.

Waste—management

MS LE COUTEUR: My question is to the Minister for the Environment and concerns the government's new waste strategy.

Mrs Dunne: It is a bit of a waste, isn't it?

MS LE COUTEUR: Minister, the strategy proposes a mixed residuals materials recovery facility—otherwise known as a mixed MRF—instead of a third bin for the collection of organics.

Mrs Dunne: Take your own—

MR SPEAKER: Order, Mrs Dunne! I do not want to have to warn you today. Can we hear Ms Le Couteur's question in silence, please?

MS LE COUTEUR: Minister, is it correct that a mixed MRF cannot completely separate organic matter from contaminates such as toxic batteries and other leachates, meaning that the end product is not as nutrient rich, as pure or as useful as a product created by source separation?

MR CORBELL: The technologies now available in terms of being able to separate organic waste from the general waste stream are well advanced. There are already technologies in place and in operation in western Sydney. It is capable for them to separate those types of wastes, in particular batteries.

Certainly, from the inspection of facilities that I undertook earlier this year to one of the so-called dirty mixed recovery facilities in Sydney—

Mr Smyth: And why has it taken nine years?

MR CORBELL: it is the case that they can achieve—

Mr Smyth: Almost no waste by 2025. That is a good catch line.

MR CORBELL: a very high level of separation and certainly comparable with the level of contamination—

Mr Smyth: Almost.

MR CORBELL: that you would see in terms of what people would put into their bins if there was a third bin.

Mr Smyth: We used to lead this around the world. Now we have to follow it.

MR SPEAKER: Mr Smyth, you are sailing close to the wind. Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, given that the Sydney council has had significant glass contamination problems because it uses a similar mixed MRF system instead of third-bin separation, what would the ACT do to deal with these issues?

MR CORBELL: These are the issues about a third bin versus a dirty MRF. We need to have the discussion about this, and that is exactly why the government has outlined, in its draft strategy, that these are the issues that we are seeking feedback and comment on.

What we do know is that the third-bin system is not without contamination itself. Not everybody complies with the separation into the third bin. We know that the third bin does have contamination problems itself in terms of people putting inappropriate waste into that bin. We also know that not everyone will use a third bin and that therefore there will remain a component of organic waste that will still go into the general household bin. Not every household will separate its waste. We know that is the case. Therefore we will face the dilemma, if we have a third bin, that a component of organic waste will still be ending up in the household bin. And then how do we deal with that? Do we simply put that into landfill or do we still have to construct some other facility to separate that waste?

That is the issue before us as a city. That is what the government is setting out as the issues that we have to consider in the development of our new waste strategy. We look forward to further discussion on that.

MR COE: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, the strategy 1.3 states:

> The ACT Government will also encourage businesses to provide customers with choices that allow purchases with less packaging, for example allowing people to bring their cup for take away coffee and purchasing fruit without packaging.

Minister, what restrictions are there for businesses to do this at the moment? And of the 570 kilograms which will go to landfill each year what proportion will be fruit packaging or coffee cups?

Mr Hargreaves: Will you table that Blackberry?

MR SPEAKER: Mr Hargreaves!

MR CORBELL: In relation to the volumes of waste, I will have to take that question on notice.

Opposition members interjecting—

MR CORBELL: I note that the Liberal Party are making light of this. But I would say in response that what Mr Coe has chosen to do in his critique of the waste policy is to identify one element that is about reducing the amount of waste that is generated and is claiming that that is the entire waste strategy. And he is absolutely wrong. What is quite clear is that he has not read the waste strategy because if he had read the draft waste strategy he would know that this strategy focuses on waste reduction at source but is also about waste recovery. These are two essential components of the strategy amongst four key elements of the strategy.

It is a very legitimate policy setting to suggest that we need to better educate businesses about how they can reduce the amount of waste that is generated at source, and that is one example of how that can be achieved. We see Mr Seselja waltzing in here every morning with his cup of coffee. Perhaps if he had a reusable cup he would not be generating so much waste. It is an example. The whole point is that it is an example of where you can reduce waste to landfill.

This strategy deals with waste generation and this strategy also deals with waste recovery and this strategy has outlined how over more than 98,000 tonnes of waste currently going to landfill can be reduced and eliminated from going to landfill, and that is what this draft strategy is all about.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Thank you, Mr Speaker. Minister, why does the strategy not give any attention to slow composting of organic waste, given that this produces the highest value organic matter which will capture the most carbon and other nutrients back into agricultural soil?

MR CORBELL: I draw Ms Hunter's attention to the range of technologies that have been identified in the strategy for using organic waste. One of those is anaerobic

digestion. Anaerobic digestion provides for a range of products as an outcome of that process. That includes the extraction of methane, for example, for energy generation, and it also provides for the development of a digestate that can be used to improve agricultural soil. So there are products that are being—

Members interjecting—

MR SPEAKER: Thank you, members, that is enough.

MR CORBELL: It just shows you, Mr Speaker, how serious the Liberal Party are about issues around waste policy. The government has just released a new strategy based on very detailed assessment and modelling around options to reduce waste to landfill and all they want to do is make a joke about it. The rest of the Assembly, I think, are interested in the policy choices facing the city about reducing waste to landfill. The sooner the Liberal Party engage in a serious policy discussion about the choices before us and how we can reduce waste to landfill further, the better it will be for our community.

In summary, and in response to Ms Hunter's question, there are products that can be developed to assist in agricultural processes, whether that is digestate, through anaerobic digestion, or whether it is, for example, bio-chaff—the reuse of organic materials from bio-chaff. Both of these can be used to contribute to improving soils and improving agricultural productivity.

Canberra Hospital—emergency department

MR HANSON: My question is to the Minister for Health. Minister, on 1 December, 81-year-old Antonina Jurello was admitted to Canberra Hospital after waiting for 13 hours over two days in the emergency department. Minister, is this the treatment that elderly residents of the ACT can expect when they visit the emergency department?

MS GALLAGHER: I thank Mr Hanson for the question. Due to the provisions of the Health Records (Privacy and Access) Act, I am not able to speak about individual cases in the Assembly. In broad, I can say that long waits at the emergency department are avoided when they can be. The emergency department works on a triage system. The emergency departments at both Canberra Hospital and Calvary have been extremely busy over the last six weeks. Indeed, they are very busy today dealing with some of the pressure from the floods around the region.

Overall, our emergency department performance is improving. It has been improving for the last four quarters. In categories 1, 2, and 5 we meet the national benchmarks. In categories 3 and 4 the results are improving and we are heading in the right direction. A lot of this has become—

Mr Hanson: Down from 75 per cent when you took office.

MR SPEAKER: Order, Mr Hanson.

MS GALLAGHER: Thank you, Mr Speaker. A lot of the improvements have come from the additional beds that we have put into the system, which were to replace, of course, the 114 beds that the Liberals took out of the system.

Mr Hanson: Seventy-five per cent to 56 per cent.

MS GALLAGHER: We have gone to this before. I have tabled the bed numbers. We have added an additional 200 beds to the system—over 200 beds. The emergency department every day in the last six weeks has averaged presentations in the order of 170-plus at Canberra Hospital. That is nowhere near what was being dealt with in 2000. The demand is increasing all the time. There are no quiet periods in the emergency department.

Mr Hanson: Lack of investment.

MS GALLAGHER: Mr Hanson says it is due to lack of investment. I draw his attention to the 200 additional beds that have gone into the system to deal with the increase in demand.

In relation to complaints that I get about the emergency department, I can say that I respond to each of those complaints. In appropriate cases, I ask for a clinical review, particularly in cases where concerns have been raised around the triage allocation. In cases where triage allocation is questioned, I ask for a full clinical review of that case.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Thank you, Mr Speaker. Minister, upon presenting at the emergency department on the second day Mrs Jurello had a letter from her GP stating that she had experienced a major haemorrhage stroke, but she was still categorised as non-urgent. Minister, was this the correct categorisation for this patient?

MS GALLAGHER: I seem to have pre-empted the supplementary question, Mr Speaker. The family concerned have raised concerns about the triage allocation. I have asked for a clinical review of that. We have reviewed our triaging processes in the past, not necessarily based on an individual complaint, because triage is the heart of an emergency department. If concerns are raised around triage allocation, you need to respond to those. The reviews in the past have indicated that the triage system is working very well at the Canberra Hospital and that there was no remedial action required.

In relation to the issue of GPs providing letters, and this issue does come up from time to time with patients, GPs providing letters does not immediately accord you a different triage category. This is again established under the guidelines that all emergency departments—

Mr Hanson: She had a stroke.

MS GALLAGHER: If you do not agree with it—I do not think you are an emergency department specialist—this is the way that all emergency departments

work. If you talk to the college of emergency physicians, they will be very clear about this. Because you come with a letter from your GP, it does not mean necessarily that you will be seen ahead of someone who presents without a letter from a GP.

I can say that paperwork that accompanies the patients is considered as part of the triage allocation. But, as I said, where concerns are raised around triage allocation, all of those cases are reviewed and the concern that has been brought to my attention recently is under review.

MR SESELJA: Supplementary, Mr Speaker.

MR SPEAKER: Mr Seselja.

MR SESELJA: Minister, will you now apologise to Mrs Jurello for the extraordinarily long wait and extraordinarily distressing wait that she experienced in the emergency department?

MS GALLAGHER: I always apologise to people where the experience that they have not had in the emergency department is one that they would have wanted. The concerns that have been raised around particular cases: I in the first instance ask for a full review, which is what I have done in this case.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, it seems obvious that those opposite do not quite understand what triage means. Could you explain to us what triage means.

MS GALLAGHER: Thank you—

Mr Hanson: It means that if someone has had a stroke they do not wait for 13 hours.

MR SPEAKER: Order! The minister has the floor.

MS GALLAGHER: Mr Hanson has obviously reviewed the clinical situation around the complaint that is currently under review and come to his own conclusion. Or should I say Dr Hanson?

MR SPEAKER: Ms Gallagher, the question, thank you.

MS GALLAGHER: Dr Hanson has determined the outcome.

MR SPEAKER: Ms Gallagher, the question.

MS GALLAGHER: The way all emergency departments operate is that all patients, regardless of how they arrive at the emergency department, are reviewed by the triage nurse. The triage nurse has five categories to apply to a patient presenting at the hospital. We also have nurses that do regular clinical reviews of patients who are

waiting in the hospital, particularly when the waits are long due to the load that is before the emergency department.

In the last six weeks, we have seen record numbers of presentations. Our emergency staff are doing an incredible job. Every day they are turning up—24 hours a day, seven days a week—and are presented with demands that they have never seen before. And they are dealing with it and the hospital is coping. That is to their enormous credit.

At times, patients will not have the experience that we would all hope for them to have when they present to the emergency department. That is often for a range of different reasons—not necessarily the triage category; often to do with the wait. But the most urgent people need to be seen first. That is the way the triage system works. If there are concerns around the triage allocation, they need to be responded to, and we are doing just that.

Smoking—reform

MS PORTER: My question without notice is to the Minister for Health. Minister, from today, Canberrans will breathe easier when they visit pubs, clubs and restaurants across the ACT. Can you please advise the Assembly of the reason for this cleaner, fresher air?

MS GALLAGHER: I thank Ms Porter for the question. Indeed, the law that comes into effect today is an example of what we can do when the Assembly works together. And I do recall that, in December last year, this bill received unanimous support from members of this place.

It is a great day today. Workers across the ACT, particularly those who work in hospitality, will no longer be required to work in a smoking environment. From now on, all workers in the hospitality sector will be protected from the harmful effects of environmental tobacco smoke. This is because the new laws that amend the ACT's smoke-free legislation, the Smoking (Prohibition in Enclosed Public Places) Act, comes into effect.

This legislation covers all outdoor places where food and drink are provided from an on-site service such as restaurants, cafes, bars, pubs and clubs. The move is an important step in protecting the health of those working in the hospitality industry and for those members of the community who are non-smokers and who, if they do want to eat or have a drink outside, are often subjected to the harmful effects of environmental tobacco smoke.

It has been four years now since all enclosed public places in the ACT went completely smoke free. Members will recall that it was not until 2006 that all areas in pubs and clubs became smoke free. Since then, the body of evidence regarding the effects on public health from environmental tobacco smoke that can occur in outdoor settings has increased significantly. And we have responded proactively to this evidence.

We should be proud here in the ACT that we are only one of a handful of jurisdictions to implement a comprehensive ban on smoking in outdoor dining and drinking areas that focuses on protecting non-smokers from the harmful effects of environmental tobacco smoke. The other jurisdictions to take this approach were Queensland back in 2006 and Western Australia which followed in September of this year. Tasmania has a ban on smoking in outdoor eating and drinking areas, with 50 per cent of those areas required to be smoke free. I have also read recently that the Northern Territory will be commencing legislation that bans smoking in outdoor eating and drinking areas and that New South Wales has announced its investigation into similar legislation.

We can see that Australia is gradually joining a raft of places internationally that recognise the dangerous effects of environmental tobacco smoke that occurs when smokers congregate outdoors. These places include Canada, Ireland, Hong Kong and California which have also implemented restrictions on smoking in certain outdoor areas.

Members will see that, effective from today, all restaurants, cafes and food businesses are required to have outdoor dining and drinking areas that are smoke free. Licensed clubs and liquor licence venues that predominantly serve alcohol, such as pubs and taverns, may choose to have a designated outdoor smoking area, or DOSA as it is known. These premises can only designate up to 50 per cent of their licensed outdoor area and they are subject to some very strict rules such as the height of the wall and the buffer to be provided between the smoking and the non-smoking areas. And in many respects, some of these requirements mean that many smaller businesses will not be able to have designated outdoor smoking areas.

DOSAs are designed to be areas where patrons may drink and smoke before they return to their friends in the non-smoking areas. So business owners must take steps to ensure that no food or drink is served or consumption of food occurs in the DOSA. People under the age of 18 are not permitted to enter the DOSA and no entertainment is to be offered or accessible from the DOSA, including televised or live sporting events. There must be buffers put in place on the perimeter of the DOSA where it is adjacent to smoke-free areas and the necessary steps to ensure that smoke does not drift into these smoke-free areas must be taken.

MR SPEAKER: A supplementary, Ms Porter?

MS PORTER: Thank you, Mr Speaker. Minister, what other amendments will take effect today to protect Canberrans from the harmful effects of environmental tobacco smoke?

MS GALLAGHER: I thank Ms Porter for the question. Part of the legislation we passed a year ago was also a new law to ban smoking at under-age functions. This includes all public music events that are predominantly organised for people under the age of 18. We know that environmental tobacco smoke is particularly harmful to young people because of their smaller lung capacity and their body weight. Evidence also indicates that exposing young people to others' tobacco use increases the chance of young people taking up smoking themselves.

The ACT has already introduced point of sale display bans for tobacco products to reduce the community's, and in particular young people's, exposure to tobacco. This new ban on smoking at under-age functions not only protects children from the dangers of environmental tobacco smoke but also denormalises the act of smoking in these environments. Proper education in the enforcement of such smoke-free policies can discourage young people from using tobacco and foster a culture where non-smoking is the norm.

I am pleased to say that the ACT has the lowest smoking rate of any jurisdiction in Australia. At 18½ per cent, it is well below the national rate of 21 per cent. I think this reflects the ACT's strong history in the area of tobacco control and minimising public places of tobacco use. The implementation of these smoke-free environments is another vital step towards achieving the ACT government's goal of improved public health, which will deliver further benefits for businesses and the community through the creation of healthier social environments.

We have to do more work in this area—I think more work around education and making sure that young people are fully aware of the harmful effects of taking up smoking. I note that my 13-year-old told me the other day that smoking is no longer cool at high school. Well, I hope that is the case and I hope it remains the case for her.

MR HARGREAVES: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Noting, also, that Katy's 13-year-old supported a ban on fireworks, could I ask the minister what other tobacco and smoking reform measures have been implemented by this government in recent years?

MS GALLAGHER: To acknowledge the history of tobacco reform, we need to go back and look at reform in the early days of the Assembly. I should say that credit should go to all Assembly members who have been very proactive in making sure that the ACT has had a very solid track record on tobacco reform. It has not just been one party in the Assembly; we have had unanimous support across party lines.

In 1994, the ACT was the first jurisdiction to enact legislation to prohibit smoking in enclosed public places. In 2000, in-store tobacco advertising was prohibited, with restrictions on the numbers of point-of-sale for tobacco product displays and health warning signage requirements. In 2003, the government supported the passage of the Smoking (Prohibition in Enclosed Public Places) Act 2003, which strengthened the ban on smoking by removing the exemption system from 1 December 2006, making all public places smoke free. In August 2005, the sale of fruit-flavoured cigarettes by tobacco licensees was prohibited, I think by Minister Corbell. On 1 September 2006, vending machines were banned in the ACT. In October 2006, legislation was enacted for compliance testing for sale of tobacco to minors. On 1 December, the enclosed public places legislation commenced, which covered all enclosed public places, including licensed premises.

Canberra Stadium and Manuka Oval became smoke free on 23 February 2008, when both venues became smoke free within their built structures, such as stands, the concourses, walkways, thoroughfares and entrances. The tobacco amendment act came into partial effect on 28 February 2009, which was around retailers not being able to offer or provide a reward to customers when they purchase tobacco products. Petrol discounts are also captured by this prohibition. It has had a long and proud history in this place, and I could go on. *(Time expired.)*

Canberra Hospital—emergency department

MR SMYTH: My question is also to the Minister for Health. Minister, the Australian Institute of Health and Welfare report on hospital statistics 2009-10 shows that ACT residents experienced the second-longest median emergency department waiting times in the country. Minister, why are ACT residents waiting longer, under your leadership, for emergency department care?

MS GALLAGHER: I think we have had this discussion in this place a number of times. I do think it is interesting, and I think it is acknowledged in the latest Australian Institute of Health and Welfare report around the size of the ACT and the number of emergency departments that we have here, that, if you go and look at the WA emergency department data, where they actually report between metro and regional WA, you will find that the metro areas have waiting times which are in many cases worse than the ACT's; the same if you look at the metro waiting times in other jurisdictions.

The difficulty for the ACT is that we have no quiet hospitals, small regional hospitals, country hospitals, which run emergency departments but do not often see large numbers of presentations and do not experience any wait, if at all. I think that does need to be part of the perspective. If you measured like with like, which is, if you measured—

Mr Smyth: So a hospital for Tharwa; is that your solution?

MS GALLAGHER: No. That is not what I am saying. I am trying actually to put some perspective into the discussion, which is, if you measure like with like, if you measure tertiary referral hospitals, large metropolitan hospitals, which are the two that we have, you will see that our emergency department times are comparable and in many cases better.

Mr Smyth interjecting—

MS GALLAGHER: I would like to say that the work that has gone on in the emergency department over the last three or four years particularly has been extraordinary in terms of additional beds, new ways of doing things, staff coming up with ideas about how to get the throughput through, the additional beds in the hospital—and all of this despite a very, very significant increase in demand.

Mr Smyth: There are always increases.

MS GALLAGHER: So, despite the numbers—record numbers that have never, ever, been even considered as being—

Mr Smyth: There are increases every year.

MS GALLAGHER: normal activity—that are presenting to the hospital, we are dealing with that—

Mr Smyth: They increase every year.

MS **GALLAGHER**: and our times are improving—

Mr Smyth: Every year there is a new record.

MS GALLAGHER: and they have been improving for the last year.

MR SPEAKER: Order! Ms Gallagher, one moment, please. Stop the clocks, thank you. I remind members of the opposition, particularly you, Mr Smyth, that the standing orders do not permit constant interjecting when the minister is answering, nor further questioning. There is plenty of time for supplementary questions as part of the question time process.

MS GALLAGHER: Thank you, Mr Speaker. I am very confident that we will continue to improve our timeliness across our emergency departments. In terms of the capital rebuild, the emergency departments at our two public hospitals have to be probably the next significant capital expenditure in terms of the rebuild. We need to build some extra capacity for them to deal with the extra presentations that we are seeing. But I am very confident that the range of measures that we have put in place will ensure that we are seeing people in a more timely fashion.

I would just like, particularly today when the emergency department is under continued stress because of the situation around Queanbeyan, to put on the record—and I hope other members will support me—and acknowledge the incredible work that is being done there and the incredible demand that we have been seeing and the fact that staff are dealing with that demand and responding, and responding as best they can.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, only 56.5 per cent of patients arriving at the emergency department categorised as semi-urgent will be seen within one hour. It was 75 per cent under the previous Liberal government. Minister, are ACT residents receiving timely treatment at the emergency department?

MS GALLAGHER: I am not sure what figures you are using there, but those figures have improved considerably. I think the last figure that I saw for category 3 was in the order of 60 per cent, and I think it was just slightly higher for category 4. Those figures might not be convenient for the purposes of today's discussion, but those figures are reported quarterly and placed on the ACT Health internet site so that

people can see them. And over the last four quarters you can see that there has been continued improvement in categories 3 and 4 despite an increase in demand.

I am absolutely certain that we will continue with that trend with the extra investments such as the surgical assessment and planning unit which we opened in the last couple of months, which is designed for surgical patients to be seen quickly and moved to a ward environment in the hospital. And, as I said, I think the next big investment in the capital sense is to ensure that our emergency departments have the extra capacity they are going to need to continue those improvements along the way.

The TCH emergency department, when you think of the magnitude of the job they do, is around a 30-bed facility, depending on how they are using those beds. On one day in the last six weeks, more than 200 people were going through that unit. When you think of the throughput that a small environment like that is able to deliver, I think the next area is that we need to increase the capacity of that.

I am very confident that Canberrans will see continued improvement in the emergency department performance. And can I say that, whilst people do raise concerns around timeliness from time to time with me, I am getting a lot of compliments about the standard of care that people receive in the emergency department.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Thank you. According to the latest ACT Health annual report, access block for older persons has actually become worse in the last year. Mrs Jurello is the unfortunate human face of this statistic. Minister, how can older persons in the ACT, like Mrs Jurello, be confident that they will receive timely treatment at the emergency department, when the results show that things are clearly getting worse?

MS GALLAGHER: We do measure older persons' access block separately to general access block, and that is to recognise the fact that older persons often do experience access block, not necessarily because they have not been seen but because they present with a range of complex circumstances that require a number of consultations from senior clinicians before a decision is made around where they should be admitted to the hospital. We have recognised that as an area of concern. Our access block figures have deteriorated, partly due to an amendment to the way Calvary report their access block figures. That is, I think, representative of and explains some of the deterioration.

But we did open the medical assessment and planning unit that was specifically designed for older Canberrans and those from regional New South Wales, who present with complex requirements, in order to get them out of the emergency department and then have the consultations done on the ward. Obviously that ward has some capacity constraints as well—the size of it—but we are looking at older persons' experience in the emergency department as well to see whether we need to provide additional capacity through areas like MAPU to address any long waits they have.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Category 4 is 56.6 per cent in the latest quarterly report.

Mr Hargreaves: Preamble, Mr Speaker, preamble.

MR HANSON: Given that, how can ACT residents presenting to the emergency department with semi-urgent matters—

Mr Seselja interjecting—

MR HANSON: —be confident that they will be attended to in a timely manner?

MS GALLAGHER: I am sorry, I did not hear the question, because Zed was asking a question at the same time, or interjecting.

Mr Seselja: I wasn't asking a question.

MS GALLAGHER: Mr Seselja was interjecting, so I did not hear his colleague's question.

MR HANSON: I will ask the question again.

MR SPEAKER: Just one moment, Mr Hanson. Both Mr Seselja but particularly Mr Hargreaves were interjecting, and it is no wonder that the minister did not hear the question. Let us just have some silence, thank you.

Mr Hargreaves: My interjection was about preamble, Mr Speaker.

MR SPEAKER: Mr Hargreaves, order!

MR HANSON: Given that the latest quarterly report shows that the waiting time for category 4 is 56.5 per cent, minister, how can ACT residents presenting to the emergency department with semi-urgent matters be confident that they will be attended to in a timely manner?

MS GALLAGHER: I apologise, I do not have the last quarterly report before me. I have seen figures where category 4 has been up to 60 per cent, but that may be over a week.

Mr Hanson: It's 56.5.

MS GALLAGHER: And I accept that. I accept that you are telling me the truth on that. In terms of Canberrans' access to care, I can assure them that the most urgent will be seen and, from there, depending on the category and the nature of someone's illness, there may be waits in order to be seen. That is a day-by-day thing depending on the clinical load that presents to the emergency department. For example, on the day where over 200 people presented at Canberra and 200 people presented at Calvary—something that had never been seen before—almost 500 people on a

Sunday presented to our emergency departments. On days like that, there are going to be considerable waits. When they are allocated over a month and you have the level of business that we have had in the past month, the fact that our category timeliness continues to improve indicates that the measures we have been putting in place are working and are having an effect on timeliness overall. But we will not rest; we have got more to do. We have got some challenges ahead, but we are very focused on achieving the national benchmarks in the near future.

Transport—taxis

MS BRESNAN: My question is to the Minister for Transport and is in relation to taxi supply in the ACT. Minister, I understand that the government is considering releasing a number of new taxi plates for sale in the ACT. What consideration has been given to the effect that the new taxi plates will have on existing taxi drivers, many of whom currently earn below the minimum hourly wage?

MR STANHOPE: I thank Ms Bresnan for the question. As Ms Bresnan is aware, and I am sure all members of the Assembly are aware, a quite long-term, detailed consultation and consideration has been given by the government to taxis—to the taxi industry. That review arose out of significant concern actually from all stakeholders, including most particularly the community, about the efficiency and effectiveness of taxis and the taxi service within the ACT.

The ACT government commissioned PricewaterhouseCoopers to actually undertake a detailed review and assessment with significant engagement with the community. There have been a range of views put. I have to say that the community is quite dramatically polarised when it comes to a correct number of taxis or taxi plates for the territory.

So, yes, there is a strong view among some taxi drivers and taxi owners that we have sufficient taxis. There is a similarly strong view, most particularly from members of the community and major stakeholders, most particularly the business sector and the Canberra International Airport, that at different times during the day there is a drastic shortage of taxis and that the taxi industry at times simply cannot cope with demand and does not meet the expectations of people who require a taxi.

It is a vexed question. It is a difficult question. We have through the review sought to deal with the issue of some of the peaks and troughs. We have taken the concerns on board, but on interstate comparisons, on the basis of a pro rata comparison of taxi numbers, the ACT is not oversupplied. Indeed, the suggestion is that we are probably undersupplied when compared to other cities of the same sort. But we also do need to take into account the nature of the industry here and the nature of demand and the fact that there are cycles. We are taking that into account.

The government is yet to finalise the position, Ms Bresnan. We have not yet decided that we will increase the number of plates. The decision has not been made but we have been engaged in a quite detailed investigation, which has involved very close consultation with all sectors of the community that are interested in taxis, supplying taxi use, including drivers.

We have taken the issues of the incomes, the earning capacity, of some owner-drivers particularly and some drivers within the industry into account in coming to a final position, which I will be taking to my cabinet colleagues in the near future.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given that taxi operators are currently making low profits or operating at a loss, what impacts would the increase in taxi plates have on existing operators?

MR STANHOPE: I thank Ms Bresnan. It is a complicated and complex series of interactions that are at play in relation to providing an effective, efficient 24-hour taxi service, a taxi service that meets demand and meets the requirements of the community, no matter at what time of the day and where.

There is very strong evidence, not just anecdotal evidence—and I sure you will have seen it—as anybody flying into Canberra on a week day, before 9 o'clock, would be aware, of some of the issues in relation to a lack of service and a substandard service for people that rely on and expect a taxi service that meets their needs when they need it. Queues at times at the Canberra airport, I am told, stretch for 200 metres. Delays that are incurred at the Canberra airport on some mornings of the week are dramatic. And it is not a circumstance that we can allow to persist.

I acknowledge that a major issue and a major difficulty for the industry in the ACT is the peaks and the troughs, that there is significant demand at different times of the day and that there are periods during the day when demand tapers off to a very low level. But it cannot be said that the taxi industry is meeting the needs of this community 24 hours a day, because it quite plainly is not.

We have, through the work that we have done, sought to deal with those issues of peaks and troughs. We have sought and investigated a whole range of strategies that might be introduced or employed. One of those, obviously, is to ensure that, at the end of the day, we have enough taxis to service this community, whatever the circumstance or whatever the time of the day. The evidence at the moment is that that is not occurring.

There are, of course, issues around efficiency, the way the industry is structured, the nature of ownership, the way in which the major operators actually operate. *(Time expired.)*

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. My supplementary is to the Chief Minister. Is the government contemplating the issue of leased plates or perpetually owned plates, and does the government recognise that the leased plate

system actually minimises the extent to which overheads are a burden on taxi operators?

MR STANHOPE: Thank you, Mr Hargreaves. Mr Hargreaves goes to some of the complexities in relation to efficiencies and issues of scale in relation to the way in which the industry is structured. These are issues which the industry will need to respond to and deal with. The government cannot deal with some of those issues that are industry specific; Mr Hargreaves is quite right.

But there are issues in relation to the way in which the operators, the fees, the charges and the nature of the operation—the requirement essentially that all taxis operate through one of the currently two operating systems and the extent to which there is a range of fees and charges that might be ameliorated or indeed the capacity for individual taxi operators to operate as sole businesses or sole operators. This is the range of issues that have been considered.

We want it to be a viable industry. We want everybody participating in it, of course, to earn an appropriate return on their investment. We are conscious that these are small businesses; we are conscious that some of the owner-drivers particularly have invested their life savings in their particular business. The government acknowledges that there are issues that we can address through fee regimes, but there are also issues which the industry itself must address in relation to issues around scale, efficiency, operation and the capacity to ensure that everybody within the industry is earning appropriately.

But at the end of the day, the government, as the regulator, has responsibility to ensure that the needs of the community are being met all the time. At the moment, they are not. The industry is trying hard. I have worked hard with the companies and the operators, but there is nobody who has been involved in this particular inquiry or review who thinks for one minute that there are not problems that need to be resolved.

MS HUNTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, in responding to the concerns about the capacity of the current taxi fleet to service the morning airport peak period, did the government consider any alternatives to releasing more plates, in particular measures to encourage ride sharing in high occupancy taxis or running a more frequent bus service?

MR STANHOPE: Yes, the government has given consideration to all of those issues. Members will see from the PricewaterhouseCoopers paper, which has been released, that all of these issues are canvassed within that paper. It was the PricewaterhouseCoopers paper that actually was the focus of the consultation on the review. Issues around demand responsive taxis, issues around a commissionaire, issues around other and perhaps better ways of moving large numbers of people from the airport during those peaks were all considered. They are all issues that I will be taking to cabinet in the near future around the recommendations that I propose to put. That is not something I have yet done. We have not finalised our position. I will

certainly continue to engage with the industry in relation to the reforms that we have proposed.

Canberra Hospital—emergency department

MR COE: My question is to the Minister for Health. Minister, in May you opened the first nurse-led clinic in the grounds of the Canberra Hospital. A recent paper presented by Professor Drew Richardson of the ANU Medical School has shown that since the clinic's opening the number of presentations at the emergency department has increased. Minister, is your solution to the emergency department problems actually making the situation worse?

MS GALLAGHER: I welcome the question and the opportunity to talk about the success of the walk-in centre. From the six and a half thousand people who have used the walk-in centre and the positive feedback that I have got from that, I would say that the walk-in centre is a success in its own right. It will be independently reviewed after 12 months of operation and that work will be commissioned, I think, through the University of Canberra and overseen by the steering committee that is monitoring the implementation of the walk-in centre.

I do note Professor Richardson's comments. He is a very valued staff member at Canberra Hospital who works in the emergency department and does a lot of research through the ACT Road Safety Trust. I have heard concerns that the walk-in centre being located at the hospital—and I think that is Professor Richardson's concern; less about the effectiveness of the walk-in centre—is drawing people to the emergency department.

I think we need a longer period of time to look at that. For example, I think, in the month before the walk-in centre opened, the emergency department saw presentations year on year that were much higher than the previous year and so I do not necessarily think that you can draw the comparison that because it has been a busy three months it is all because of the walk-in centre. December, five months before the walk-in centre opened, was the busiest December on record. It was the busiest March on record. So I am not sure that you can necessarily say that one has caused the other.

I do know from staff in the walk-in centre that they are seeing about two-thirds of the presentations that come to them; about 23 per cent are being referred back to general practice and a small number, about seven per cent, are being referred directly to the emergency department.

It was always the intention, I think, to have a walk-in centre as a community-based solution for people who needed out-of-hours access to free healthcare—this is the way they work in the UK—and it certainly was the government's intention that this be a model that be out in the community.

One of the reasons it is located at the Canberra Hospital is because the doctors raised concerns about it being in the community. They wanted in the first instance—their conditional and reluctant support for the walk-in centre was if it was located at the Canberra Hospital and came under the clinical governance of the Canberra Hospital's structures. That was the reason it was located there, along with some of the

discussions we had had with the commonwealth about improving timeliness in the emergency department.

Anyway, at the end of the day it will be reviewed after 12 months. It will be an independent review, not done by ACT Health, and I think that will give us a better indication of whether you can correlate having the walk-in centre on the TCH site causing increased presentations to the emergency department.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Minister, Professor Drew Richardson of the ANU medical school said this about the impact of the decision:

> Some of those who are attracted to the walk-in centre are not suitable for the walk-in centre and are sent to the emergency department.

Mr Hargreaves: No preamble.

MR SPEAKER: Yes, Mr Coe, sorry, come straight to the question please.

Mr Seselja: We get that from Mr Hargreaves all the time.

MR COE: Minister, will you incorporate Professor Richardson's—

MR SPEAKER: One moment, Mr Coe. Sorry, Mr Seselja?

Mr Seselja: Yes, I am happy to speak to it. Mr Hargreaves consistently gives preambles to his supplementaries and is very rarely picked up. That has been the consistent pattern over the last few months in this place.

MR SPEAKER: Thank you for your feedback, Mr Seselja. Mr Coe, can we have the question straight up, thank you.

MR COE: Minister, will you incorporate Professor Richardson's concerns into the review into the nurse-led walk-in clinic at Canberra Hospital campus based on his advice? If so, how, and when will you publish that review?

MS GALLAGHER: Certainly Professor Richardson would be encouraged to provide whatever research he has done into the correlation between the emergency department and the walk-in centre to the independent reviewer. Professor Richardson is a very prominent researcher, and I have no doubt he will provide that research. He is not questioning the model of care necessarily, or he has not done research into that; he is questioning the location of it.

From the discussions I have had with general practice around the location of walk-in centres, they are much more comfortable with them being located near other public health infrastructure rather than having them out in the community. Based on the outcomes of the 12-month review, supposing it says that it is an effective model of care, consumers love it, the out-of-hours access is very well used—all of that—and the next stage is what else we do with the walk-in centre, that will be a difficult

discussion to have with our GP community, who will be concerned if it goes into community locations.

We are building our community health infrastructure with the capacity for more walk-in centres. Both the Gungahlin and Belconnen community health centres are set up for that and some changes that we are doing at the Tuggeranong community health centre will mean that it will be feasible to have walk-in centres in those community health locations.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, has the limitation on the type of cases that the nurse practitioner walk-in clinic can see had an impact on the presentations?

MS GALLAGHER: There is no doubt that there are very strict protocols—it is governed by very strict protocols. Anyone who has been to the walk-in centre will know that the nurses will operate off protocols on their computer and as they go through, it will determine whether or not they are in a position to treat that person and also the protocols that are put around about age will impact on the people that they can see.

But the data so far is that they are seeing what we expected they would see. Around two-thirds of all presentations can be adequately dealt with at the walk-in centre. Around 23 or 24 per cent are referred back to general practice and about seven per cent are referred, based on protocols agreed with emergency department physicians and general practice, to the emergency department.

The walk-in centre staff will say that they are referring emergency department patients to the emergency department in accordance with their protocols. For the largest number of those 6,500 people they have seen, they have been able to adequately treat them and, if it is an ongoing matter, refer them back to another health professional.

I think the protocols certainly restrict who they can see and how they can offer health advice. That will be part of the review as well—about whether there are opportunities to extend the protocols and extend or increase their scope of practice, which I know the nurses themselves are very keen to do.

When we opened the nurse walk-in centre, one of the first things that the staff down there were telling me was how many other things they would like to do. I said, "Let's get though the first 12 months and have that review and we can take it from there." But I think that for many of the people who presented to the walk-in centre, the chances are that they may not have accessed health care at all and in that sense, it is a success. *(Time expired.)*

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Thank you. Minister, can you explain when the review will be finalised and whether it will be made public or not?

MS GALLAGHER: It will certainly be made public. I do not know—I will take it on notice—how long that research will take. I spoke to one of the researchers who is out at the University of Canberra who is already collecting data and doing some of that work now. I am just not sure what the length of time for that piece of work is. I am certainly happy to come back to the Assembly with that.

Canberra Hospital—obstetrics unit

MRS DUNNE: My question is to the Minister for Health and relates to the obstetrics and maternity unit at the Canberra Hospital. Minister, had any complaints been received by ACT Health regarding bullying and harassment in the obstetrics and maternity unit at the Canberra Hospital prior to 17 February 2010?

MS GALLAGHER: In relation to a formal complaint to ACT Health, I can say that no, they had not received any. But the clinical services review and the information provided through that would indicate that certainly concerns had been raised at the local level to local management around particular workplace conflict and workplace issues. I think the clinical services review will indicate that they were not adequately dealt with at the time.

MRS DUNNE: Mr Speaker, a supplementary?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, was that the reason why Dr Elizabeth Gallagher said on 23 February in the *Canberra Times* that she had raised verbal concerns about harassment with the general manager—

Mr Hargreaves: Mr Speaker, on a point of order—

MR SPEAKER: Let us just hear the question from Mrs Dunne.

Mr Hargreaves: We have heard enough of it so far, Mr Speaker. Mrs Dunne is asking for Ms Gallagher's interpretation of what somebody else has said.

MR SPEAKER: Let us hear the question from Mrs Dunne. Mrs Dunne, can you start again, please.

MRS DUNNE: Thank you. Minister, is this why Dr Elizabeth Gallagher said in the *Canberra Times* on 23 February that she raised verbal concerns about harassment with the general manager of the hospital in 2007 and said:

> I resigned in 2008. I felt that I could no longer work at the hospital to the best of my ability because I was very concerned about what was going on around me. I was starting to lose sleep ...

Mr Hargreaves: On a point of order, Mr Speaker, Mrs Dunne is asking for Ms Gallagher to make a comment on what somebody else has said. She could not possibly know that.

MR SPEAKER: There is no point of order, Mr Hargreaves. I think the question is in order.

MS GALLAGHER: That is certainly the advice that Dr Gallagher has since provided me, and I think it comes out in the clinical services review, where it says that the systems in place were not adequate to respond to concerns when they originally arose. I have been up front about that since receiving that report—and, indeed, getting those complaints directly from the doctors, which occurred after this issue became public in February.

I said that these issues should have been dealt with. They were not dealt with. If they had been dealt with, there could have been an entirely different outcome. It has not reflected well on management in that area. Over time, I have been given some very poor advice, because I repeatedly asked my department whether they had received any concerns around workplace culture. I had done that after receiving the letters from the visiting medical officers who wrote to me in December and I was told that no complaints had been received and that there were no issues. Obviously, that information provided to me was incorrect. There were issues, they were being raised at the local level and they were not being adequately dealt with. That is not to occur again in any area of ACT Health.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Thank you. Minister, do you therefore accept that when the chief executive said no specific complaints had been brought to the attention of ACT Health on 17 February that was not true? And when you said, "Well, what issues, Ross? This is the frustration I have" on 17 February, that also at the time was not true?

MS GALLAGHER: At the time the comments were made we were operating on the advice that we had before us. The advice we had before us—and those comments were made based on the advice—

Opposition members interjecting—

MS GALLAGHER: Indeed, in one way there were no complaints. There were no formal complaints lodged about the obstetrics and gynaecology unit.

Opposition members interjecting—

MR SPEAKER: Thank you; let us hear from the minister.

MS GALLAGHER: The issues that have come to the attention of myself and the Chief Executive of ACT Health, which came after I asked that they go down and meet

the staff to talk with staff about the publicity in the unit and talk with them about the concerns that had been raised—that was at the first point that concerns were brought to the attention of managers who then relayed that information to me.

So at that point in time those statements were correct. I have gone over this a number of times and said that at that point in time that was the information before us. We have since learnt that there were concerns raised. Whether they were treated as formal complaints—there were certainly concerns raised. They were not adequately dealt with. They were not responded to. They should have been responded to. It has been made very clear that that situation is not to occur again.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why is it then that the Chief Executive on 18 February said that there were a number of ways they can raise their concerns and that they can raise them through the management at the Canberra Hospital?

MS GALLAGHER: Why is it that she said that? The Chief Executive was making it clear that there were a range of ways people could raise concerns. As the clinical services review, which I commissioned, has established, and from feedback from staff in the unit, concerns were raised. They were not adequately dealt with at the time. They should have been. The system did not respond as it should have to workplace conflict when it occurred, and that situation is not to occur again.

Emergency services—flooding

MR HARGREAVES: My question is to the Minister for Police and Emergency Services. Can the minister please advise the Assembly what impacts the recent storms and heavy rain have had on the ACT and what role the ACT State Emergency Service have played in helping recover from the damage caused as a result?

MR CORBELL: I thank Mr Hargreaves for the question. As members would be aware, there have been significant rain events in the ACT in the past week or so and this has led to significant issues in relation to property damage and to flooding in the ACT. Obviously, members would be aware of the significant flooding event that has been occurring since the early hours of this morning in Queanbeyan.

In relation to the ACT, I can advise members that the State Emergency Service is working closely with the ACT Fire Brigade and the ACT Rural Fire Service, ACT Policing, Territory and Municipal Services, Actew and Canberra Connect to respond to the results of the most recent rain event. The senior management team was activated at 6 o'clock this morning to respond and coordinate responses to requests for assistance as a result of the heavy rain overnight.

As at 1.18 pm today, the ACT SES had received 184 requests for assistance from the Canberra community. Assistance provided to the community includes removal of storm debris, sandbagging of areas under threat of flood and temporary repair of roofs.

The ACT SES has also undertaken a doorknocking and advisory role to residents in the Oaks Estate area. There were concerns that the Oaks Estate area could be subject to flooding as a result of the flood surge coming down the Queanbeyan and Molonglo rivers from upstream of Queanbeyan. At this point in time there has been no evacuation and at this stage it is not anticipated that there will be an evacuation of the Oaks Estate area. Approximately 100 residents are in situ at Oaks Estate and the SES are keeping that situation under review.

I understand the SES, in consultation with other emergency agencies and ACT government agencies, are also closely watching the flood surge as it moves down the Molonglo River into Lake Burley Griffin. At this stage I am not advised of any threat to any residential premises in the vicinity of the Molonglo River below Oaks Estate. However, we are keeping a close eye on the situation, as are Actew and the National Capital Authority.

I am aware that some initial planning is occurring in relation to Clare Holland House which is obviously, as members would be aware, on the Molonglo close to Lake Burley Griffin. At this stage there has been no need to take any action in relation to Clare Holland House but the situation remains under review.

I would like to express my thanks, and I am sure all members would join with me in expressing my thanks, for the work of the volunteers in the ACT State Emergency Service. They have been on the job now for a very extended period of time, pretty much on and off for the last week, and they have done an outstanding job. They have been supported in those efforts by further work by volunteers from the ACT Rural Fire Service. Again, I extend my thanks to them and to the members of ACT Policing and the ACT Fire Brigade who have also been very busy during this time.

Obviously we will keep the situation under review but at this stage I am pleased to report no significant issues in terms of flooding affecting the ACT community, aside from the individual circumstances of flooding around premises and private homes, which I referred to earlier. I trust that the SES will continue to work to respond to those issues as quickly as possible.

MR SPEAKER: A supplementary, Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, how have recent flooding issues over the border affected operations here in the ACT and how much assistance are we providing over in Queanbeyan?

MR CORBELL: I thank Mr Hargreaves for the supplementary. At this point in time, the ACT SES have deployed resources to assist their Queanbeyan colleagues in the flooding in Queanbeyan. At this point in time, two ACT SES crews and three ACT RFS crews have been deployed to Queanbeyan to provide assistance with evacuation, sandbagging and pumping, as required, of flooded areas. Liaison officers from the SES, the ACT Ambulance Service and ACT Policing have also been deployed to the New South Wales State Emergency Operations Centre located at the Queanbeyan SES headquarters. They are providing liaison and support to their New South Wales counterparts as the flood event continues to occur in Queanbeyan.

I am advised that at this point in time the flood waters have peaked in Queanbeyan—the Queanbeyan River, at 8.4 metres—and are now slowly falling. We are seeing those flood waters now proceed downstream. We will keep the situation under review as they enter the ACT and Lake Burley Griffin in particular. But at this point of time no further action is deemed to be required, and I refer members to my previous response in relation to the issues in the ACT.

MS PORTER: Mr Speaker, a supplementary?

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, how well equipped is the SES to deal with storm events like this, given that predictions are for similar weather events over the coming summer months?

MR CORBELL: I thank Ms Porter for the question. The SES is a very professional volunteer emergency service. ACT SES volunteers are provided with nationally recognised training from the current version 7 of the public sector training package. All training reflects nationally developed and agreed units of competence and includes induction, occupational health and safety, general rescue, storm and water damage and maintaining team safety modules. In addition to this, of course, we have the support from other volunteer services and indeed from our paid services, the RFS, the Fire Brigade and other services. They also are well trained in all aspects of dealing with emergencies, and we have seen their professionalism put to the test and demonstrated during the recent flooding events.

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

Unparliamentary language

MR HANSON (Molonglo): Mr Speaker, under standing order 73 I seek your guidance and your ruling on events that led up to my being suspended from the service of the Assembly yesterday. The two issues that I would like you to rule on if you could are, firstly, the use of the words "true", "truthful" and "untruthful", particularly when they are made about reflections on statements or events that are made outside the Assembly and, secondly, both the correctness and the consistency of Ms Le Couteur's ruling, particularly in comparison with previous rulings that have been made in this place.

On the first point, I am very concerned that—

THE SPEAKER: Mr Hanson, it is not an offer to make a speech. I am happy to just give you some guidance on the—

MR HANSON: You are happy to give me some guidance? Am I not able to make a point about why?

THE SPEAKER: It is not an invitation for a speech. I am happy to answer the question, though. On the specific question, I have actually gone back and reviewed the *Hansard* yesterday, as you might imagine, after the first naming in this Assembly.

I think it is clear that the reason you were named, Mr Hanson, came down very clearly to the fact that Madam Assistant Speaker at the time did ask you to withdraw and you refused. I believe she was left with no choice in the fact that you declined to comply with the Speaker's ruling. I think that is clearly why you were named.

On the issue of the particular language that was used, I think that this is a challenging area. I have gone to *House of Representatives Practice*, which is quite clear in stating:

> The determination as to whether words used in the House—

in this case—

> are offensive or disorderly rests with the chair, and the chair's judgment depends on the nature of the word and the context in which it is used.

I think that sums it up quite well in the sense that it is a question of context. I have had prepared for me by the Secretariat a list they keep of the unparliamentary language that has been ruled on in this chamber over the entire time this Assembly has sat. It is quite an amusing list in places. If you go through it, you will see that the word "lying" and every permutation of it, as well as the words "truth", "true" and every other permutation of that have been used and asked to be withdrawn on various occasions.

Equally—certainly in the examples you have handed me today—I think there are a number of occasions where it has not been ruled to be unparliamentary. I think this speaks to the fact that it is a question of judgement and a question of context. My sense is that there is a difference between saying that something is untrue and saying someone is being untruthful. I think that is the essence of standing order 117, which talks about imputations against members.

So in that context, having reviewed the *Hansard* from yesterday, I think it is clear why you were named. I think the Assistant Speaker's judgement at the time was the judgement she made. I think it is quite clear. The language you used, in speaking of Ms Gallagher, was that she was caught quite clearly not telling the truth back then. The Assistant Speaker made a judgement on that at the time.

Is there anything arising from question time?

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: We are not going to re-debate this, Mr Smyth; so if you could be brief.

Mr Smyth: No, I am not going to re-debate. No, not at all. I am entitled to ask points of order under standing order 73 and I seek your ruling.

MR SPEAKER: You are not entitled; you are entitled to ask for leave.

Mr Smyth: No. It says that a member may raise a point of order at any time.

MR SPEAKER: Mr Smyth, let us not go down this path. Let us just stick to the matter—

Mr Hanson: He is raising a point of order.

Mr Smyth: Well, I do not see where it says "leave".

MR SPEAKER: Mr Smyth, just—

Mr Smyth: Mr Speaker, yesterday, as Mr Hanson has already raised, his words were being queried. The answer from Madam Assistant Speaker was:

> Mr Hanson, I think it would help the proceedings if you would withdraw those remarks. I am not clear exactly what you said, so I will review the *Hansard* afterwards.

It is quite clear from *House of Representatives Practice*, page 500, that the chair may ask exactly what words are being questioned. Is it now the practice of the house that members will be asked to withdraw remarks unspecified and that the record will then be checked or will the record be checked and then members be asked to withdraw?

MR SPEAKER: Mr Smyth, I actually do not have the full *Hansard* in front of me. I am unfortunately missing page 62 of yesterday's uncorrected proof copy, but I note that you did not go on to quote the fact that Madam Assistant Speaker came back and said that it is quite clear Mr Hanson used the words "Ms Gallagher" and "untrue" and on that basis—I am paraphrasing here—she asked him to withdraw it.

The Assistant Speaker made a clear ruling at the time. I have no qualms with the ruling that she made. As I indicated, it is a matter of judgement for the Speaker at the time. As I am sure you will appreciate, these things often happen very quickly and become heated very quickly. Each of the members who acts as Speaker has to make the best judgement they can at the moment.

Are there any matters arising from question time? If not, we will move on to the presentation of papers.

Auditor-General's report No 3/2008
Government response

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) (3.32): For the information of members, I present the following paper:

> Auditor-General's Report No 3/2008—Records Management in ACT Government Agencies—Report on progress and effectiveness of implementing recommendations.

I move:

> That the Assembly take note of the paper.

On 26 August 2010 the chair of the Standing Committee on Public Accounts tabled the committee's report on the *Review of Auditor-General's Report No 3 of 2008: Records management in ACT government agencies*. The report makes three recommendations. These recommendations request that I report to the Assembly on three occasions over the next two years on the status of records management in ACT government agencies.

The first of the committee's recommendations requests that I table a report by the last sitting day in December 2010 on the progress. The recommendation calls for a summary of action to date and proposed action including a timetable on the implementation of the recommendations in the report. Recommendations 2 and 3 relate to the findings of the statutory review of the operation of the Territory Records Act.

Recommendation 2 asks that I, as the responsible minister, report in June 2011 on progress towards implementing the findings of the review and recommendation 3 calls for a report in February 2012 on the effectiveness of the changes.

Today, consistent with recommendation 1, I am tabling the first report prepared by the Director of Territory Records following consultation with that agency. It states that the government recognises the progress that agencies are making towards better practice in records management and the effort that is being applied to this aspect of daily work.

The public accounts committee stressed its view that good record keeping is a fundamental core function of all public sector agencies. The government is confident that all agencies are taking their record-keeping responsibilities seriously and are taking the demands of working to improve management of territory record-keeping practices while addressing emerging demands for efficiency and effectiveness of business practices.

Consistent with the recommendations of the public accounts committee, I commend the first progress report to the Assembly.

Question resolved in the affirmative.

Active transport
Resolution of the Assembly—government response

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) (3.35): For the information of members, I present the following paper:

> Active transport—Government response.

I move:

> That the Assembly take note of the paper.

MS LE COUTEUR (Molonglo) (3.35): I would like to very briefly comment on this paper because it was, of course, the result of a Greens motion about active transport in May. I thank the government for bringing on this paper. It is a very interesting reflection of active transport in the ACT. It is also an interesting reflection of what is not in it. I note, for instance, that what is not in it is the ACT government's current number one ask of Infrastructure Australia, the Majura Parkway. Of course, it is not part of anyone's active transport plan.

I will be fairly brief given the day, but there are a few points I would like to make when we get to the action plans. Firstly, we talk about prioritising pedestrian, cyclist and public transport in planning traffic and urban design policies and fund them appropriately. I am a resident of the inner north; so I go down Majura Avenue fairly frequently. I notice that there are new townhouses being built there and there have been new footpaths built there.

The footpaths are too narrow to have cyclists and pedestrians. Majura Avenue is not safe for cyclists. We are still building new infrastructure that does not prioritise pedestrians or cyclists. I think this is a real pity. We are not taking these things online. In paragraph (b) it is stated:

> ACTPLA has incorporated the design principles identified in the Health Spaces and Places and the International Charter of Walking …

If that is the case, I would ask why have we gone ahead with the development in Holt? We are planning to go ahead with a development in Holt which will not have any public transport in it. It is quite clear that we have said there should be public transport and that there should be bus stops every 400 metres. We are planning to do developments in the ACT that will not meet those requirements.

We talk quite a bit about travel demand management, including by converting appropriate areas into pedestrian priority spaces. I would have to say that the word is "talk". We mention here Gungahlin and Hibberson Street. I can remember back in the 2008 election when I spent an awful lot of time in Hibberson Street in Gungahlin. My Labor companion, who was not elected for Gungahlin, presented a petition then to do something at Hibberson Street. Nothing has yet been done with Hibberson Street. We have plans; we do not yet have actions.

We talk about the safe routes for schools project. I have had representations from constituents that traffic is such that there are fewer safe routes to schools. The walking school bus is used to walk to school from Watson to Hackett. It has had to stop because it is not actually safe for the kids to cross Antill Street anymore. This report, while interesting, is not showing the whole picture.

In paragraph (e) we talk about improving cycling infrastructure. I will agree that this has improved considerably in Canberra, largely because of the agreement between the

Greens and the Labor Party under which the Labor Party committed to delivering and, to its credit, has delivered increased cycling infrastructure and increased pedestrian infrastructure. However, we still have things like the Civic cycling loop. This is a priority but when will it actually be done?

We get the redoing of London Circuit without any significant cycle infrastructure in it. London Circuit has your typical cycle lane which begins in the middle of the road and ends. I suppose that cyclists are just meant to disappear in puffs of blue smoke. The same thing has happened in Belconnen with one of the new bits of cycleway around the bus stations going straight into a kerb. I am not quite sure what cyclists are meant to do.

I am interested and very pleased to see the government is still committed to bike racks on all ACTION buses but I assume this means that the concern that was recently in the *Canberra Times* that some of the new buses were too long for bike racks was incorrect. I am very pleased about that.

Something else I am pleased about, though not so pleased on the timing, is the feasibility study for the Dickson-Northbourne Avenue precinct. Northbourne Avenue is a major road in Canberra, especially to inner north residents such as myself. We desperately need work done on that. We desperately need this feasibility study to go ahead and to see good solutions for cyclists, for pedestrians, for bus users and, in fact, even for car users.

I thank the government for this report and note the need to continue increased work on active and public transport.

Question resolved in the affirmative.

Financial Management Act—instrument
Paper and statement by minister

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

> Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the ACT Planning and Land Authority, including a statement of reasons, dated 2 December 2010.

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

Leave granted.

MS GALLAGHER: As required by the Financial Management Act I table a copy of an authorisation in relation to the Treasurer's advance provided to the ACT Planning and Land Authority. Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A requires that within three sitting days after the authorisation is given the Treasurer must present to the Assembly a copy of the authorisation instrument and a statement of reasons for giving it and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument provides an increase of $19,527 in expenses on behalf of the territory appropriation for the ACT Planning and Land Authority to facilitate the payment of compensation for lessee-owned improvements to the lessees of block 751 district Gungahlin, withdrawn for inclusion in the direct sale of land to Exhibition Park Corporation for the development of a tourist accommodation facility; and block 1 section 189 district of Ngunnawal, withdrawn for the inclusion in the Ngunnawal 2C development.

I commend the paper to the Assembly.

Committee report—government response
Papers and statement by minister

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

> Estimates 2010-2011—Select Committee—Report—*Appropriation Bill 2010-2011*—Government response in relation to the change of use charge, incorporating—
>
> > Final Report on the Review of the Change of Use Charges System in the ACT, commissioned by ACT Treasury.
> >
> > Reforming the Change of Use Charges (CUC) in the ACT: An independent economic assessment, prepared by John Piggott, dated 25 November 2010.
> >
> > Review of Empirical Estimation of the effects of Change of Use Charges (CUC) in the ACT, prepared by Mardi Dungey, dated 29 November 2010.
> >
> > Review of the Change of Use Charge System in the ACT—Regulatory Impact Statement.

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

Leave granted.

MS GALLAGHER: I have tabled three independent reports and the regulatory impact statement on the codification of the change of use charge. Members are aware that the government has been working on the codification of the change of use charge system.

Quite expectedly, the project has drawn considerable interest, particularly with regard to what would appear to be a significant increase in the charge as reflected in the draft schedules that were released for consultation.

The 2010-11 Select Committee on Estimates recommended that the government evaluate the impacts of the change of use charge and that it does not create barriers to urban densification. A subsequent motion in the Assembly noted that this work was underway.

I should clarify at the outset that the review and the discussion are not about whether there should be a change of use charge or not. This is not a debate about the betterment principle, which forms an integral part of the territory's leasehold system.

There is a good basis for a betterment charge as recognised by ACIL Tasman, the advisers to the 2010-11 Select Committee on Estimates, who noted:

> The CUC has a very strong basis in economic theory.
>
> … True economic rent can be collected by governments for the purpose of public finance without the adverse effect caused by taxes on production or consumption.
>
> The CUC appears to be an attempt to isolate and tax economic rents.

The government undertook to codify the system in response to industry's concerns and recommendations and I note the Property Council's submission on the 2009-10 budget.

This task was led by Professor Nicholls and completed through an extensive process of consultation with the community and the stakeholders.

The first report, prepared by Professor Nicholls and Macroeconomics, provides an outline of the proposed approach for implementing codification in the territory. The report includes a cost-benefit analysis of the 2010-11 codified schedules. Professor Nicholls has also made a number of recommendations for government to consider around transition and administrative arrangements.

In preparing his report, Professor Nicholls undertook three rounds of consultation with the community and stakeholders, 14 weeks in total. All stakeholders were provided with the opportunity to provide a written submission and/or discuss their concerns with Professor Nicholls. The Macroeconomics/Nicholls report also includes a summary of the input received through consultation and how the various issues raised have been addressed.

The schedules of codified values have been reviewed by a panel with representation from the Australian Property Institute, the Australian Valuation Office, ACTPLA and Treasury. The panel was chaired by Professor Nicholls and it is important to note that professional valuers have signed off on the schedules.

The other two reports were commissioned to provide expert analysis and opinion on the economic impacts of introducing codification in the territory, including impacts on housing affordability, private property investment, cost of business and profit levels and revenues.

Treasury engaged Professor John Piggott from the University of New South Wales and Professor Dungey to undertake this analysis. The reports I tabled support the introduction of codification in the territory, with transitional arrangements.

Both the experts noted that quantitative and empirical analysis was unable to be undertaken because of the relatively short time the rectification has been in place and the lack of history on changes in the charge rate and suitable data on the market.

Professor Dungey was specifically engaged to build an econometric model to determine the impact of codification on various sectors in the territory. Her paper includes an economic model. However, after analysis of the available data from various sources, she found that statistically significant results could not be determined.

Professor Piggott has undertaken a conceptual economic analysis. He has noted that the increase in change of use charge is related to rectification but considers that with appropriate transition arrangements the move to codification is unlikely to impact greatly on the various sectors within the ACT economy, particularly the residential property market.

Both Professor Nicholls and Professor Piggott have noted that the increase in charges almost entirely relates to rectification rather than codification from a rectified system. This is an important point and one that I have been stressing for some time.

The impact of rectification is on the residential sector, and the commercial sector is not affected.

While Professor Nicholls has recommended a three-year period to introduce codification, Professor Piggott has recommended phasing in codification over time while remaining flexible and responsive to changes in the property market. He is suggesting different phasing arrangements for commercial and residential sectors and between low and high-unit residential developments. He is more sympathetic towards the part of the sector delivering developments of fewer than 20 units.

Overall, Professor Piggott is supportive of the reform proposed by Professor Nicholls, acknowledging that the move to codification will improve operation of the change of use charge and that it accords with "common sense tax administration".

The government is very mindful that any microeconomic reform needs transition arrangements and the government will consider the appropriate transition arrangements. It should also be recognised that the government retains the ability to provide remission on the change of use charge to achieve specific policy objectives and this would not change.

The government remains committed to reforming the change of use charge system in the territory. The consultation to date has been quite comprehensive and I envisage further consultation on the draft legislation before its introduction in the Assembly for a planned commencement on 1 July 2011, although, if there is agreement from the parties about the way forward, we will look at introducing it earlier.

Paper

Mr Corbell presented the following paper:

> Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's Report No 4 of 2009: Delivery of Ambulance Services to the ACT Community*—Government response.

Economic, social and cultural rights research project—report
Paper

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.50): For the information of members, I present the following paper:

> Australian Capital Territory Economic, Social and Cultural Rights Research Project—Australian Research Council Linkage Project LP0989167—Report, dated September 2010.

I move:

> That the Assembly take note of the paper.

It gives me great pleasure today to table a report on options for recognition of economic, social and cultural rights in the ACT human rights framework. It is significant that the report is being tabled today, as tomorrow, 10 December, is United Nations Human Rights Day, which marks the anniversary of the UN General Assembly's adoption of the Universal Declaration of Human Rights in 1948. The ACT has a proud history in the protection and promotion of human rights, being the first jurisdiction in Australia to enact a legislative bill of rights in the form of a Human Rights Act, which commenced in 2004.

Last year I was pleased to be able to table in this place a report on five years of operation of our Human Rights Act. The government is continuing to examine the recommendations made in that report, which was prepared as the result of research undertaken by the Australian National University in conjunction with my department as an industry partner under a grant funded by the Australian Research Council.

The report I table today continues in the tradition of what has now become a productive and collaborative relationship for the ACT with the Australian National University. On this occasion this well-presented, thoroughly researched and comprehensive report has been prepared by a research team led by two internationally recognised human rights lawyers, Professor Hilary Charlesworth from the Australian National University and Professor Andrew Byrnes from the University of New South Wales.

The project was funded by the Australian Research Council, and the ACT Department of Justice and Community Safety was again proud to be involved as an industry partner. The project examined whether the Human Rights Act should be amended to explicitly incorporate those rights included in the International Covenant on Economic, Social and Cultural Rights and, if so, the likely impact of such incorporation on governance in the ACT.

The report is the first step in honouring the government's commitment to consider the question of whether rights covered under the Human Rights Act should be expanded to include economic, social and cultural rights. The report provides a rigorous account

of the relevant literature, international case law and experience of other jurisdictions with legally codified economic, social and cultural rights, such as Ireland, South Africa and India.

The report modestly indicates that the project team had the benefit of visits from four distinguished South African visitors, including a current and a former justice from the South African Constitutional Court. In fact, it was in no small part due to the calibre of the principal investigators, as professors Charlesworth and Byrnes are called for the ARC grant purposes, that the ACT was able to attract to Canberra the likes of justices Yvonne Mokgoro and Albie Sachs of the South African Constitutional Court, Mr Cameron Jacobs of the South African Human Rights Commission and Professor Sandy Liebenberg of the Stellenbosch University to take part in the dialogue that has informed this report. Indeed, I was particularly privileged to have had the opportunity to host a roundtable session here at the Assembly where our discussions were led by Professor Liebenberg.

While some may argue that the situation in the ACT is a world away from the economic, social and cultural experiences of South Africa, we should never forget that human rights are of a universal and individual nature. They apply as much to citizens of the world in Canberra as they do in Cape Town. It was nevertheless fascinating for me and others who attended the sessions to hear first hand from these dignitaries about their experiences of how South Africa has approached progressive realisation of economic, social and cultural rights in the wake of extended periods of rights repressions in that country.

I used those words "progressive realisation" deliberately. There are those who fear what they perceive as a sudden adoption of any new rights-based framework. But as this report clearly discusses and ultimately recommends for consideration by government and the ACT community, there are ways that economic, social and cultural rights could be incrementally and progressively absorbed, subject to available resources within our existing framework and in the context of the ACT statute book.

To explore those methods and to inform the report, a pivotal component of the work of the project team was holding a series of roundtable forums, in many instances led by the South African visitors, to gauge the views of a number of representatives from government and the community sector, with a particular focus on topics such as health, housing, education, the environment and water issues.

The project team concludes that the inclusion of most economic, social and cultural rights in the Human Rights Act, based on the International Covenant on Economic, Social and Cultural Rights, would be desirable. They make 15 recommendations about the particular rights that should be included in the Human Rights Act, including rights to adequate housing, health, a healthy environment, education, work and the right to take part in cultural life. The report also identifies those rights not recommended for inclusion and the reasons why they should not be included: the right to self-determination, the right to intellectual property and the right to protection of the family and children—as a similar right is already recognised in section 11 of the Human Rights Act.

The report considers practical issues about the incorporation of economic, social and cultural rights into our Human Rights Act alongside the established framework for civil and political rights. One of the challenging things about these rights is that, despite the presence of international covenants, different jurisdictions have chosen to adopt and adapt them in subtle but significantly differing ways. In relation to each of the rights explored in the report, the project team has thoughtfully and thoroughly examined the way in which up to 27 different models have been developed in instruments around the world, including United Nations, European and African charters and in some cases domestic models in such countries as Germany, Portugal, Hungary, Spain and Japan, in addition to the countries I have already mentioned.

After their comprehensive analysis, the project team worked with our own parliamentary counsel's office to propose a description of relevant rights that could potentially be made to fit with our own domestic model. The government sought legal advice on whether there would be any constitutional issues arising from adoption of such rights here, especially in connection with the exercise of judicial power. The advice clearly indicates that there would be further issues to consider, if and when a decision is made to adopt such rights and depending on the precise formulation that might be adopted for them, but concludes that an economic, social and cultural rights framework could be applied consistently with our Westminster tradition of government in the territory.

Because I believe it will enhance the debate on this topic, I have agreed to this advice being released with the report, noting that this in no way constitutes government endorsement of any particular formulation for the rights or the specific recommendations in the report at this time.

The question of whether to incorporate economic, social and cultural rights into ACT law is a complex one that raises many issues for all parts of our community, not just government. These questions will need to be considered in detail by the government, in consultation with the community.

The objectives of the Australian Research Council's linkage grant program include: to encourage excellent collaborative research within universities and across the innovation system, to contribute to a strong knowledge economy and to create opportunities for cooperation with related programs across portfolios. The linkage project scheme supports collaborative research and development projects between higher educational organisations and other organisations, including within government and industry, to enable the application of advanced knowledge to problems. Typically, research projects funded under this scheme involve risk.

The proposals for funding under linkage projects must involve a collaborating organisation from outside the higher education sector. The collaborating organisation must make a significant contribution equal to or greater than the ARC funding, in cash and/or in kind, to the project.

With that in mind, I believe members of this place and the broader Canberra community—indeed, I venture to suggest the broader Australian community—could take pride in the fact that the ARC recognised the merit of the proposal by the ANU

and the University of New South Wales, working collaboratively with my department, to explore options and implications for including economic, social and cultural rights in a statutory framework such as now exists in our human rights jurisdiction here in the ACT. I understand that the research embodied in this report may constitute the first Australian attempt to comprehensively canvass legally codifying economic, cultural and social rights in an Australian jurisdiction. I am delighted to be able to receive the document and table it here today.

In commending it to members, I want to acknowledge in particular the efforts of professors Charlesworth and Byrnes and Dr Katie Young and Ms Renuka Thilagaratnam in their research team. From the Department of Justice and Community Safety, I would like to mention the Deputy Chief Executive, Mr Stephen Goggs, for his leadership role in liaison between the academics and ACT government agencies, not least including the legislation policy branch of my department and the offices of the Government Solicitor and Parliamentary Counsel. I would also like to acknowledge the role of the ACT human rights commissioner, Dr Helen Watchirs, as a member of the project's reference group.

This report provides an excellent springboard for mature consideration of the issues that go with the next logical step in our human rights evolution in this jurisdiction. I look forward to having that conversation with members, with individual Canberrans, businesses, community organisations and other parts of the government in due course. I commend the report to the Assembly.

Question resolved in the affirmative.

Climate Change, Environment and Water—Standing Committee

Report 4—government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.00): For the information of members, I present the following paper:

> Climate Change, Environment and Water—Standing Committee—Report 4—*Inquiry into ACT Greenhouse Gas Reduction Targets—Final report* August 2010—Government response, dated December 2010.

I move:

> That the Assembly take note of the paper.

Question resolved in the affirmative.

Papers

Mr Barr, pursuant to the resolution of the Assembly of 23 June 2010, presented the following paper:

> Disability education—Government response.

Mr Barr, pursuant to the resolution of the Assembly of 5 May 2010, presented the following paper:

> Dunlop—Construction of shops—Government response.

Territory plan—proposed technical amendment (2010-31)—government response

Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing): Pursuant to the resolution of the Assembly of 17 November 2010, I present the following paper:

> Territory Plan—Proposed Technical Amendment (2010-31)—Government response.

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

Leave granted.

MR BARR: An Assembly resolution of 17 November called on the government to do a number of things with regard to the technical amendment process for the territory plan. The first call on the government was for it to explain how it determines which amendments to the territory plan are technical and which are not. On 26 November I provided that information to the Speaker, noting that under the legislation it is the ACT Planning and Land Authority, not the government, that determines which amendments to the territory plan are technical and which are not.

The second call on the government was for it to consider a range of amendments to the technical amendment process. I have just tabled the government response to this part of the resolution.

The resolution also called on the government to provide a more detailed explanatory statement for classifying the amendments in technical amendment 2010-31 as technical amendments. I will be happy to provide the basis for an ACTPLA decision once the authority has made its decision on the technical amendment. I note that both the opposition and the Greens sought and received briefings from ACTPLA on this technical amendment process.

Paper

Ms Burch presented the following paper:

> ACT Young People's Plan 2009-2014—Progress report 2010.

Government—state
Discussion of matter of public importance

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

> The state of the Stanhope government.

MR HANSON (Molonglo) (4.04): In rising to talk about the state of the Stanhope government it struck me that it would be appropriate to speak from the perspective not of the Assembly but of a typical Canberra resident on what they would think about the state of the Stanhope government. So if you are a pensioner, a uni student, a mum, a dad, whether you are living in the inner city or out in the suburbs, what would be your view of the Stanhope government and how it has performed?

There is a lot to cover, but I think I will start at the hip pocket, which is certainly an issue that concerns every Canberra resident. If you look at the increase in fees and charges since the Stanhope government has come to power—and certainly since 2001—you can just imagine what the average Canberran will be thinking. As an example, electricity prices for the average household have gone up by about 70 per cent. For water, the fees and charges have gone up about 106 per cent.

If you are struggling to pay rent, you will find that the price of your rent will have gone up by an average of 55 per cent. For rates—for the information of members—the increase is 75 per cent. I looked at a couple of suburbs which might be relevant to people I know and how my good neighbours, John and Pam McAlister, might find their rates have gone up. In the suburb of Holder their rates will have gone up by 87 per cent in that time frame. In other suburbs—for example, where Mr Doszpot lives in Calwell—rates have gone up 99 per cent.

If you need to take public transport or if you choose to take public transport, you will find that the cost of doing so has gone up in that period by 31 per cent. Since 2002 the median house price, for those who can still afford a house—and that is now increasingly out of the reach of so many Canberrans, be they singles or young couples trying to get into the market—has gone from $245,000 to $550,000. That is an enormous increase in price during the life of the Stanhope government, which has really done very little to ameliorate that massive increase, doubling the price of housing in the ACT. It is not about to get any better.

If you look at the document that was just tabled by the Treasurer on the change of use charge, you will see that the amount of increase in the change of use charge means that it is more than likely—and I would say very likely—that we are going to see quite significant increases in new developments and probably further squeezes on the availability of housing as developers now consider whether or not they will actually go ahead with certain developments. If you are a young family with kids, you will be suffering under the—is it the highest or the second highest, Mrs Dunne?—rates of childcare in the nation.

Mrs Dunne: The highest.

MR HANSON: Thank you, Mrs Dunne. If you, for example, have two children at childcare, you will be paying an increased amount of $1,560 a year, just based on the last raft of government changes to legislation. The average Canberran will be pretty upset about the fact that so many of their hard-earned dollars are going to pay for the increased fees and charges, mortgages and rates and rent that they have to pay. They will look at this government's priorities as they drive past some of the public artwork—the $2 to $3 million that has been spent on an annual basis on bizarre artworks throughout the city.

They will look at some of the priorities—for instance, the banning of plastic bags. They will think, "Well, is that really the necessary environmental action that we need to take?" They know that the impact will be so minimal, if at all, when we look at the evidence of the increased cost and inconvenience that it is going to cause to so many Canberrans.

They will look at this government's obsession with civil liberties and human rights. We all are concerned about civil liberties and human rights. But when we see initiatives like the one put forward by a headmaster trying to prevent schoolkids from truanting his school by going and asking that shops do not serve his kids during the day when they are in school uniform and being told that is against the human rights of those children we find it absolutely bizarre. I think that there would be very few people in Canberra, other than those sitting on the other side of this chamber—and on the crossbench probably—who would think that was appropriate.

People will drive past the arboretum and see the $50-odd million that has been spent on the arboretum. They may think that is a nice thing, and it probably will be nice. But will they think that is the best way of spending $50 million of their hard-earned taxpayers' money? Because let us realise this is not Mr Stanhope's money; it is their money. They probably will not.

Likewise, people will question the amount of money that the feed-in tariff is going to cost us. Is that the best way to reduce carbon emissions, at over $400 a tonne? I think that the average Canberran would question why it is that we are managing legislation in such a fashion that it is causing such extreme pressures on people's electricity budgets.

We have seen legislation on shopping trolleys. We have seen Simon Corbell's $17 million wetlands. We have seen the Stanhope government—I was going to say "being dragged to the left by the Greens", but I think that they have probably gone there quite willingly—scramble to the left as they say, "I'm a bigger leftie than you are." Perhaps, Andrew Barr, they are all going there as quickly as they can on environmental and social issues as they fight for the vote on the left.

Let us think about other aspects that touch people's daily lives and let us talk about ACTION buses. Do you hear many good reports about ACTION buses? Do you hear of many people being happy about that? Certainly if you read the Auditor-General's review you will find that very few people are. And what about the court system? The

Attorney-General might like to respond to this. He might want to talk about his virtual district court, one of his great initiatives, or perhaps some of the extensive delays in our court system that we know occur on a daily basis.

I could certainly go to the litany in corrections, and I have done so many times in this place. If I have time, I will go through some of those. The highlight was probably the fake opening and some of the information and the evidence that we have uncovered this week. In 2007 Simon Corbell assured us—again he assured us that his statement was correct—that this was a jail that, in its current bed configuration, had capacity for 25 years. In the same breath he told us that he was retrofitting the jail with bunk beds because they have got capacity issues. I think there are very few people who drive past that prison in Hume now without a sense of exasperation about where so much of their money has gone, both in the capital works—$130 million—and on the operating cost of that jail.

Businesses are being strangled by red tape. The Business Council of Australia report made that very clear. Regarding emergency services, there was the Auditor-General's report into ambulance services. Was that the one Mr Stanhope attacked the Auditor-General on? I think it was.

Mr Smyth: Amongst others.

MR HANSON: Amongst others. People look at this government and at its response to problems like problem gambling. They see how conflicted the Labor Party is—how this government on the one hand is trying to be moralising and preaching about gambling and, on the other hand, is taking literally millions of dollars from its own pokies. The rank hypocrisy, I think, smells. I think everybody in this community—other than those perhaps deeply affiliated with the Labor Party—would see the rank hypocrisy and would see absolute despair at how this government can on one hand pretend to moralise about gambling and, on the other hand, take the money from the pokies.

They have seen in the time of this government, just recently, a minister having to be removed as a result of his behaviour and poor performance in terms of budget blow-outs and incompetence in corrections—and, as I said, budget blow-outs in TAMS—and replaced with a minister who, I think by everybody's standards and assessment, is not fit for the job.

Certainly, we have seen that with Bimberi and the mishandling of Bimberi. What we have seen in some of the evidence we have heard this week is a minister who is out of her depth. What we have seen in Bimberi are budget blow-outs, assaults and low staff morale, and we have seen her inept handling of that issue. "Inept" is probably the kindest word I can use.

With regard to the budget, we know that we have a strong economy—we have a very strong economy here—and we know from CommSec that the ACT was insulated from the global financial crisis. Mr Corbell will tell us that he cannot actually afford to build the chapel out at the jail because the building sector here is so overheated. So there is certainly no argument that we were hit hard by the GFC. In fact, when you look at the revenues into the ACT, it is the opposite.

But still we are going into debt; still we are going into deficit. Why is that? I think that your average punter would say it is because this government is addicted to spending; it simply cannot stop itself. When it does try to make some cuts through efficiency dividends, which is Katy Gallagher delaying the pain from a couple of budgets ago, we see that it is going to cut—and we saw it quite clearly from Andrew Barr's cuts—disability education. It is quite remarkable.

Why is it that we are in such a situation? Part of the reason is waste. You look at the amount of money that is being spent on the arboretum, the $7.5 million spent on the dead running of buses, the five million that was wasted on the busway, the $100,000 artwork at the Alexander Maconochie Centre and the $20 million—and probably more—that has been wasted because of the need to duplicate the GDE, which should have been done the first time and it should have been done right.

We look at the $5 million that was wasted on FireLink and, as I said before, over $400 a tonne for carbon emissions under the feed-in tariff. I do not know what the cost of Rhodium is, to be honest. I do not know what the waste was there. Is it millions? Is it tens of millions? The government might be able to tell us. I think everybody has lost count of quite how much we have lost—how much waste there was under Rhodium.

When I look to health, which is obviously an area particular to my interest, we know that we have emergency departments that are just not meeting targets. We had some discussion about this during question time. The reality—and you can look at the latest AMA report—is that our emergency departments met the clinically and nationally accredited standards when this government took office. That is, 75 per cent of people were seen in the allotted times. That is now down to about 56 per cent and 59 per cent for category 4 and category 3 respectively.

If you are waiting for elective surgery in this town you are waiting longer than anyone else in Australia. Fifteen per cent of people in the ACT who are waiting for elective surgery are waiting for over a year. The wait for elective surgery is more than double the median wait for the rest of Australia and it is significantly worse than in New South Wales, which used to be the benchmark for poor performance before this government took power.

Looking at GPs, again, we have the lowest number. We are going to need 140 GPs, or 70 FTEs. So that equates to 140 doctors that we need before we get the right number of GPs in this town. This government had a completely hands-off approach to that until it was hammered about it at the last election by the Canberra Liberals. In fact, it was Katy Gallagher who basically said, "It's not my responsibility; that's a federal issue." It was not until we made a case, had the inquiry and forced the government to have a taskforce that it started to take action. But it is going to take years, if not decades, to catch up because of this government's negligence.

We have seen the government's response to Calvary. We have seen what they have tried to do there. We have seen the fiasco which was the planned purchase of Calvary and the sweetener which was Clare Holland House. We have seen that dashed on the rocks. We have seen the government's inability to do anything substantive with Calvary or to invest in our hospital infrastructure substantively in the north of

Canberra. Whilst we have seen a lot of money going to the Canberra Hospital—not always wisely, when you look at the doubling of the car park from $29 million to $45 million—we have seen very little investment in Calvary.

Mr Speaker, I could go on and on. I think that when you compare the reality for the person on the ground with the sort of fluff that gets put out today by this mid-term report by the government you will see that the reality for the average Canberran is very different from what has been put out by this government.

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) (4.19): I am particularly pleased today to have this opportunity to address the Assembly at the midpoint of this term of parliament and to talk to this government's great record of achievement over the past two years and, indeed, over what is now nearly the past 10 years.

A good government, of course, never rests on its laurels; it seeks to continuously improve on what it does, whether that be in the area of delivery of essential services or protecting the vulnerable or communicating with the people it serves. This afternoon, as has been mentioned, I have had great pleasure in releasing a mid-term report which sets out the achievements of this government over the last two years and gives a taste of the work that we have committed to during 2011 and beyond.

The past two years have been challenging ones in many respects as our city, in common with the rest of the country, has emerged from the global financial crisis, and we have emerged well. We have emerged well with our AAA credit rating intact, with more jobs created, with business confidence improving and with strong prospects for growth. In each of the areas Canberrans tell us are crucial to their quality of life, we continue to deliver in spades and with strong support from the community.

Quality health care is, of course, central to the quality of life of any community, large or small. Labor has invested massively in the future of the ACT's healthcare system, and never more so than in the past two years, during which we have embarked on an ambitious billion-dollar capital program to prepare our health system for demands of the future. But this is not just about more beds and more operating theatres, though it is relevant and pertinent to note that we started by reopening the 114 beds which the Liberal government had closed. Our commitment is commitment that touches the total health system. It involves new models of care, better use of technology, different ways of providing care, and workforce development.

Notable achievements over the past two years include two additional operating theatres at the Canberra Hospital, providing greater capacity to deliver emergency and elective surgeries to more Canberrans; 40 additional beds at the Canberra Hospital, with another three on the way; a new six-bed mental health assessment unit, improving the assessment and treatment of Canberrans in need of swift intervention; the ACT's first nurse-led walk-in centre at the Canberra Hospital; a 16-bed critical care unit at Calvary Hospital, boosting the capacity for critical care on the north side of the city; a new state-of-the art neurosurgery suite at the Canberra Hospital; and

design of new or improved community health centres at Gungahlin, Belconnen and Tuggeranong.

The concept design for the first phase of the capital region cancer centre has been completed. Indeed, our detailed design is now underway. In the interim, an additional two in-patient beds for the capital region cancer service at the Canberra Hospital were opened in 2009. A neonatal intensive care unit has been integrated into the design of the new women's and children's hospital on the Canberra Hospital campus.

In March 2009 the government launched the GP taskforce to investigate GP workforce issues. The taskforce's final report was tabled in the Assembly in September, and the government's response was tabled in December of 2009, agreeing or agreeing in principle to all of the recommendations, a number of which are being progressed.

The 2008-09 budget funded initiatives to attract training GPs to Canberra and increase nursing staff. The 2009-10 budget continued the work, with $12 million over four years to grow the GP workforce through training scholarships, a business-hours aged care GP locum service, and the extension of the successful prevocational general practice placement programs. In the 2009-10 budget we committed $8.2 million over four years to expand the roles of allied health professionals, doctors, nurses and assistants. Of course, there are no quick fixes here, but there is real investment in things that will deliver dividends over time and strengthen our community.

In the past two years Labor has worked hard to further support the rights and needs of the most vulnerable in our community. Achievements include a dedicated women's plan, a children's plan and a young people's plan, a renewed multicultural strategy and a strategic plan for positive ageing—documents that are guiding and informing all of the government's policies.

The past two ACT budgets have seen significant investments in the disability sector, the out-of-home care sector and carers. In 2009-10 the ACT and federal governments joined forces to deliver a suite of new programs to tackle homelessness. The result is more properties, new service delivery models and more support for those with complex needs, including mental illness and substance abuse.

The street to home program has been operational since March 2010 to support Canberrans experiencing chronic homelessness. The program uses assertive engagement and outreach to help people into appropriate and stable housing. Our refugee transitional housing program has been expanded to provide 16 properties for newly arrived refugees, and a grant of $750,000 has allowed the early-morning drop-in centre at Pilgrim House to refurbish and expand its facilities. We have acted on feedback regarding homelessness services and have invested more than $2 million over three years on a new central intake service.

In the area of community services and facilities, a community sector portable long service leave scheme has been introduced. The government is examining how to better regulate boarding houses, with a discussion paper release. The government has just about completed the regional community facilities project, refurbishing sites at

Rivett, Holt, Chifley and Cook as community hubs housing numerous community groups working in the areas of the services, the arts, education, health and wellbeing.

In February 2009 the Gungahlin police station became a 24-hour-a-day, seven-day-a-week service. Emergency services have also been boosted with the creation of an additional six community fire units, with a further six to be established this financial year. In the 2010-11 budget, funding was provided for the establishment of an additional 11 positions in the ACT Ambulance Service.

A great education, as we all know, is the best gift any community can offer its children. In a fast-changing world, education must be a lifelong pursuit, not something left behind with childhood. Over the past two years, the ACT government has delivered better educational outcomes through a range of important initiatives. We are progressively delivering universal access to 15 hours of free preschool each week. In 2009 we started on our five early childhood schools. The scheme expanded in 2010 into another eight schools.

All young Canberrans are now required to remain in education, training or employment until completing year 12 or turning 17. In the 2008-09 and 2009-10 budgets, the government funded more teaching positions to improve teacher to student ratios in all public schools. In 2010 there were the equivalent of 10 additional teachers in primary schools, 50 to the high school sector and 10 to the college sector. The 2009-10 budget allocated $6.4 million of specialist literacy and numeracy teachers and $3.1 million over four years to English-as-a-second-language programs. There are now 21 specialist literacy and numeracy officers in Canberra's public schools and additional ESL teachers. In 2010, 50 primary schools are offering language programs. From next year it will be every primary school.

An $11.9 million investment was allocated in the 2008-09 budget for capital upgrades of public schools. This was boosted in 2009-10 by $6 million for capital works to support the government's policy for smaller class sizes. Capital works totalling more than $200 million were delivered at schools in 2009-10, including $25.6 million under the schools infrastructure refurbishment program and $12.2 million under the annual capital upgrades program. Construction work is well advanced on new schools. The $72.4 million Gungahlin college will open at the start of 2011, as will the $56.5 million Kambah school. Construction has begun on the $45 million Harrison secondary school, with a further $2 million allocated in the 2010-11 budget for a larger two-court gymnasium.

Mrs Dunne: We spend a lot of money—such a lot of money. What do we spend on Bimberi?

MR STANHOPE: Mrs Dunne interjects, "Too much money." She says that we are spending too much money on education.

MR SPEAKER: Members, Mr Hanson was heard in silence, and I expect the Chief Minister to have the same standard.

MR STANHOPE: Mr Speaker, for the past two years the ACT economy has been consistently rated as the strongest or near the strongest in Australia. This ranking is no accident; it is the result of good economic management. The ACT government exercises strong financial management, making gradual and sustained adjustments to expenditure, making savings where appropriate and preserving and enhancing the priority services which Canberrans want and need.

Investment in our city has been a hallmark of this government, and this investment has hit new heights over the past two years. The centrepiece of the 2008-09 budget was a $1 billion building the future program of investment in territory infrastructure. The 2009-10 budget built on and enhanced the program with an additional $274 million for new capital projects.

The past two years have been busy ones for the tourism industry. Campaigns have included culture shock, wrapt in winter, Floriade spring, and see yourself in the nation's capital. The ACT government partnered with the National Gallery on the Masterpieces from Paris exhibition from the Musee d'Orsay. Total visitor numbers exceeded 473,000, with 80 per cent of visitors coming from interstate and with an estimated economic benefit to the territory of $95.2 million.

The government is determined to see that this great city remains great and that it responds to the challenges the future will bring without losing or compromising the things Canberrans cherish about their town. The Canberra 2030 conversation, time to talk, was designed to identify those things Canberrans love about the city and the compromises we will need to make and the opportunities we will face as the century progresses.

During the project thousands of people provided their views. There were 1,800 website-registered visitors, 15,000 website page visits, 60,000 website page views, 1,028 ideas submitted, 22,000 ideas liked, 12,000 ideas disliked, 1,344 online surveys completed, 1,160 telephone surveys, 364 postcard ideas returned, 520 community workshop participants and 230 expert forum attendees. The ideas and feedback from the conversation will help inform policy making over the remainder of this term and beyond and will build on the work that we have done over the first half of the term to deliver a more vibrant city and great neighbourhoods.

In relation to housing and land supply, the achievements are: in 2008-09, 4,339 dwelling sites released; in 2009-10 a further 4,279; and the delivery of affordable housing options, such as 247 homes under OwnPlace, over 500 land rent blocks and an increase from 15 to 20 per cent in the proportion of new estates dedicated to house and land packages priced at under $328,000. There have been shopping centre upgrades, each valued at more than $1 million, at Garran, Deakin and Ainslie, and community consultation sessions have been held or continue in relation to similar upgrades at Scullin, Deakin, Farrer, Lyons, Red Hill, Waramanga, Ainslie and Holt.

Labor took to the 2008 election a vision of a city that would not only be the nation's capital but a solar capital, a city that took seriously its obligations on some of the big sustainability issues we confront. Progress towards the creation of a truly sustainable city has been progressed during the past two years on many fronts.

The 2010-11 budget allocated $1.3 million over four years and new funding to increase the amount of renewable energy the government purchases from 30 per cent to 32.5 per cent. In November 2009 construction of the enlarged Cotter Dam began. The project will increase the capacity of the dam from four to 78 gigalitres. In March 2009 the government introduced the gross ACT feed-in tariff scheme. The scheme has been an outstanding success, with a 520 per cent increase in the number of solar installations on Canberra's homes.

On 12 May the government announced the target of zero net greenhouse gas emissions for the territory by 2060. On 26 October the Assembly passed the Climate Change and Greenhouse Gas Reduction Act. The Plastic Shopping Bags Ban Bill was passed in the Assembly this week. The bill bans the supply of bags of 35 microns or fewer.

In 2008-09 our bus fleet was augmented by 16 wheelchair accessible, low emission, compressed natural gas buses. In 2009-10 ACTION's fleet replacement program saw the delivery of 46 wheelchair accessible Euro 5 clean diesel buses, including eight high capacity buses, as part of a $49.5 million replacement bus program. The delivery of 100 new buses is expected to be completed by June 2012. Some 194 ACTION buses now have bike rakes fitted, with a further 65 to be fitted by the end of this financial year.

Housing ACT continues to address climate change through the retrofitting of properties and the building of new ones. In 2009-10 the government embarked on an investigation of stormwater harvesting from Lake Tuggeranong to irrigate district playing fields. Planning and design work is continuing for major stormwater pilot programs in the north, Tuggeranong and Weston Creek.

Unlike any other government in the nation, the ACT government combines the functions and responsibilities of a state government with the municipal functions of a local council. The ACT government places great priority on these municipal functions. The delivery of high quality services to the people of Canberra has always been a priority for Labor.

Over the past two years new initiatives have included: a $97 million investment in transport for Canberra, including $6.1 million for improved ACTION transport services; in 2009 ACTION commenced a trial of Redex, a high frequency service from Gungahlin through the city to the Kingston railway station, now extended to Fyshwick; in 2008-09, $1.25 million in new facilities for cyclists; a further $2.9 million invested in 2009-10 and $4.6 million on maintenance of existing facilities; in 2009 the Emergency Services Agency completed the revision of the strategic bushfire management plan; and a boost to the emergency services vehicle replacement program has seen two new intensive care ambulances, five new heavy pumpers, a new storm response vehicle, a special purpose access vehicle and off-road rescue vehicles for the fire brigade.

Labor knows the value of a world-class public service and works to make our own small service a model for others. Regrettably, my time is exhausted and I am not yet halfway through my speech. I will look for an opportunity, hopefully presented by the Liberals, to comment again on the great record of this government. *(Time expired.)*

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.34): If nothing else, this is an apt discussion for the last day of sitting for the year and the halfway point of the Seventh Assembly. Certainly much has changed over the last two years. The government is in better shape than it was when it had a majority in this place. The Assembly and democracy in the ACT are also much healthier because of the influence of a strong crossbench provided by the Greens.

That said, there is still a long way to go and much more to do. The government does have shortcomings and fails to address some pressing issues facing the community.

Mr Seselja: Are they heading in the right direction, Meredith?

MR SPEAKER: Ms Hunter, one moment, please. Stop the clocks, thank you. Mr Seselja, I think you might have been out of the room, but Mr Hanson was heard in silence and I expect other members to be afforded the same courtesy.

MS HUNTER: Thank you, Mr Speaker. Thanks to the Greens, this place has a very different dynamic and has been much more responsive to community concerns and delivered much better outcomes for the people of the ACT. Thanks to the ALP-Greens agreement, there have been significant improvements for the people of the ACT.

Most notable, of course, is the climate change target. The government would not have committed to such a significant greenhouse gas emissions reduction without the Greens. The government has had a mixed performance on the environment. After a sluggish couple of years, the Greens were very pleased to see the government make a commitment to set a science-based climate change target of 40 per cent by 2020 and have been heartened to see some positive action on renewable energy through the development and expansion of the feed-in tariff. These are two outcomes that the Greens included in the parliamentary agreement and have long campaigned for. I think that the climate target would not have happened without the Greens being in the Assembly and without strong engagement from the community.

Other improvements that have come along because the Greens have been in the Assembly include better funding for mental health, housing and transport.

Through the agreement, community-based mental health services are receiving more funding, which is where we need the investment to occur. However, we still have a long way to go in tackling mental health issues in our community. We should be supporting calls from the community for 12 per cent of the health budget to be spent on mental health. This budget saw an additional $1 million per annum in mental health growth funds; the community needs much more than that, especially given that the Chief Health Officer has shown that mental disorders now make up 15 per cent of the burden of disease in the ACT and five per cent of our mortality rate.

We also found out that there were people who were homeless and exiting the psychiatric services unit who were being sent to unsupported accommodation. It is vital that the government invests in housing and supported accommodation options for people with mental illness. Without that, there is little to no chance of them

recovering from serious illness; they will simply continue to bounce in and out of acute hospital beds.

We have also seen the government start to deliver on the increase in public housing stock. I believe that many of the aged people who live in public housing will be grateful for the GFC stimulus spend and the chance to move into a new public housing property that is much more suitable for their needs as they age. Questions remain, however, as to what the government's commitment is to increasing the public housing stock once that stimulus funding ends. Public housing stock must continue to grow as the population grows; we are naive if we think that we see growth only in that segment of the ACT population which is affluent, especially if the Gini coefficient—that is, the spread between those on the lowest income and the highest incomes—continues to worsen, as it has in recent years.

I turn to transport. As a result of the parliamentary agreement, we have begun to see a shift in transport investment priorities towards improving public transport. As part of the agreement to improve frequency, the government operated the Redex from Gungahlin as a trial service. The overwhelming success of that service has ensured that it has been made a critical part of the current and future networks. A broader improvement in investment in public transport infrastructure—the expansion of park-and-ride facilities, building busways and other projects—is building a better public transport system. We have probably seen more action in two years than in the previous terms of this government.

The ACT Greens will continue to push for further investment in better public transport throughout the remainder of this term of the Assembly, particularly for the people of west Belconnen, Weston Creek, Tuggeranong and the new Molonglo development. These areas do not receive adequate public transport, and we need to provide better services to do more to encourage people to use public transport.

A recent survey conducted by the Institute of Transport and Logistics Studies at the University of Sydney shows that over half of Australians consider public transport improvements to be the highest priority transport issue for governments. This shows that the ACT Greens, by pushing for a public transport focus through the agreement, have not only been supporting sustainability in transport but delivering the improvements that the public believe are most important.

The Greens have also ensured the provision of the Nightrider bus service over the summer period. This is an important step in reducing late night violence and reducing the incidence of drink driving by providing a cheap mass transport alternative. We make it easier for the residents of Gungahlin, Weston Creek and Tuggeranong to enjoy a night out without being compelled to pay upwards of $50 for a ride home. It is an excellent service and we sincerely hope that the government chooses to extend the service in order to improve the safety and affordability of a night out on the town.

The parliamentary agreement has also delivered many new cycling and walking infrastructure projects for Canberra, such as the new path signage, the new Jerrabomberra wetlands cycle path and the Mouat Street share path that is currently under construction, as well as the resealing of many paths and footpaths.

The Greens have also improved access to justice. Unmet legal need is an issue right across Australia, and Canberra is not immune. Unmet legal need arises when people are faced with a legal issue and cannot afford a private lawyer, do not qualify for legal aid and end up slipping through the gaps. People in this situation are forced to either represent themselves in court or leave the legal issue unresolved.

For people who are homeless or at risk of homelessness, an unexpected legal issue can be particularly traumatic and damaging. To assist these people, the Street Law outreach project was funded in the 2009-10 budget. The project offers free legal advice and referrals to people in need. The project was an item the Greens put in the parliamentary agreement. It has been a success. In the first six months of operation 181 homeless clients were assisted. Because each of these clients had multiple legal issues, the service provided to them has been significant. Street Law is another clear example of the real benefit the parliamentary agreement is delivering to Canberrans in need.

We also returned a library to the inner south, with a state-of-the-art library opening in Kingston last year. Last year's TAMS annual report shows that over 80,000 items were borrowed from the Kingston library in its first six months, and we have had a flood of positive comments from members of the public saying how they use and enjoy this new library.

The plastic bag ban that was passed by the Assembly this week is an important step in making the ACT an environmental leader and decreasing our waste and our use of plastic.

The feasibility study for a Gungahlin shopfront that is currently underway is another achievement of the parliamentary agreement. This is expected to result in a full shopfront service for people of Gungahlin, something that is overdue and will make a significant contribution to those who live out in Gungahlin.

Other improved outcomes that have come about because of the Greens include moving forward the establishment of the wetlands, something that Mr Hanson thought was a terrible idea. I can tell you that people living in those areas are seeing it as a fantastic addition and amenity for their community. Other improved outcomes are the six-star housing for all new developments; solar passive orientation for new housing and subdivisions; the introduction of triple bottom line reporting into annual reports, although I note that more work needs to be done; a more sustainable Molonglo Valley development; child-friendly planning; and a recentralised community engagement unit in CMD.

All of this demonstrates just what a positive impact the Greens have had on the government of the ACT. There is, of course, much that remains to be done, and significant criticisms remain.

There are areas where the government continues to rely on rhetoric without taking real action. We have seen instances, for example, where it talks about its commitment to environmental initiatives but then fails to act on them. And we do have ongoing concern that the management of our nature reserves is underfunded. We appreciate

that the percentage of reserve area in the ACT is large, but these areas are our city's best asset and we must find a way to protect them in a way that is sustainable.

We also have ongoing tensions in regard to the location of developments that impact on biodiversity values on our city's fringe, and the government has not got a strong record of accounting for this before starting developments. Molonglo is a case in point. The government failed to integrate biodiversity planning into its plans for Molonglo; it has been caught out by the federal environmental assessment process and is now having to go searching for solutions to bad planning.

The development of particular policy papers has been slow. We have waited quite some time to see the waste strategy, the energy policy, the review of the Nature Conservation Act. We need to be careful not to put all the blame for this at the door of public servants, who are obviously trying to get these policy developments out the door. The government must take responsibility, as they decide where to allocate resources. It is no use announcing a policy of great intent and not delivering on it because resources are not prioritised.

A year and a half ago the Greens introduced legislation on energy efficient hot-water systems which—*(Time expired.)*

MR SESELJA (Molonglo—Leader of the Opposition) (4.45): I thank Mr Hanson for bringing this forward. Let us look through some of the issues: a cover-up of an inquiry into bullying at the Canberra Hospital; repeated reports of major problems at Bimberi leading to the need for a review, with the minister even recognising serious cultural issues at Bimberi; AMC reaching capacity after two years of operation; discovery of a toxic waste dump in Molonglo; we are told today that electricity prices are to rise $7,000 in the next decade; a damning report on community respite care; a woman with a stroke waiting for days for care; buses that do not fit on the street—and that is just this week. You would think that a list like that might be for a month, a year, a few years. But that is just this week.

Perhaps that is a little bit reflective of where the Stanhope Labor government is. Just this week we have seen those kinds of serious issues. To get one of those issues in a week I think would be a bad week; but in just one week we have had the cover-up of the bullying inquiry; the need for a review of Bimberi; AMC is full; the discovery of a toxic waste dump; the damning report on community respite care; a woman with a stroke waiting for days for care; and buses that do not fit on the street.

So let us look at where the Stanhope government is and how the people of the ACT are being served and let us look at it through the prism of this year. Now we are told that the prison is full. But of course before that we had the sham opening on the eve of the election; double the national average cost per prisoner per day; budget blow-outs in construction; lack of chapel or gym; breaches of internet policy; the reduced capacity—and now it is full.

Mrs Dunne: And they still haven't got the liquidated damages.

MR SESELJA: They are serious issues we have. The GDE, a major 2008 election promise, is already millions over budget and still not finished. And the bridge

collapsed. We are in a First World country here and we have got a government that undertakes projects where bridges collapse. Thank God no-one was killed. But we have a situation where the GDE stands as an example of the way this government gets things done. It is years and years late. The government did not finish it in the first place. It got it wrong. It was not fit for purpose. It then had to duplicate it. People are waiting in traffic, frustrated. Then we saw the bridge collapse. I think that is emblematic of this government's performance.

We often hear, and we heard from the Chief Minister again, just how much the government spend. That is always the greatest achievement they can point to: just how much of our money they spend on stuff—not the outcomes they get but how much they spend. In that regard it has been a great year for the government because they have spent a lot of our money. It has been a great year for dam building because they were only going to spend $120 million, $145 million, $180 million—$180 million perhaps we will give them—and now they are going to spend $363 million. But we are still getting one dam. We are still getting the same size dam. We are not getting a bigger dam. We are not getting two dams; we are not getting three dams. We are still getting the same amount of water for three times the price. If we put into context the record investments that they speak about, that is an example—record investment in dams; three times the cost, same result. Same result: one dam.

Let us look at health—again record investments; always record investments. They are always spending more of our money. They are taxing us much more and spending more. But let us have a look at the results in health. We have the lowest bulk-billing rates in the country, the longest elective surgery waiting lists in the country and some of the worst emergency department waiting times in the country. Some of the stats are even worse than in New South Wales. In fact, in health in a number of areas New South Wales outdoes us. This government cannot even point to the New South Wales defence. That was the Victorian government's defence: "We are not quite as bad as New South Wales." Well, in health, when it comes to waiting lists and other areas, we are actually worse—worse than New South Wales.

The clinical outcomes review found evidence of a systematic reticence to address staff performance issues in the maternity unit at the Canberra Hospital, particularly issues relating to inappropriate behaviour by certain medical staff. There was a bullying and harassment inquiry and it has been covered up; it has been covered up just this week.

The Calvary sale: the government tried to spend $77 million of our money on something that they simply did not need to spend money on—$77 million that they wanted to throw away because the minister did not do her homework, because the government got it wrong. And thank God there were people raising objections, like Mr Hanson and others in the community, to the point where it fell over.

Health funding: we are the territory that is going to hand over more GST than anyone. We are going to hand over 50 per cent of our GST when other states are only handing over 30 or 25 per cent or even less. Why would we hand over so much more to get exactly the same thing from the commonwealth that every other jurisdiction is getting?

I did want to focus on the cost of living because when we look at the performance of a government people ask themselves: are we better off? We know when we look at the statistics over the last few years that there have been price rises since 2001 that the government do not seem to care about; they want to add to them at every turn. The price of electricity is up 70 per cent; water price is up 106 per cent, the highest in the country; rent is up 54 per cent; rates up 75 per cent. These are massive numbers. These are massive increases that are far above CPI, far above the rate of growth of wages in the ACT over that period. So people in that situation, average wage earners on those measures, are far worse off.

We know that rents are high. We also know that the cost of buying your first house has gone through the roof. So the cost of housing, the cost of rates, the cost of rent, the cost of water and the cost of electricity have all gone up well above inflation in that time. This is a government that wants to do more to add to those burdens with things like the feed-in tariff, which will add $200 a year to the cost of electricity in the ACT. The government is going to add additional burdens.

We could go on and on in relation to the state of the Stanhope government, but I wanted to reflect on some of what the Canberra Liberals have been doing which is different over these last couple of years and particularly this year. We have seen the Infrastructure Canberra Bill, which is a comprehensive structural reform for infrastructure delivery. This is supported by industry groups and is now before the Assembly.

We have passed the ACT's first laws to limit government advertising being used for party-political purposes. We have been the only party to critically analyse the budget. We opposed the very flawed virtual district court, which was eventually canned and we saved taxpayers a lot of money. We introduced legislation to create a cooling-off period for ministers taking up positions on government agencies or boards. We pushed for campaign finance reform, leading to establishment of the committee inquiry. We successfully moved to protect the EPIC board from government interference. We pushed to have non-government schools included in the Shaddock review of disability services. We forced the government to backflip on support for disability services in relation to the Shepherd Centre and Noah's Ark.

We increased the number of individual support packages for people with disabilities, leading to Karyn Costello finally going home after being a dischargeable patient for 1,100 days at Canberra Hospital. We exposed the minister for education's misinformation to the Non-government Schools Education Council regarding the Canberra Liberals' position on funding to non-government schools. Attention we brought on the government led to an extension of the consultation period on the recent proposed cuts to Department of Education and Training support staff. We exposed bullying in hospitals, leading to two reviews. We exposed failures in the prison, leading to the Hamburger inquiry.

We proposed health forums and development of a state of our health review. We were the first to highlight the false premise of a botched Calvary sale, now referred to a committee, saving a potentially wasted $77 million. We passed the ACT's first drug-driving laws. We fought to protect street trees against a $10 million cut and end

of program. We exposed the downgrading of patients from cat 1 to cat 2 for non-surgical. We established a shadow ministry for veterans' affairs. We pushed for better support for ESA management and support with legislation. We called for roads to be maintained and parks opened for public access. We introduced a policy of centralised waiting lists for childcare and a childcare master plan.

We were the driving force behind the introduction of the Kambah master plan. We pushed for action at local shopping centres, including Hawker, Manuka and Evatt. We introduced auditor-general legislation to protect the independence and funding of the Auditor-General. We moved to protect small businesses and support them being paid on time. We exposed ACTION bus network management that led to the Auditor-General's report. We exposed Katy Gallagher and Jon Stanhope's deal to hand over 50 per cent of GST. We made the government accountable with regard to its lack of support for community sports.

The list goes on and on. We are doing the hard work. We will continue to hold this government to account. We will put forward real alternatives for the people of the ACT—because the people of the ACT are not better off; they are paying more and they are getting less. They deserve better than what they are getting from this government. We will continue to offer it to them in our time in opposition in preparation for taking government.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.55): The Stanhope Labor government has delivered results for this great city but it is also looking to the future, to the challenges that will confront coming generations of Canberrans, and is displaying leadership and vision in areas such as housing affordability, water security and climate change.

The government acknowledges that these are the collective aspirations shared across our community. Working towards these goals requires a collaborative approach that works to strengthen and build our businesses, community and city.

Over the past two years we have implemented a comprehensive program of modernisation to ensure that this government communicates with and is listening to Canberrans. The government acknowledges that responsible governing requires a forward-looking approach rather than a pessimistic critique.

In 2008 we released *The Canberra plan: towards our second century*, setting out our broad vision for Canberra's continued prosperity as we approach our second century. We have asked Canberrans about the shape they want their city to take in 2030, a process that has used deliberative forums, social media and random surveys as well as more traditional forms of consultation such as town hall meetings and written submissions.

Canberra is a vibrant city with great neighbourhoods. As we grow as a city it is essential that the government take a bold, forward-looking approach that commits to maintaining the amenity and facilities that support the rich culture and community of Canberra. The government has a vision for the future of this city and it is delivering on it.

Planning for the next stage of Molonglo Valley is underway, with a draft planning and design framework due to be completed by mid-2011. It will form the basis of the next residential land releases, a group centre and higher density residential areas.

The ACT Planning and Land Authority is in the final stages of its review of planning for Gungahlin town centre and will release a draft variation to the territory plan shortly. Works arising from the Black Mountain peninsula master plan are scheduled to take place in the first half of next year and a conservation management plan for Weston Park is expected to go to the Heritage Council for endorsement in the early months of next year. Construction of the Tuggeranong Seniors Club in Greenway is programmed for completion next year.

In 2011 and beyond, the government will continue to respond to the challenges of housing demand and affordability. In 2010-11 5,000 dwelling sites will be released with 17,000 to be released over the coming four years. In 2010-11 the Chief Minister, the Treasurer and the minister for housing and community services will jointly oversee a review of the public housing sector. The 2010-11 budget funds master planning and design studies for the Tuggeranong town centre and Erindale group centre and also for the much valued precinct of Pialligo.

Master planning work for the Bega, Allawah and Currong apartments will continue into next year, and in the coming year the Centenary of Canberra Unit will continue to work on a full program of events for this city's centenary. In 2011 work will commence on many of the projects identified in the Canberra city area action plan. Construction of the business centre at the National Arboretum will also begin.

The government accepts the overwhelming scientific evidence that human activity has already changed, and will continue to change, our climate. Rather than walk away from this responsibility, as stewards of the future of this great city the government is taking practical steps to address and tackle the implications of climate change. The government will put in place mechanisms for the long-term measurement of greenhouse gas emissions to allow for the tracking of progress in emissions reduction. We will establish and implement a framework to achieve carbon neutrality in government operations by 2020.

As minister for the environment, climate change and energy, I have been pleased to announce and am committed to progressing work on the expansion of the ACT's feed-in tariff scheme to large-scale commercial production capable of powering many thousands of Canberra homes with renewable energy. The expansion of the feed-in tariff for medium and large-scale generation will create significant economic opportunities for our city and will assist the city to make the transition to a low carbon economy. The ACT government is committed to making our city Australia's solar capital. The expansion of the feed-in tariff establishes the policy framework needed to make that happen.

The government knows that vision needs to be supported by action. That is why we will continue to plan for the future. We will revise the ACT's climate change strategy, weathering the change, and release action plan 2 as a roadmap to carbon neutrality. The government will increase the ACT's use of renewable energy and support the

growth of a clean economy, developing and implementing climate change adaptation strategies.

As I have said earlier, the government acknowledges that its achievements are not its alone but the product of working collaboratively with business, the community and individuals. On the important issue of climate change we will continue to raise business and community awareness and work together to develop mitigation, adaptation and offsets.

The government is setting new standards for sustainability in urban development in Molonglo through walkable neighbourhoods with good access to services and facilities and fast and frequent public transport.

We have already legislated to reduce the use of plastic bags. We are acting to reduce waste to landfill with the release of the new draft sustainable waste strategy and we are meeting the ACT's national commitments to national energy reforms. We are surveying owners of wood heaters, reviewing replacement rebates and identifying more effective incentives to encourage the replacement of wood heaters. We are developing an awareness campaign to encourage correct wood heater operation and reduce the hazards associated with wood smoke pollution.

From early next year concession card holders will have access to a trial free collection of bulky household waste such as furniture and appliances. More than $4 million will be invested to extend the life of the Mugga Lane landfill, and nearly $2 million to develop future landfill options.

Work will continue on the ACT's largest-ever water security project, which will see the Cotter Dam catchment expand from four gigalitres to 78 gigalitres, delivering a 35 per cent increase in the ACT's total storage capacity. Water security is also a priority in our newest suburbs, with $11½ million being allocated to build ponds and harvest stormwater for irrigation purposes in Gungahlin and the new Molonglo Valley suburbs.

In 2007, as part of the government strategy to secure a safe and sustainable water supply for the territory, the government agreed to review and further develop our scheme of permanent water conservation measures. After a comprehensive review and extensive public consultation, these new measures were introduced on 1 November this year. These measures are commonsense rules for water use which are in place when water restrictions are not required. The measures provide flexibility while mandating against activities which are wasteful, such as hosing down hard surfaces and excessive garden and lawn watering.

The government is also committed to reviewing and updating our water policy, think water, act water, and updating water saving measures, programs and technologies, including through rebates where appropriate. The government will also increase the use of non-potable water and multiple usage of water through initiatives such as the reintegration of urban ponds as part of our Canberra integrated urban waterways project.

Plans are well advanced to strengthen management and community engagement with Canberra's important natural areas through the establishment of a trust to manage the Mulligans Flat woodlands and the Jerrabomberra wetland reserves. There are also plans to expand the endangered wildlife breeding program at Tidbinbilla with the aim of releasing animals back into reserves.

On the issue of community safety, Canberra is already one of the safest cities in the nation. The government will continue to invest in public safety over the next 12 months. The ESA is finalising relocation to its purpose-built headquarters at Fairbairn, and the ESA's new training centre at Hume is also nearing completion. The Snowy Hydro rescue helicopter base at Hume is being upgraded, as is the Rural Fire Service helicopter hangar.

These are just some of the initiatives the government has invested in to improve our city. Canberra is a great city. Labor in government will continue to bring enthusiasm and vision, delivering on its commitments and making this city a greater place for all Canberrans.

MR SPEAKER: The time for the discussion has now expired.

Planning and Development (Environmental Impact Statements) Amendment Bill 2010

Detail stage

Clause 1.

Debate resumed.

Clause 1 agreed to.

Clauses 2 to 34, by leave, taken together.

MS LE COUTEUR (Molonglo) (5.04), by leave: I move amendments Nos 2 to 20 circulated in my name together *[see schedule 3 at page 6173]*.

I present the Greens' amendments to the bill that is before us today. Before lunch, when we discussed this bill in principle, I was under the impression that some of our amendments would be supported. However, I understand now that that is not the case.

The Greens' amendments are an opportunity to improve the EIS exemption process, more than what has been proposed by ACTPLA. At present the government exempts most residential subdivision proposals from the requirement to produce an EIS. This is done on the basis of what the government calls "exhaustive studies" but actually are no replacement for an open, transparent, accountable EIS process.

The Greens would have found it acceptable to reduce the triggers for all future urban area developments to have EISs as long as environmental assessment, with public input and merits review opportunities, was part of the process. This could have

happened at an early stage, say through a strategic environmental assessment for a whole district of suburbs.

However, this is not the case. The bill today lowers the EIS trigger for more than five hectares of native vegetation clearing on future urban areas, giving the power to the Conservator of Flora and Fauna to determine whether or not the impact of the proposal is likely to be significantly adverse.

The Greens appreciate the impetus that is driving the revision of the EIS triggers. We are also cognisant that the EIS legislation has an important role in the application of the precautionary principle to planning. Thus it is very important that the EIS process includes a no development option for the decision maker, an option for ongoing monitoring of certain elements, as well as the usual mitigation and amelioration options.

We agree that lowering the threshold for compulsory EIS could be appropriate, provided that any replacement process is fully transparent and accountable, and that proposals can stay in the impact track if there is doubt about the significance of the impacts. In some cases we agree that it is better to have the conservator involved at an earlier stage of the DA process.

The Greens' amendments to the planning and development amendment bill are broadly intended to achieve six key improvements:

- revise the EIS triggers in schedule 4. parts 4.2 and 4.3;
- set out a process for producing an environmental significance opinion;
- set out a process for the minister exempting an EIS from being produced;
- refine the definitions for "likely" to have a "significant adverse environmental impact";
- refine the process for strategic environmental assessment to include notifications and public consultation; and
- add public consultation to the EIS scoping process.

Firstly, with respect to revising the EIS triggers in schedule 4, parts 4.2 and 4.3, these amendments also cover suggestions regarding the triggers for an EIS. With respect to the change to 4.2, development proposals requiring EIS—activities, clause 10 deletes the exemption of an EIS for transport purposes on future urban land.

With respect to changes to part 4.3, development proposals requiring EIS—areas and processes, clause 11 amends item 2(a) to ensure that the conservator's opinion is needed to establish whether an EIS is necessary for a proposal to clear more than half a hectare of native vegetation, whether or not it is on future urban area land under the territory plan. The Greens do not accept that it is acceptable to clear more than five hectares of native vegetation on future urban land without an EIS, even with a conservator's opinion. If thorough and current, an SEA could be a worthy replacement for an EIS in this situation.

Clause 11 also amends item 2(b) to reinstate protections in the current act requiring an EIS for proposals involving the clearing of native vegetation on land identified in a nature conservation strategy, action plan or biodiversity corridor. This amendment

requires the conservator's opinion as to whether an EIS is necessary for such a proposal.

Clauses 4 and 12 of the amendments allow for the Heritage Council to produce an opinion as to whether an EIS is required for proposals which involve places or objects nominated for provisional heritage registration in item 6.

Clause 13 allows the Environment Protection Authority to produce an environmental significance opinion regarding proposals involving potentially contaminated land.

Clause 14, regarding item 8, provides that an EIS is required for proposals on land designated as future urban areas where significant scientific research is being conducted, equally to non-future urban areas.

Our amendments seek to ensure that the environmental significance opinion of the conservator is included in the DA paperwork, as well as a reviewable decision. It seems reasonable that there should be occasions where the threshold for triggering an EIS is lowered. The government's bill introduces a new process for a relevant agency—the Conservator of Flora and Fauna or the Heritage Council—to produce an environmental significance opinion. The Greens agree that this could be a reasonable way forward to avoid unnecessary EIS processes. However, the decision-making process must be rigorous, transparent and reviewable.

The Greens' amendment adds the ability for a regulation which prescribes criteria that a relevant agency must take into account in considering whether a proposal is not likely to have a significant adverse environmental impact.

New section 410A allows for the decision to make an environmental significance opinion to be reviewed along with the development application paperwork, in the same time frame. Proposed new clause 26A inserts a new item 1A into schedule 1 of the act, allowing an entity who made a representation about the development proposal, or who had a reasonable excuse not to, or an entity with objects or purposes which relate to a matter raised in the decision, to be eligible to apply for a review of the decision in ACAT.

Our amendments also put a more accountable and transparent process around the minister's exemption of an EIS. Obviously there will be far fewer exemptions under the revised legislation, given that the triggers for an EIS are being lowered. This is why there needs to be more scrutiny of the conservator's decision and the process around that. These amendments include requirements for:

- a regulation which must prescribe the criteria that the minister must take into account in deciding whether the environmental impact of a development proposal has been sufficiently addressed by another study;
- a statement of reasons for exemption;
- a copy of any previous study to be incorporated in the DA paperwork; and
- an exemption to be a notifiable instrument.

New section 4l0B allows for a decision of the minister to exempt a development application from an EIS to be reviewed along with the development application

paperwork, in the same time frame. Proposed new clause 26B inserts a new item 14A into schedule 1 of the act, allowing an entity who made a representation about the development proposal, or who had a reasonable excuse not to, or an entity with objects and purposes which relate to a matter raised in the decision, to be eligible to apply for a review of the decision in ACAT.

I turn to definitions for "likely" to have a "significant adverse environmental impact", which will be new sections 124A(1)(b), 124A(3) and 124B. These definitions are the subject of many legal challenges, but given that they are the key to EIS legislation, it is imperative to apply the precautionary principle where possible. Environmental values cannot usually be easily replaced once destroyed, so the Greens believe that development decisions should err on the side of caution and environmental protection.

Section 124A(1)(b) replaces the word "substantial" with "significant" to, together with 124A3, give greater clarity to significant adverse environmental impact. Section 124A3 refines the intensity of 124A(2). Subsection (1) of section 142B states that "likely to" is a "real or not remote chance or possibility". Subsection (2) clarifies that the impact is relevant whether or not it is on the development site or elsewhere.

With respect to the strategic environmental assessment, as I stated earlier in the debate, the SEA is carried out by the government in the early stages of the planning process. The assessment undertaken through the SEA can be used as a basis for the government's planning of most suburban developments and for the minister exempting environmental impact assessment in future urban areas, so it is important that the SEA process has the same level of scrutiny and transparency as an EIS process.

Since the commencement of the Planning and Development Act, this SEA process has not been used for any new residential development area proposals. At present the planning and development regulations cover the detail of what is required in the development of an SEA. However, there are no requirements for public notification or input into the SEA process. This amendment makes a strategic environmental assessment scoping document a notifiable instrument; calls for public comment on various stages of the SEA; and includes the environmental impacts—*(Extension of time granted.)*—and benefits assessment, as well as any monitoring plan, to the strategic environmental assessment.

The Greens believe that, given the number of proposals in this bill to lower the thresholds trigger for an EIS which rely on previous assessments, it would be reasonable if the SEA were an open process which the public can input into.

The EIS scoping process is set out in the planning and development regulations. It is the process whereby the minister consults with a number of agencies and other possible entities to determine what the issues which need to be covered in the EIS should be. Given that the time frame allows 15 days for entities to give feedback about the scoping documents, it is a simple step to open this consultation up to the public in this 15 days.

Here we are in the bush capital in the 21st century and we have almost developed to the borders of any potential residential land. I imagine that the next few decades will

be filled with fights to retain what is left of our native woodlands and grasslands. It is imperative, therefore, that our planning legislation contains sufficient protections which will guard against important vegetation being cleared without any knowledge of what is contained within. The bill that is before us today lowers the thresholds for ensuring that we access these environmental values, and the Greens do not believe this is acceptable.

The Greens will not be supporting this bill today as we do not think it is acceptable that this much native vegetation can be cleared without sufficient assessment, public input opportunities or ability for review. I do not commend the bill to the Assembly.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.16): I thank Ms Le Couteur for seeking to move these amendments en bloc and indicate that the government will not be supporting any of the amendments. There are a range of reasons that I will very briefly summarise.

Firstly, Ms Le Couteur's amendments seek to put in place a requirement to consult on a draft strategic environment assessment, which misconceives the nature and purpose of an SEA. An SEA is not simply a fixed document; it is as much an ongoing process as a document, so it involves scoping, assessment, monitoring and adjustment—the steps identified in sections 10 to 15 of the regulation. It is not practical for a fixed document draft SEA to encapsulate such a process.

With respect to some of the other Greens amendments that the government will not support, the proposed change of wording would have the effect of lowering the threshold for an adverse environmental impact, which would in fact increase the likelihood of an EIS being required for a development proposal. The effect of this series of amendments would be contrary to the whole purpose of the bill, which is to reduce the number of unnecessary environmental impact statements, which are expensive and time consuming.

Ms Le Couteur would be aware that a general regulation-making power exists within the act which would enable the regulations that she was seeking to be made through one of her amendments to occur through that general power.

The government's amendments make an exemption under section 211 a notifiable instrument which must be made available on the ACTPLA website and the reasons for granting such an exemption have already routinely been made public on the Planning and Land Authority's website. So that particular amendment is not required.

The government does not support amendments around establishing ACAT reviews because the act already provides for ACAT review of the decision on a development application. Again, the Greens' proposed amendments would defeat the purpose of the government's bill.

The government does not support the Greens' amendment which reverses the government's proposed removal of the EIS trigger for major roads in future urban areas because it removes a very important distinction made in the government's bill between future urban areas designated under the territory plan and other areas. It

requires an EIS for road and other transport infrastructure for new urban areas. The Greens' amendment ignores the fact that the territory plan is subject to extensive development and consultation and is approved by the Assembly. This series of amendments would again undermine a key element of the reforms identified by the government's review of EIS triggers and would seriously delay essential road infrastructure for new residential land releases in the territory.

In relation to the Heritage Council amendments, the government is not supporting them. Our review of EIS triggers identified this is an issue that needs to be addressed. The government's bill retains heritage registration as an EIS trigger but does not include heritage nomination. It must be stressed that a merit DA involving heritage matters is referred to the Heritage Council for advice. It is also worth noting it can take years for heritage nominations to be assessed and a mere nomination is not, in the government's view, sufficient justification for an EIS.

Finally, the government does not support the Greens' amendment to clause 30. In the government's bill, land that is on the EPA register of contaminated land is an automatic trigger for an EIS. This was based on specific advice from the EPA. In order to be on the register, contamination must pose a significant risk of harm to people's health or the environment.

That is a brief summary of the reasons that the government will not be supporting the Greens' amendments. I understand, from discussions between our offices, that the Canberra Liberals are also not supporting these Greens' amendments but we will hear from the Leader of the Opposition shortly. If that is the case, I certainly welcome that support from the Canberra Liberals.

As this is possibly the last time I will speak on this bill, I would like to thank those officers within the ACT Planning and Land Authority who have worked diligently in the preparation of both the exposure draft and this legislation, thank all parties for engaging constructively in the development of this legislation and commend the bill to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (5.22): I would like to thank Ms Le Couteur for bringing these amendments forward. However, the Canberra Liberals will not be supporting any of these amendments.

In our view, these amendments could work against the intent of the government's bill and add to its complexity, which is not something we support. While some of the amendments may have some merit, we are reluctant to support them, given that we have not had the chance to test them with industry groups and the community.

For example, amendment 19 appears to place more red tape around the strategic environmental assessment process. Several amendments also appear to change the threshold for the requirement for the preparation of environmental impact statements, which goes against the intention of this bill. For example, the amendments allow for the Heritage Council to produce an opinion as to whether an EIS is required for proposals involving places or objects nominated for provisional heritage registration. This, at face value, appears to be unnecessary. If a development of any place or object has an environmental impact, other triggers should capture these.

We think the bill retains a better balance by only requiring an EIS if the property which is the subject of a DA is actually listed. We are concerned that these amendments, having been formulated at such a late hour, will have unintended consequences which we are unable to assess properly. For these reasons, we will not be supporting the amendments put forward by Ms Le Couteur.

MR RATTENBURY (Molonglo) (5.23): I rise in support of Ms Le Couteur's amendments. She has put a great deal of thought into this process. This is a very important piece of legislation and we are concerned that some of these amendments are not being considered. I particularly listened to Mr Seselja's speech. I had not quite realised that his concern was just with the timing. If Mr Seselja would like some more time to consider these amendments we would be happy to adjourn the debate today and come back to it next year. If Mr Seselja would like to give me that indication, I would be quite happy to move that the debate be adjourned, given that his primary concern seemed to be that not enough time had been given to consider it.

Mr Seselja: We don't want the bill delayed.

MR RATTENBURY: So now we have got the truth: "We don't want the bill delayed." In his speech he said, "We haven't had enough time to consider it." Which is it? Let's work it out. I guess my real concern is that this is a really important piece of legislation and we are going to end up removing the trigger; the trigger will not there any longer.

Members interjecting—

MADAM DEPUTY SPEAKER: Members, can you stop the conversations across the chamber, please?

Members interjecting—

MADAM DEPUTY SPEAKER: Please! Mr Seselja, Ms Gallagher and Mr Barr—all of you—will you just be quiet while Mr Rattenbury speaks? Thank you.

MR RATTENBURY: The reason I am concerned about this is that we are talking about remnant bushland here in the ACT. If we take grasslands, for example, we know that most of the low-lying grasslands across Australia have been wiped out. We are down to somewhere between two and five per cent of the original quantity. There are some really significant areas of that in the ACT, and over the next couple of decades we are going to see significant development pressure on these areas.

We accept that there is value in considering the streamlining of EIS trigger processes but, as I understand the legislation, we are removing the trigger. But then we get into a strategic environmental assessment process that has a series of maybes in it—"maybe do this, maybe do that". For example, there is no statutory requirement for public input under a strategic environmental assessment. Some of the things become a matter of trust. I think that, as pressure builds and as various people become minister for planning in this town—and I am not even going to speculate on who some of the

future ministers for planning might be or what their motives might be—trust is not good enough for these important remnant areas.

That is why we have moved these amendments today. It is a shame that they will not receive support. I think Ms Le Couteur and her office have worked hard to identify amendments that are reasonable and that provide the necessary and appropriate safeguards as some of these pressures come on in future. I make, I guess, a final plea to colleagues in the Assembly to reconsider their positions. As I said, we would be quite happy to adjourn this and come back on another day. I do not believe there is any rush. It seems that some further discussion may result in some better understanding of what Ms Le Couteur is proposing and may, in fact, result in a better outcome. I would invite members to consider that.

Question put:

> That **Ms Le Couteur's** amendments be agreed to.

The Assembly voted—

Ayes 3		Noes 13	
Ms Bresnan	Mr Rattenbury	Mr Barr	Mr Hanson
Ms Hunter		Ms Burch	Mr Hargreaves
		Mr Coe	Ms Porter
		Mr Corbell	Mr Seselja
		Mr Doszpot	Mr Smyth
		Mrs Dunne	Mr Stanhope
		Ms Gallagher	

Question so resolved in the negative.

Clauses 2 to 34 agreed to.

Title agreed to.

Bill agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Valedictory

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) (5.31): This evening on this last sitting day of the year—a testing day for perhaps all politicians in a trying profession, the calling that we all enjoy—I would very much like to extend my best

wishes to all members of this place most particularly for the holiday season and for Christmas.

It is a combative adversarial role that we have as politicians. It is, at some levels, an essential part of the business of politics. It is an essential part of a strong operating democracy. I am sure that from time to time as each of us stops to reflect on the extent to which we perform or the quality of our performance, we understand that, at its heart, it is at times a difficult and testing arena and profession. But we all know that and accept it.

I believe that in this season, as we reflect on the past year and reflect on the future, it is appropriate to acknowledge that and acknowledge the role that each of us plays as a member of this Assembly and as a vital part of a functioning democracy. It is appropriate to acknowledge, to the extent that we see things, that we have the same essential interests at heart—namely, a determination to work for this community and to improve this community as we see appropriate.

In that vein I quite genuinely wish to take the opportunity to wish everybody in this place all the best for the season and all the best for the new year. It is a tough job. It is a job that is hard, most particularly, on our families and it is appropriate that we acknowledge that that is the case—not just for our personal individual families but friends and circles. We acknowledge that, whilst we find it hard, we are very aware of the enormous impact that our role and focus has on us from time to time and the difficulties which our families sometimes face as a result of that. I extend my best wishes to the families of all members and acknowledge their important part in our capacity to do the jobs that we do.

So best wishes to everybody in this place and to your families. I hope you enjoy a peaceful and happy Christmas and Christmas season. I take the opportunity, as I am sure each of us does—on my own behalf and on behalf of government members—to acknowledge the enormous contribution of all of the staff in this place and all of our public service in terms of the service they deliver, their devotion to their duties and the energy, time and effort that they put into serving the government and, through the government in this place, the community. So happy Christmas everybody. Garner your strength. I look forward to seeing you all next year and working with you in future.

Valedictory

MR SESELJA (Molonglo—Leader of the Opposition) (5.34): I would like to join with the Chief Minister in wishing everyone in the Assembly a happy and holy Christmas, and particularly my Liberal Party colleagues—Brendan, Jeremy, Vicki, Alistair and Steve—for their hard work this year. I would like to acknowledge that.

I would like to wish Mr Stanhope, Ms Gallagher, Mr Corbell, Mr Barr, Ms Burch, Mr Hargreaves and you, Madam Deputy Speaker Porter, from the Labor team a very merry Christmas. To our Greens colleagues—Ms Hunter, Mr Rattenbury, Ms Bresnan and Ms Le Couteur—a very merry Christmas to each one of you and your families.

I would like to also acknowledge the wonderful staff—firstly, some of the Liberal Party staff who serve all our MLAs in the Liberal Party. I would like to name them because they do an outstanding amount of work. I think we should recognise that. This is in no particular order: Haidee Cornish, Tim McGhie, Jessica Hynson, Belinda Chapman, Clinton White, Brigitte Morten, Merlin Kong, Kate Davis, Keith Old, Candice Burch, Duncan McDonald, Adam Duke, Nick Chapman, Maria Violi, Tio Faulkner, Ian Hagan and Steve Doyle.

I extend my thanks to volunteers such as Ruth, Elizabeth, Chris and Sarwat, plus many others. To the Acting Clerk, Max; a very able Olga; the acting deputy, Janice Rafferty; Celeste Italiano; Pattie Tancred and Anne Shannon. To Rick and Ray, and to all of the attendants, Rod, Andrew, Paul, Karen, Lainie, Denis, Dick and all of the three Peters. I particularly enjoy regular chats with Rod, Andy and Dick on all things sport. I am not a punter but Dick always gives me the odds. It is always good to know how things are running. He tried to sell me odds of $7 for Parramatta to win the premiership this year. Thankfully I did not go anywhere near it. To each of those who, I think, make being in the Assembly much more fun, I extend my thanks.

I thank the Committee Office—Lydia Chung, Sandra Lilburn, Margie Morrison, Grace Concannon, Brian Lloyd, Nicola Kosseck, Andrea Cullen and Lesley Irvine, and everyone in Hansard, Communications and Library and in Corporate Services. I would like to pay tribute to those who are working over Christmas time. We are particularly conscious, with the floods at the moment, that our SES workers and others are assisting those over the border in Queanbeyan. I would like to especially wish them a merry Christmas.

To each of my constituents in Molonglo, and finally to my family—to Ros, to Michael, Tommy, William and Olivia—for their support during the year. I look forward to spending a bit more time with them over the Christmas period and having a good break.

Just in summary, I thank all of those who have contributed. We look forward to a very good year next year. It has been a very good year. It has been a very hardworking year. I am very pleased with how my team has performed. We look forward to a good break and to seeing people in the new year.

Valedictory

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.38): I also would like to join with other members in wishing everybody a merry Christmas and a safe holiday season. I also extend my great thanks to my colleagues—Amanda Bresnan, Shane Rattenbury and Caroline Le Couteur. It has been a very busy year. Of course, we have only done as well as we have because of the wonderful staff who support us.

Despite one of my staff not wanting to be named, I will go through the list. I would like to thank Tom, Mel, Tom, Fi, Helen, Laura, Richard, Indra, Matt, Ashlin, Patrick, Kate and Bianca and, of course, former staff—Brian, Anna and Louise. I would also like to say thank you to all of the staff within this place, particularly committee staff.

Many of us sit on committees and we rely on the committee secretaries and the Committee Office to do a good job. I would like to thank Hanna Jaireth and Margie Morrison from the climate change committee. I also thank Sandra Lilburn and all the other secretaries in the Committee Office and other staff particularly for their assistance during what was quite a busy time during estimates this year. I also thank Hansard, the education office, the attendants, Corporate Services, Chamber Support, the library and all others who help us do our jobs day to day.

I would also like to extend those wishes to the people of Canberra, particularly those in my electorate of Ginninderra. I wish you all a very safe Christmas. Best wishes to all of your families. I hope that you get to spend a relaxing day on Christmas Day enjoying that time with family, eating some good food and being able to catch up with friends. This is a very important time of the year when we can reconnect with families. We can spend some important time with them, remembering what it is that we are doing here. We can reflect on that and come back refreshed for another year in 2011, when I am sure that we will face many challenges and do our best to represent the people of the ACT.

Valedictory

MR SPEAKER: Members, I might take the opportunity now to make a few comments. In my capacity as the Speaker I would particularly like to thank the Secretariat staff for another outstanding year of service to the Assembly. I know all members have mentioned them so far. I think they have very rightly mentioned many of the roles that they play.

I specifically wanted to acknowledge that for most of the year we have operated in the absence of our Clerk, Tom Duncan. This has resulted in many of the staff being promoted in their roles or taking on a different role to perhaps their normal job. I would like to acknowledge that in those circumstances the Assembly has run as smoothly as ever. I think the staff who have taken on additional roles this year have acquitted themselves strongly in taking up those particular roles. I would particularly like to note the Acting Clerk, Mr Max Kiermaier, and the Acting Deputy Clerk, Janice Rafferty, who have continued to ensure this place runs as smoothly and as effectively as it always does.

I would also like to take this opportunity to acknowledge one of the attendants in particular. Members may or may not have realised but today is the last sitting day before he retires for Mr Peter Litchfield. Peter started with the Assembly first in 1994. He has continued to serve in the Assembly in part-time and full-time capacities ever since 1994, which is an extraordinary record of service in this place.

He has actually been here longer than any of the members. He has survived far longer than most. Peter will be around over the next couple of weeks. I am sure many will take the opportunity to say a personal farewell. But I did want to take this opportunity in the formalities of the Assembly to acknowledge Peter's long service. Thank you, Peter.

Finally, I would like to thank my team, in particular, for their support this year. They have already been mentioned by name by Ms Hunter. They provide me with outstanding support in both my capacity as the Speaker and in my role as a Greens member of this place in the various portfolios that I undertake. I think we have had an outstanding year of success and I would like to thank them for their great support.

Valedictory

MR SMYTH (Brindabella) (5.43): Mr Speaker, I think it might be somebody else's last sitting day in the chamber as well. I understand somebody might be off to the Middle East to assist the democratic process there. We might wish Pattie well; she let it slip this morning. Never say anything to my office—

MR SPEAKER: Clearly either to you, Mr Smyth.

MR SMYTH: Yes, apparently so.

Next year is going to be a great year. Max, we all know that 2012 will be the year that St Kilda, the Brumbies, the Raiders and the Capitals win premierships and all will be well with the world—

Mr Barr: 2012? Let's hope some of them can do it in 2011.

MR SMYTH: Sorry, 2011. There you go; I am actually already in election mode. Members, just remember: when you get back after the break and it is 2011 you will be able to say, "Next year when we hold the election." That is how close it is.

I wish you all well and, rather than name everybody, will say: go and have your holidays and enjoy the time off with your families. You deserve it. These are big jobs and they never end. We were discussing this earlier in the year. Christmas is really the only time everybody else winds down as well. So the expectation disappears. So, Max, just remember: 2011, St Kilda, the Brumbies, the Raiders and the Capitals.

I would like to say thankyou to the people of Brindabella. It is an honour to serve them. It has been a great year looking after the folks in southern Woden and Tuggeranong and I look forward to the next two years to do exactly the same.

To members of the party, particularly Zed for the leadership he has shown, and to MLAs: thank you very much for all the support and friendship. To all the staff in my office, particularly Tim and Haidee: thank you for all you do. We at least get seen occasionally out in the public, but the staff are never seen. So I thank them for the work that they do. They really are the unsung heroes. I think we would all agree with that.

Mr Speaker, to your office, to Mr Clerk and the members of the chamber staff, the Committee Office, Corporate Services, Hansard and the Library: thank you for all you do and the professional way you do it, and to those wonderful people, particularly Kylie, who managed to link my phone—the iPhone versus the HTC phone saga. HTC people have won; we can now be linked to the system. Kylie: great job. All you

people with iPhones: bad luck. Mr Speaker, when we present the staff here in the Assembly with problems, they are very good at finding solutions.

I would like to send good wishes particularly to those who have been affected by the floods that are currently affecting the region. I hope everything dries out and all is well for Christmas for you. It is interesting how this year, probably for the first time in 10 or 15 years, I suspect most of the Rural Fire Service brigades will not be standing up for fire duty. It will be the turn of the SES brigades to stand up. Given what we know about January now being very much a month of various climatic events, I am sure the SES chaps and women are looking forward to a big break.

To the police, the SES, the firies, the Rural Fire Service, the ambos, the nurses and all the hospital staff, those who serve us over the holiday break, who never stop, who never get away from their jobs, whose jobs continue: we do think of you and wish you well and hope that you get some Christmas respite as well.

I would just like to say thankyou to my family. Treasurer, you will be pleased to know the Smyth family are going to do their bit this year to help the economy. They are all coming home. There are 10 brothers and sisters, something like 27 grandkids, three great-grandkids and assorted in-laws and friends, boyfriends and partners. So the economy will have a boost from the Smyth family. I have to say I am very much looking forward to seeing them all in one place at one time. It is a great event when you can get home and just have your family around you.

To my wife, Robyn, who accidentally, or perhaps she planned it this way, has a birthday today: well done to you, goddess. To Amy and Lorena, who are coming home, and David: I look forward to spending time with you over the Christmas break and I thank you for all that you give up each and every day by allowing me to do what I love to do. Thanks very much.

Valedictory

MR HARGREAVES (Brindabella) (5.47): I thought some formality was called for. Mr Speaker, it is that time of year when all the work is done, all the arguments are over and we look towards the future with much anticipation. When I look across the chamber, I often think, "If the Christmas fairy granted them just one wish, what would it be?" So I thought I would see if I could get it right.

Mr Doszpot would ask that the Labor Party reconsider its rejection of his membership application, because he is really a closet Labor right winger. Mr Coe would ask for a longer adjournment debate so he could put all of his diary entries onto the record. Mr Hanson would ask for his own Brasso factory so that he could keep the baton in his knapsack brightly polished there for everybody to see it. Mrs Dunne would want a ship's master's licence so she could captain an anti-whaling vessel for Greenpeace. Mr Smyth would ask for a personalised call-in power—you're going to like this, Brendan—so that he could rezone the houses on either side of his place and build the whisky distillery of his dreams there.

But Mr Seselja would ask the fairy to give him all of the Liberals' wishes, because he is the leader and they are not allowed to do anything without his permission. He

would use one of them to have a pair of shoulder-mounted rear vision mirrors to keep an eye on the lean and hungry Alistair Coe.

I also considered what the collective noun for a bunch of Liberals would be.

Mr Seselja: You're obsessed with us, John.

MR HARGREAVES: I am. Ever since the Amish people were destroyed in the wars and things, I have needed someone else to pick on—and you are it.

So I considered what the collective noun was. Is it a larder of Liberals? No. I didn't think so. A litany of Liberals? Maybe. How about a libation of Liberals—thinking of Brendan? No, not anymore. I figured a lump of Liberals is probably about as good as I can get.

But I did the same for the Greens, Mr Speaker, and I had too much choice. A garden of Greens? No. That has been done before. A grumble of Greens? No; Ms Le Couteur's smile put paid to that one. A forest of Greens? Too predictable, that one. Yes, a salad of Greens. That will do me.

So, now, what did the Greens ask the Christmas fairy for? Poor old Ms Le Couteur; she has got hers. Did they ask that all the government fleet cars be smart cars, running on biofuels made from collections of chook poo collected from former Nimbin free-range hippies living in yurts on the site vacated by Pace chook farms?

Mr Speaker, what would you ask for, though? I have noticed that sometimes in your car space there resides a vehicle with a canoe on the roof—a red one if I am not mistaken. Could you be described as a pessimist perhaps? Or would you ask for clairvoyant powers, or did you really want a decent lake for a triathlon—a lake that goes all the way to Queanbeyan perhaps?

Now Ms Bresnan: she would surely ask the Christmas fairy for a fitness centre for the Assembly, featuring "Bollywood for biggies" weight reduction classes. Any contenders? Ms Hunter wants only one thing in life: consensus parliamentarianism with consultation in the contemplative stage accompanied by complete consideration of contentious contradictions.

My colleagues and I, being the collective decision-making family that we are, ask only for respect, recognition of excellence, appreciation of our work ethic and applause for our general bonhomie and zen-like inner beauty.

Mr Hanson: And a nice glass of red wine.

MR HARGREAVES: Coming from a teetotaller, you, I wouldn't even ask for one, because you would not know the difference between a glass of red wine and a glass of tomato sauce.

Mr Speaker, in closing I would like to express my thanks and appreciation for all of those that support this parliament. In the past I have named such people as Ray "the fisho" Blundell, "superMax" and many others who make this such a great place. The

attendants, though, are special people and should be recognised. Peter Litchfield, after 16 years of service, has his last sitting day here today. He has been here longer than any of us. Peter, thanks for your service, and to your family our condolences for now having you home so much.

To Hansard; Committee Office; Corporate Services; Chamber Support; tricky Ricky, the Assembly's Bob the builder; the Library: thanks for the time you spent over 2010 making sure we do the things that we are elected for. Without you, we could not do it.

To my colleagues and their staff: thanks for the time we have spent together. To those opposite: thanks for the entertainment. Remember, and I say this seriously, that politics can kill, so don't let it happen to you. To our colleagues on the crossbench: thanks for changing the world. It must be destiny.

Finally, to my staff, Jim Mallett and Ian McNeil, and for a while last year Kim Fischer: I owe my sanity to you. Our office may be the den of the grumpy old men, but much laughter comes out of that office. And a merry Christmas to you all.

Valedictory

MR COE (Ginninderra) (5.53): Standing up in the adjournment debate is not unfamiliar to me and, whilst there are a lot of people in Canberra to acknowledge, I do not think even I could actually get to the bottom of the list, but I might give it a fair crack later on.

I will take this opportunity to speak very broadly from a philosophical point of view rather than in support of one of the community groups around town. But as another year comes to an end it is fitting to reflect on what has happened and what awaits us in the year ahead.

Is Canberra a better place to live now than it was a year ago? That is the question that the government must strive to answer positively. That is the question that we as members must keep at the forefront when we make decisions about how we will influence the direction of the territory.

On many occasions and again today I will reiterate the concerns that I have about this Assembly and the government overreaching into the lives of Canberrans. I am confident about the ability of people everywhere to make wise decisions when it comes to their family, their money, their welfare, their community and their other circumstances. I have confidence in Canberrans' ability to best choose the direction they want for their lives.

However, the world view of those opposite and on the crossbench is one that is in contrast to that view. The leftist ideology suggests that people are not necessarily capable of making these decisions and that institutions such as governments and parliaments know best. I strongly disagree with this notion, and the long list of near or actual failures of this place is evidence of that.

I believe that we do over-legislate and we create expectations that governments will solve problems. This expectation is strengthened by the high and increasing levels of

taxes, fees and charges that we pay to live in the city. When taxpayers pay the huge sums they do, it is not unreasonable for them to think they will get something in return, that they will get value for money. Instead, Canberrans pay high taxes and get very little in return.

Have our lives improved since last year? Have our lives improved since the government was elected? Have our lives improved since self-government in 1989? We have to look above the trivia and look at the actuality. I am concerned for many Canberrans that this great city is indeed getting worse.

We have a great opportunity in the remaining 20 months or so of this Assembly to return choice, tax dollars and ownership back to the community, and I do hope that it can be achieved.

There are a lot of people to thank for making this place operate and I would like to thank all those here at the Assembly, in Hansard, Chamber Support, the Library, the Committee Office, Corporate Services, the Clerk's office, Strategy and Parliamentary Education, and special thanks to Peter Litchfield for his tremendous service to this place.

I would like to thank my senior adviser, Kate Davis, for her judgement, for her sense of reasoning, her knowledge of what is going on around town, her loyalty and her commitment to the cause. She really is an invaluable asset both to me and to the opposition, and indirectly to everyone in Canberra.

I would also like to put on the record my thanks to Sandy Tanner, who finished up in the first half of this year and whom I have thanked in this place previously. I also send my thanks to Duncan McDonald and Candice Burch for their ongoing great work and dedication to Liberalism. I also thank those that have undertaken research and work experience in my office over the last 12 months, of which there are quite a few.

I would like to put on the record my thanks to those in the leader's office whom I deal with multiple times every day, including Maria Violi, Keith Old, Tio Faulkner, Adam Duke, Ian Hagen, Steve Doyle and Nick Chapman.

I thank my colleagues Steve and Brendan in Brindabella, Jeremy and Zed in Molonglo and my colleague in Ginninderra, who is a pleasure to work with, Vicki Dunne. I would like to give thanks to the management committee of the Liberal Party, of which I have been a member for 10 years: to the President, Tio Faulkner, and to the outgoing President, Winifred Rosser OAM; to the Vice President, Henry Pike; to the Finance Director, Peter Collins, and his predecessor, Robert Gunning; to the Treasurer, Jimmy Kiploks; and to the Policy Convenor, John Cziesla. I would also like to commend the Young Liberal President, Duncan McDonald; the northern branch chair, the branch of which I am a member, Brian Medway; and the Director, Sandy Tanner.

I wish you all a merry Christmas, and hope we can all reflect on the significance of the reason for the holiday. I wish that everyone can come back in 2011 more refreshed and ready to do the people of Canberra justice in this place.

Valedictory

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) (5.58): It is a time of year for thanking people. I will start by thanking the Chief Executive of DHCS, Martin Hehir, and his predecessor, Sandra Lambert, the executive team and, indeed, each and every staff member of DHCS, who, each and every day, get up in the morning and help and work with our community to make sure that Canberra is the great city and community that it is. I would also like to thank the CEO and staff members of our valued community sector partners. They, too, work each and every day to make Canberra the great city that it is.

I would like to thank the Assembly staff. Many have been named. I particularly mention Peter Litchfield, who is finishing here. He has certainly been here longer than me. I wish him and his family well. To all members and their families, I hope they have a safe and happy Christmas. It is good that at the end of the year we can share the collective love in the room, after some battles that occur in this place.

To my Labor colleagues, a big thankyou for the year. I have to say it has been a privilege to be a part of this Labor team. I would also like to thank the good folk of Brindabella, and I will give them an assurance that I will do all I can to be a valued local member for them.

I would like to mention my staff and give them a big thanks for the year that I have had. It has been a big year, a challenging year. Thankyou to Joel Lyneham, Victor Violante, Chris Steel, Neil Finch, Amy Oram, Katherine Leigh, Erin Bennet and Nicole Isaacson, who left earlier in the year to concentrate on being a mum. A big thankyou to all of you.

Finally, I thank my family—Cam, Kain, Tom and Lloyd—who have the privilege of debriefing me on a nightly basis. They will be very pleased that I can go home over the next eight weeks with some level of sanity. To all of you and to your families, do indeed have a safe and happy Christmas.

Valedictory

MS BRESNAN (Brindabella) (6.00): First I would like to thank my fellow Greens MLA colleagues, Meredith, Shane and Caroline. We really do work as a team, and there is a team effort not just across the MLAs but across our offices. So I thank not just Meredith, Shane and Caroline but everyone in the Greens offices. I will particularly note my staff—Kate Taylor, Patrick Moody and Bianca Elmir. We may be losing Bianca next year, as she continues her quest for Olympic glory in boxing. She has won about three fights in the last few months, so she is going very well. If that does happen, obviously it will be later next year. So I particularly thank Bianca. She is a very committed person and I wish her all luck with her quest to make the Olympic team.

I, too, would also like to note the wonderful staff here at the Assembly, and that includes everybody. I think we are very lucky to have such wonderful staff who are always very helpful and provide assistance when you need it on any sort of matter, whether it is HR, ordering stationery or anything like that. They really do keep the place running, so thankyou to everybody. I would like particularly to note Sandra Lilburn, the secretary of the education, training and youth affairs committee, which I chair. She does a wonderful job and is always there to help. Her assistance is much appreciated.

I would also like to mention the attendants. Like Mr Seselja, I do enjoy my chats about rugby league with them. I have been able to achieve somewhat good bragging rights this year, with Queensland winning five series in a row, in a 3-0 whitewash. I will use the word "whitewash" for this year. I cannot say the same for my Brisbane Broncos, but I think I have pretty good bragging rights with the Queensland Maroons. We will see what happens next year. It could be a Maroons-Broncos double; you never know.

Like everybody else, I extend to all members here and their families best wishes for the festive season and the new year. We will all be back next year doing the same thing, but I am sure we are all looking forward to a break as well. So best wishes to everybody.

Valedictory

MR DOSZPOT (Brindabella) (6.02): First of all I would like to thank Mr Hargreaves for exposing me as a right-wing member of the Labor Party. I now understand why Mr Barr and I get along so well.

Mr Speaker, it seems that the second year of the Seventh Assembly has almost come to an end already. It seems like only yesterday that we were giving our first valedictory speeches, or second, as the case may have been. It has been an interesting year, once again. First of all, I would like to thank my colleagues in the Liberal Party—Zed Seselja for his leadership, and all our MLA colleagues for the friendships that have developed over the past two years and the unity of purpose that drives us to keep this government accountable, and ultimately towards taking government in 2012.

Our work would not be possible without the support of many individuals. My thanks, first and foremost, to my family—my wife, Maureen, and children, Adam and Amy, and their families, for their constant support.

I thank my senior adviser, Merlin Kong, for his humour and advice—mainly his advice, though, I think—and also Jessica Hynson, a new member of our staff. I would also like to thank Kate Davis, who was such a great help to me in the first 16 months. My thanks also to Steve Doyle, Tio Faulkner, Ian Hagen, Adam Duke, Nick Chapman, Keith Old and Maria Violi for their assistance and hard work. Thanks also to all of my MLA colleagues' staff, who have worked so hard together and provided support to all of us throughout the year, and in such a united effort.

My thanks to all the Assembly staff—Max and Janice, and their team—for their advice and support. I thank the many wonderful staff of the Assembly, Dr Sandra Lilburn, and, in particular, my committee secretary, Grace Concannon. Indeed, I thank my colleagues on the health committee, Amanda Bresnan and Mary Porter, for their contributions. It has been a pleasure to work with them. The committee has contributed some significant work this year.

Thanks also to the attendants for their support, and also for the many forms of tipping, some of which even relate to sports, I understand. While we are talking about the attendants, Peter Litchfield, I also pay tribute to you for your hard work over the last 16 years. I am going to miss you, mate. I am not quite sure who is going to be able to get all of those business cards that I need all the time. Hopefully, you will pass that on to whoever takes over from you. It has been a pleasure working with you, Peter.

Like all of my colleagues, I have enjoyed the opportunity to work with increasingly more constituents within the Brindabella electorate—with Tuggeranong residents, the Tuggeranong Community Council, the growing number of Neighbourhood Watch groups, like Calwell, Theodore, Richardson, Bonython, Chifley, Curtin and Farrer, just to name a few. I particularly enjoyed getting even more involved in the issues affecting my portfolio areas and the people of Brindabella. It is indeed appropriate to reflect at this time on the privilege we enjoy in being able to represent our Canberra community in this place, and the responsibilities that come with that representation.

I have once again enjoyed the interaction with the many groups involved in my portfolio areas, the many areas of disability, education, sport and multicultural affairs. I have met with a vast cross-section of people from all of these areas and continue to be amazed by their commitment and dedication. The more I have become involved with the disability sector and started to understand the huge unmet needs, the more I have come to admire the incredible courage and determination of the many individuals and their families who are trying to cope with various forms of disability. I would like to dedicate next year's efforts to further highlighting and assisting the circumstances of the many children and adults with special needs in our community.

I think it is also high time that we recognised the courage, love, dedication and sheer hard work of their families and carers, for their work that never ends. I would ask that, as we prepare for this Christmas period and our various vacations, we spare a thought for the many thousands in our community who have no such luxury to look forward to.

In closing, I would like to extend my best wishes to our colleagues in the Labor Party—Mr Stanhope, Ms Gallagher, Mr Corbell, Mr Barr, Ms Burch, Mr Hargreaves and Ms Porter—and also to the Greens—Mr Rattenbury, also in his capacity as Mr Speaker, Ms Hunter, Ms Bresnan and Ms Le Couteur—for a happy and safe Christmas with your families, and may we all look forward to a great 2011.

Valedictory

MS PORTER (Ginninderra) (6.07): At the end of the year, at Christmas time, it is a good time to reflect on the positive aspects of this place. It is a privilege being a representative for the people of the Capital Territory. There are many positive aspects,

and I would like to recognise and thank all my constituents who continue to have faith in me in attending to their concerns. I also recognise all my colleagues on this side of the chamber who consistently provide advice, support and friendship to me in my role here.

I would particularly like to thank Mr Hargreaves, who does keep me sane, being right next door to me on the premier etage. That is the first floor, for anyone that does not understand French. Of course, I would like to thank each member of my staff—Andrew, Murimi, Jack and Muriel—and Frank, who earlier this year went on to a position in Indigenous Affairs. I have got a great team. I also have a great team of volunteers, who help advertise my weekly mobile offices so people know where to find me, and also help get my Porter report out. Thank you to all of them.

I thank the Committee Office in this place and particularly Sandra Lilburn and Nicola Kosseck, who is the secretary of my committee. I thank members of my committee and all the different members that sit with me on the various committees that I sit on, and the secretaries of each of those.

I thank the education office, the Corporate Services facilities manager, and IT, Hansard and the library. I thank Max for his guidance and support this year in my role as Deputy Speaker and I thank all the other clerks. And to the attendants: a big thankyou to Peter. I did not realise that you were going. Thank you very much, Peter, for everything you do. But I thank all the attendants who I think make our life really terrific in this place and look after us so well.

Mr Speaker, thank you very much. I am sure you are very pleased that it is Christmas and that you are having a break from that position. I would like to thank members of the crossbench for their support too, and for everything that they have been doing with us during this year. Thanks go to my colleagues over the way there. Thanks for everything you have been doing, particularly when you let goodwill prevail over politicking. I think that is when we can really work together.

Obviously, I would like to thank my family—and particularly my husband, Ian De Landelles—for their support. Most of my family is not here but interstate, but certainly I know that I have their support. I would like to thank each and every one of them for the support that they give me. So happy Christmas and a happy new year to everybody.

Valedictory

MRS DUNNE (Ginninderra) (6.10): I would like to extend my seasons greetings for a happy and holy Christmas to all the members here and to their families, and to all the staff and their families, and to thank them most heartily for the year that we are putting behind us.

There are lots of battles in this place and there are undoubtedly differences, but I think that we should always keep in mind—it is the thing that I like to keep in mind—that it is not personal. It is not about personal animosity. Policy differences are policy differences. I think that it is at times like this that we actually realise that the goodwill

we share is more important than most other things. I would like to thank my colleagues—Zed, Brendan, Jeremy, Alistair and Doszy—

Members interjecting—

MRS DUNNE: Actually, it is interesting because when I write notes I always write, "Zed, Jeremy and Doszy". I am sorry, Doszy.

Mr Seselja: Likewise with Pratty. Pratty was not Steve!

MRS DUNNE: Likewise with Pratty. I would like to thank my colleagues for an extraordinary year—and great friendship and great camaraderie. I want to pay particular testament to my personal staff—the wonderful and fantastic Clinton. Belinda is new but is an adornment to our staff. The staff from the leader's office that I have an interaction with every day are of enormous assistance to me—Steve, Ian, Tio, Adam, Keith, Nick and Maria Violi. They are just a great asset.

I want to put it on the record that I think we need somebody else to run the Liberal Party tipping competition next year because Keith keeps winning it. I thank Keith for running the tipping competition, but we might have to call in the stewards next year if he wins again.

I would also like to thank the Assembly staff—from Brian, my committee chairman, to Max and Janice, Pattie, Celeste, Anne and Olga in Chamber Support—and also Peter Bain and Stephen Argument who are advisers to the scrutiny of bills committee, without whom we could not do our work.

To Rod and all the attendants, to Ray, who fixes my telly on a regular basis, but particularly to Peter Litchfield. Peter, you have been here longer than me, which is saying a great deal, actually. I want you to make sure, Peter, that before you go you pass on to the attendant who comes after you the secret of just how much vodka I like in my water!

I would like to say thank you to the staff and the supporters of the Liberal Party—the outgoing president, Winnifred Rosser, and the incoming president, Tio Faulkner; Brian Medway, my branch president, and Sandy and all the staff of the division. To Olivia, Lyle, Tom, Julia, Bella and Conor I want to say thank you. And Jezz wins his money again.

I was thinking about what Christmas gifts we should give to people this year, but Mr Hargreaves ruined it. I had a little list and I had a calculator for him so he could do numbers for his new faction. But he told me on the way down that he was very good at arithmetic and did not need any help with that sort of thing, so that blew it out of the water.

I am going to spend a lot of time walking the dog over the holidays. I think that we should all go out—I am glad Ms Le Couteur is not here because she does not approve of dogs—and get a companion animal. Mr Seselja has been reduced from time to time to borrowing one of my companion animals when he needs one. Before they are banned outright, I think we should all go and get a puppy. We should walk them

regularly because it is good for us and it is good for our outlook on life. I compliment the Chief Minister on the Diddams Close dog enclosure for that purpose. I do not know that he goes down and walks—do you have a dog to walk?

Mr Stanhope: I don't have a dog.

MRS DUNNE: You need a dog to walk as well. Everyone should get a puppy. I know that even a puppy would be safe with Ms Le Couteur. Although she said we should eat the dog, it would be safe with Ms Le Couteur because of her vegetarian proclivities. Mr Speaker and everyone here, I wish you a very happy Christmas, and I look forward to our return in 2011.

Valedictory

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (6.15): 2010 has indeed been an extraordinary year in local politics. I would like to take this opportunity to thank all members in this place for their heartfelt contributions to public debate in this city. Although we disagree on most things, what I think we all bring to this place is a great passion for public service and a passion for this city.

We all have very different views about how the city should develop and where it should be heading in its second century. What I think we can be assured about and the people of Canberra can be assured about is that all 17 people in this place work hard and deliver great things for this community. In a social climate where politicians are not particularly highly regarded, I look around this chamber and, regardless of the political affiliation, see people who I think work very hard for their local communities. It is appropriate on an occasion like this to acknowledge that.

Politics is a difficult game. I am reminded tonight of a quote or two from some friends of mine within the Labor Party who observe that in politics friends can come and go but enemies accumulate. I think that perhaps adequately describes political life. You cannot always please everyone, Mr Speaker. I have certainly found in some issues that I sought to raise this year that there are a diversity of views.

I was contemplating what I might do over the summer. One of the things that I will be doing, Mr Speaker, is spending a great deal of time in the wonderful suburb of Dickson, enjoying all that the vibrant and diverse suburb of Dickson has to offer, and particularly hoping that in future more people will be able to share in the experience that is living in the inner north of Canberra.

Can I thank my staff, Mr Speaker, who work incredibly hard. Without their support, I could not possibly do this job. On a sad note, Lorna Clarke from my office is leaving us and moving on to bigger and better things up in the federal parliament. I thank Lorna for all of her work. She has been terrific to work with. She often comments that she feels that, with all of this new technology, she was born in the wrong century and she would prefer a simpler time when everyone was not contactable with BlackBerries and there weren't emails flying back and forth.

Lorna, if you find the pace of technology in this place interesting, I wish you all the best in the challenges of federal parliament, which certainly is a seven-day-a-week affair. Thank you very much for your contribution to my office. I know Lorna has worked extensively with other members' offices. It has certainly been great fun. I also thank all staff who work in this place for the contributions they make to our democracy. It is a terrific thing.

Peter, all the best in your retirement. I certainly will miss you around this place. I hope that you will be able to pop in and see us from time to time. Just in closing, can I wish everyone a safe and happy festive season. I look forward to seeing you all refreshed in the new year.

Valedictory

MR HANSON (Molonglo) (6.19): Mr Speaker, I want to take this opportunity to talk about emergency departments—I am kidding. Merry Christmas to everybody. I share all the sentiments that have been made here tonight. Obviously, to the constituents of Molonglo—seven of us here work hard to represent you—to my fellow MLAs, to those opposite and those on the crossbench: I wish you a merry Christmas.

My best wishes go to my fellow Liberal members. It has been said tonight that political parties go through ups and downs. I am very lucky to have joined a party that is in the ascendancy, and not only am I lucky to be in a party with some very competent and professional people; in the two years that I have been here in the Assembly I have also been very lucky to make some very strong friendships with the members that we have here, and that is a good thing, that I could work with people who have also become very close friends.

I thank my staff: Emma Watts, who left to get married; Brett Chant, who has left to go to Queensland; Jessica Hynson, who has been with us a few months now; and Brigitte, who is in my office but not here. An office for an opposition member is a small thing. I have essentially only 1½ staff, but I am very lucky to have those staff, particularly Brigitte, who is my principal adviser. Unfortunately, she is a Kiwi, which means I have a sort of Kiwi adviser all day and then a Kiwi wife at home. But, apart from that, she is doing a splendid job. I would also like to thank the staff in Zed's office, who work so well for the team: Steve, Ian, Adam, Keith, Tio, Maria and Nick. They do a fantastic job.

Obviously, while we enjoy a break there are many from the public service who will be working hard and I would particularly like to pay note to the officers in the AFP who will be out there keeping our streets safe; to the corrections officers who will be working hard at the Alexander Maconochie Centre and elsewhere; to our health professionals, in both the private and the public sector, who will be working hard. I do acknowledge the pressure on our emergency departments and across our hospital system. There are a lot of very hardworking professionals in our health system who are doing a terrific job and I really do commend them on the hard work that they are doing.

Our Assembly staff, as has been mentioned, do a fantastic job. I commend Max and Janice for stepping up and for doing the job that you have done this year. It has been a well-done task. I thank all the staff in the Assembly who have been supporting us, particularly Peter, who is leaving—I was unaware of that, but good on you, Peter—and I make note of Sandra Lilburn who is the secretary for the committee that I sit on.

I give thanks to my family, to Fleur, to Robbie and to Will. We obviously all miss our families when we are either in this place or attending the many functions that we go to, and our families are of great support to us—not just mine but those of all of you. So have a great Christmas, stay safe and I look forward to seeing you all in the new year.

Valedictory

MS LE COUTEUR (Molonglo) (6.23): I would like to start off by thanking all my fellow MLAs—in particular my fellow Green MLAs but all of you. It is a pleasure, most of the time, to know all of you. I also thank the other people in the building: the attendants, the building managers, the clerks, Hansard and the people on the committees—in particular, soon-to-be-Dr Andrea Cullen; her thesis has been accepted, for anyone who did not know, which is very exciting.

Of course, I thank my staff and the other Greens' staff. It is coming up to the end of my second year in the Assembly and I have now got used to the concept of actually admitting, when people ask me who I am, that I am a politician. I have to say that as a job it has been getting better. I tell people how much I enjoy it and how it really is a privilege, as I think we all would appreciate. It has got to be one of the most interesting jobs in the world, I would have to say. I met a senator a while ago who said that becoming a politician was like doing a PhD because you have got to learn about so many different things quickly, and I think he is right actually.

One of the other things that I have been intrigued and thinking about—not quite on the PhD level—is the role of the media in Assembly affairs. Sometimes there seems to be so much energy that we put into the media. It made me wonder: if a member announces a policy and the media did not report it, did it actually happen? One of the things I have found very intriguing in the media this year—and possibly other years but I did not notice it as much—was that all of us have been in the media in wistful poses.

The *Chronicle*, I think, really has a speciality of wistful poses: we stare off at the distance, at something we are concerned about, and they do give a bit of gravity to the issue. But also in my less serious moments I have realised the ideal one for the thought bubble: what were we really thinking of? What I am often thinking is: "did I remember to lock the door when I left", or "will I come home and find it open and my partner will be cross with me", or more mundane things like "are we going to be re-elected in 2012" or whatever.

I must admit there are so many of these wistful poses that people have suggested you can collect an entire set. There is someone I do know who is attempting to do this. He is having a few problems, however, with Mr Doszpot. I am afraid we have not got a wistful Doszpot yet. That would be my request, Mr Doszpot, for next year. We have

got lots of Zed's, thank you, and lots of Alistair's, and a classic from Mr Hargreaves, in your camel trading outfit; we appreciate that.

There have been some good headlines that the media did not use, and I will just go through a few that I have managed to think of: "Chief Minister rescued from treetop: emergency services ask him to try and control his friskiness"; "Canberra libraries get state-of-the-art pins for noticeboard: Liberals decry massive new tacks"; "Andrew Barr rushed to emergency room: accidentally slashed finger while slashing red tape"; "Prankster releases monkeys into the Assembly chamber: nobody notices anything different for three days". That was a bit sad, that one. "Government announces the inaugural award for most ribbon cutting: Ms Porter launches the award and presents it to herself"; "Building rating assessment reveals the Legislative Assembly has four Green stars"—but, of course, we all realise it has been that way since October 2008; "Ginninderra MLAs start up an international chocolate company: Coe and Co's Cocoa Co go global"—

Mr Seselja: We always knew you had a soft spot for Alistair Coe.

MS LE COUTEUR: Absolutely. Others are: "Liberals criticise the ACT for being a nanny state: Liberals introduce a bill to ban banning"; I am waiting for it. And this is one that we are all doing: "MLAs do their bit for national recycling week: we all commit to continue the recycling of Assembly speeches".

In conclusion I would just like to say: where would we be without the media and where would we be without all of us and all of our constituents, the citizens of the ACT and the world as a whole? I just hope that we are all working towards a better place. We try. Happy Christmas and merry new year to you all.

Question resolved in the affirmative.

The Assembly adjourned at 6.29 pm until Tuesday, 15 February 2011, at 10 am.

Schedules of amendments

Schedule 1

Fair Trading (Australian Consumer Law) Amendment Bill 2010

Amendment moved by Mr Rattenbury

1
Schedule 1
Amendment 1.6
Proposed new section 8 (2)
Page 7, line 24—

omit

2 months

substitute

3 months

Schedule 2

ACT Teacher Quality Institute Bill 2010

Amendments moved by Ms Hunter

1
Proposed new clause 32 (1A)
Page 19, line 8—

insert

(1A) The institute may waive the requirement under subsection (1) (e) if the institute is satisfied that the person—

(a) has taken all reasonable steps to obtain a copy of the record; and

(b) is unable to obtain the record.

2
Proposed new clause 33 (1A)
Page 20, line 28—

insert

(1A) The institute may waive the requirement under subsection (1) (d) if the institute is satisfied that the person—

(a) has taken all reasonable steps to obtain a copy of the record; and

(b) is unable to obtain the record.

3
Proposed new clause 35 (1A)
Page 22, line 29—

insert

(1A) The institute may waive the requirement under subsection (1) (c) if the institute is satisfied that the person—

(a) has taken all reasonable steps to obtain a copy of the record; and

(b) is unable to obtain the record.

4
Clause 42 (5)
Page 31, line 5—

omit clause 42 (5), substitute

(5) The institute may make information in the teachers register, about whether a teacher holds full registration, provisional registration or a permit to teach, available to someone else on request.

5
Clause 42 (6)
Page 31, line 13—

omit

or subsection (5) (b)

Schedule 3

Planning and Development (Environmental Impact Statements) Amendment Bill 2010

Amendments moved by Ms Le Couteur

2
Clause 3, note
Page 2, line 17—

substitute

Note This Act also amends the *Planning and Development Regulation 2008* (see sch 1).

3
Proposed new clause 3A
Page 2, line 18—

insert

3A What is a *strategic environmental assessment*?
New section 99 (2)

insert

(2) A strategic environmental assessment is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

4
Clause 7 heading
Page 3, line 20—

omit clause 7 heading, substitute

7 New sections 124A and 124B

5
Clause 7
Proposed new section 124A (1) (b)
Page 4, line 2—

omit

substantial

substitute

significant

6
Clause 7
Proposed new section 124A (3)
Page 4, line 10—

omit proposed new section 124A (3), substitute

(3) In this section:

significant means important, notable or of consequence having regard to the matters mentioned in subsection (2).

124B Meaning of *likely to have a significant adverse environmental impact*

(1) For this Act, a development proposal is ***likely to have a significant adverse environmental impact*** if there is a real or not remote chance or possibility that the proposal will have a significant adverse environmental impact.

(2) In deciding whether a development proposal is likely to have a significant adverse environmental impact it does not matter whether the adverse environmental impact is likely to occur on the site of the development or elsewhere.

7
Clause 9
Proposed new section 138AA (1) (b)
Page 4, line 23—

omit

or item 6

substitute

, item 6 or item 7 (b)

8
Clause 9
Proposed new section 138AB (4A)
Page 5, line 26—

insert

(4A) A regulation may prescribe criteria that a relevant agency must take into account in considering whether a proposal is not likely to have a significant adverse environmental impact.

9
Clause 14
Proposed new section 211 (2) and (3)
Page 9, line 18—

omit proposed new section 211 (2) and (3), substitute

(2) An exemption must include—

(a) a statement of the reasons for exempting the development application; and

(b) a copy of the other study.

(3) A regulation must prescribe the criteria that the Minister must take into account in deciding whether the environmental impact of the development proposal has been sufficiently addressed by the other study.

(3A) An exemption is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

10
Proposed new clause 25A
Page 14, line 14—

insert

25A New sections 410A and 410B

insert

410A ACAT review—environmental significance opinions

(1) This section applies if, in relation to a development proposal—

(a) a relevant agency decides to give an environmental significance opinion under section 138AB (4) (a); and

(b) a development application for development approval for the development proposal has been made.

(2) An application for review of the relevant agency's decision must be made not later than the end of the public consultation period for the development application.

Note ***Public consultation period***, for a development application—see s 157.

410B ACAT review—s 211 exemptions

(1) This section applies if—

(a) the Minister decides to exempt a development application for development approval for a development proposal from a requirement to include an EIS under section 211; and

(b) a development application for development approval for the development proposal has been made.

(2) An application for review of the Minister's decision must be made not later than the end of the public consultation period for the development application.

Note ***Public consultation period***, for a development application—see s 157.

11
Proposed new clause 26A
Page 15, line 2—

insert

26A Schedule 1, new item 1A

before item 1, insert

1A	decision under s 138AB (4) (a) to give an environmental significance opinion	relevant agency	an entity if— (a) the entity made a representation under s 156 about the development proposal or had a reasonable excuse for not making a representation; or (b) the entity has objects or purposes—the decision relates to a matter included in the entity's objects or purposes	

12
Proposed new clause 26B
Page 15, line 2—

insert

26B Schedule 1, new item 14A

insert

14A	decision under s 211 to exempt development application	Minister	an entity if— (a) the entity made a representation under s 156 about the development proposal or had a reasonable excuse for not making a representation; or	

			(b) the entity has objects or purposes—the decision relates to a matter included in the entity's objects or purposes	

13
Clause 29
Proposed new item 1
Page 16—

omit

a future urban area or in

14
Clause 30
Proposed new item 2
Page 21—

omit proposed new item 2, substitute

2	proposal involving—
	(a) the clearing of more than 0.5ha of native vegetation unless the conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact; or
	(b) the clearing of native vegetation on land identified in a nature conservation strategy, or action plan, under the *Nature Conservation Act 1980* or a biodiversity corridor unless the conservator of flora and fauna produces an environmental significance opinion that the clearing is not likely to have a significant adverse environmental impact

15
Clause 30
Proposed new item 6
Page 22—

after

registered

insert

, or nominated for provisional registration,

16
Clause 30
Proposed new item 7
Page 22—

omit proposed new item 7, substitute

7	proposal involving—
	(a) land included on the register of contaminated sites under the *Environment Protection Act 1997*; or

	(b) land potentially contaminated in a way that is likely to cause a significant risk of harm to people's health or the environment unless the environment protection authority produces an environmental significance opinion that the proposal is not likely to have a significant adverse environmental impact

17
Clause 30
Proposed new item 8
Page 22—

omit

or land that is designated under the territory plan as a future urban area

18
Clause 32
Proposed new definition of *likely to have a significant adverse environmental impact*
Page 22, line 12—

insert

likely to have a significant adverse environmental impact—see section 124B (1).

19
Clause 32
Proposed new definition of *relevant agency*, new paragraph (d)
Page 23, line 9—

insert

(d) for schedule 4, part 4.3, item 7 (b)—the environment protection authority.

20
Clause 34
Page 23, line 17—

omit clause 34, substitute

Schedule 1 Planning and Development Regulation 2008

(see s 3)

[1.1] New section 13 (3)

insert

(3) An SEA scoping document is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

[1.2] Section 14

after

assess the environmental benefits and impacts

insert

(a ***benefits and impacts assessment***)

[1.3] New section 15 (2) (aa)

before paragraph (a), insert

(aa) invite comments from the public; and

[1.4] New section 15 (2) (c)

insert

(c) allow for public consultation for stages A, B, C and E.

[1.5] Section 17 (2) (b) and (c)

substitute

(b) the benefits and impacts assessment;

(c) the consultation plan;

(d) the consultation report;

(e) any monitoring plan.

[1.6] Section 17 (2), note

substitute

Note The SEA scoping document is prepared in stage B (see s 13). The benefits and impacts assessment is prepared in stage C (see s 14). The consultation plan and consultation report are prepared in stage D (see s 15). The monitoring plan is prepared in stage E (see s 16).

[1.7] Section 51 (3), except example

substitute

(3) The planning and land authority in preparing a scoping document for a development proposal—

(a) must consult with the ACT community; and

(b) may consult with an entity that the authority is not required to consult with under subsection (1).

[1.8] Section 54 (1) (e)

omit

[1.9] Dictionary, new definition of *benefits and impacts assessment*

insert

benefits and impacts assessment, in relation to a strategic environmental assessment—see section 14.

Answers to questions

Finance—departmental loans (Question No 1112)

Mr Seselja asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 26 August 2010 *(redirected to the Minister for Disability, Housing and Community Services)*:

(1) In relation to each department or agency within the Ministers portfolio area, what loans were outstanding as at 30 June 2010.

(2) When was each loan entered into.

(3) What is the interest rate and maturity date of each loan.

(4) Who has provided each loan, and how was each loan acquired.

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

The member should note that the response to QON 1109,1125, 1126 and 1127 covers the entire Department of Disability, Housing and Community Services and includes the response to Question 1112.

Roads—recycled materials (Question No 1204)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 21 October 2010:

(1) Does the Government use recycled asphalt, or other recycled materials, to build new roads and to perform road maintenance and upgrades in the ACT.

(2) What percentage of roadworks in the ACT are done using recycled materials.

(3) Have recycled materials been used in roadworks in the past, or has it ever been the policy of the Government to use recycled materials.

(4) What assessment has the Government done comparing costs between using recycled materials and non-recycled materials for roadworks and can the Minister provide this analysis.

(5) What plans, if any, does the Government have to increase the percentage of recycled material used in ACT roadworks.

(6) What reconsideration is being done of this policy in light of the Government's 40 per cent greenhouse gas reduction target.

(7) Has the Government done any work to investigate how Canberra could process asbestos for eventual use as a road base material.

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

(1) Yes.

(2) Detailed records are not kept however it is estimated that less than 10% of all roadworks in the ACT are carried out using recycled materials.

(3) Yes.

(4) For new works, the estimating and tendering process determines the most economic cost for roadwork projects.

For maintenance works materials selection is assessed on a case by case basis, taking into account cost, serviceability, practicality and environmental and other considerations. Use of recycled materials has priority where other factors are comparable. One recent example is the use of recycled concrete for resurfacing of a gravelled section of Boboyan Road, undertaken as part of the 2009/10 re-sealing program.

(5) The Department of Territory and Municipal Services (TAMS) is currently reviewing its design standard and specification for road pavement works. Increased use of recycled materials forms part of the scope of this review.

(6) The current review of TAMS' standards and specifications is consistent with the need to reduce greenhouse gas emissions.

(7) No, the use of asbestos in this way is not considered feasible in the light of tight environmental restrictions and the creation of contaminated sites where asbestos is stored.

Roads—streetlights (Question No 1206)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 21 October 2010:

(1) What are the types and percentages of lights used in the ACT's traffic lights and street lights, for example, how many are light-emitting diodes, mercury vapour bulbs and/or high pressure sodium.

(2) What plans does the Government have for upgrading traffic and street lights in Canberra to more energy efficient and environmentally friendly lights.

(3) What is the Government's policy regarding the type of lights used in street and traffic lights, and are there any plans to review and change this policy.

(4) What estimations has the Government done quantifying the amount of money the Territory could save by upgrading bulbs in street lights and traffic lights to more energy efficient models.

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

(1)

With respect to traffic lights:

There are three types of traffic signal lanterns used in the ACT:

- Light Emitting Diodes (LEDs) - the most energy efficient and used at 29% of installations;
- Quartz-Halogen lanterns - less energy efficient and used at 43% of installations; and
- Tungsten Filament (Incandescent) lanterns - the least energy efficient and used at 28% of installations.

With respect to street lights:

As at 30 June 2010 there were 72,210 public street lights installed in the ACT. The table below represents the percentage of street light by category:

Lamp Type	**Percentage**
Mercury Vapour	25%
High Pressure Sodium	57%
Metal Hallide	9%
Other	9%

To date LED's have not been introduced into the street light network. The manufacturers' claimed life ratings (50-100,000 hours) for LED operation cannot be substantiated due to lack of installed data.

(2)

With respect to traffic lights:

The current arrangement is that when existing traffic signal lanterns come to the end of their design life they are replaced with LEDs.

With respect to street lights:

The ACT Government has committed $513,000 towards capital upgrades of energy efficient lighting in 2010-11.

In the past three years, 7,157 mercury vapour fittings have been removed from the street light network and replaced with energy efficient street light globes and fittings.

(3)

With respect to traffic lights:

Since October 2004 the policy has been that all new traffic signal installations and all major signal upgrades shall use LED lanterns.

With respect to street lights:

For street light maintenance, where lights are replaced, new energy efficient light fittings are used.

(4)

With respect to traffic lights:

A simple in-house comparison has been made of the cost of replacing existing non LED traffic signal lanterns with LED lanterns against the reduction in energy costs associated with the new equipment. The evaluation concluded that the payback period for the new signals was in the order of 15 years. The estimated life span of an LED traffic signal panel is in the order 7-10 years. Further, the cost of replacing the non-LED signals has been estimated at $3.75million.

With respect to street lights:

To change all mercury vapour street light fittings to energy efficient light fittings would cost approximately $18 million. The payback period in energy savings varies between 6 to 20 years, depending on the size, type and location of the street light.

Cuppacumbalong—heritage management (Question No 1208)

Ms Bresnan asked the Minister for the Arts and Heritage, upon notice, on 27 October 2010:

(1) What funds does the ACT Government spend on heritage management for the Cuppacumbalong site.

(2) What is the current maintenance state of the Cuppacumbalong gardens and homestead.

(3) Is there an ACT Government grant which the Tharwa community would be eligible for in order to manage the gardens on the Cuppacumbalong property; if so, (a) is it a heritage grant and (b) what conditions would be placed on such a grant.

(4) Has the ACT Government considered purchasing the Cuppacumbalong property as a heritage property which could be managed, or tendered out to be managed, similarly to Strathnairn Arts Association.

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

(1) The Cuppacumbalong Homestead has been a privately leased and managed property since 1975 when the Commonwealth issued a lease for 99 years. The day to day management responsibilities rest with the lessee. The ACT Government has made financial contributions to the management of Cuppacumbalong Homestead through the Heritage Grants Program of $7,881 (excl. GST) in 2005 for a photographic exhibition and signage, and $3,600 (excl. GST) in 2007 for a garden conservation management plan.

(2) The Cuppacumbalong Homestead has been maintained by the current lessee since 2001. Although the garden is on unleased territory land, the lessee has maintained it on an informal agreement with the Department of Territory and Municipal Services (TAMS).

(3) No, the Cuppacumbalong Gardens is currently managed under an agreement between the lessee of Cuppacumbalong Homestead and TAMS.

(4) The ACT Government has not considered purchasing the Cuppacumbalong Homestead as it is on a 99 year lease, and privately managed.

Cuppacumbalong—opening hours (Question No 1210)

Ms Bresnan asked the Minister for Tourism, Sport and Recreation, upon notice, on 27 October 2010 *(redirected to the Minister for Transport)*:

(1) Why was the ACT Tourist Drive System at Tharwa withdrawn in 2003.

(2) Are there plans to reinstate the public opening hours for Cuppacumbalong; if not, why not.

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

1. Tourist Drive 5, which includes parts of Tharwa, was affected by the extended closure of the Tharwa Bridge in 2005. This has now been reopened to the public and the Tourist Drive re-instated through this area. Roads ACT is unaware of any withdrawal of the system at Tharwa in 2003 other than when the bridge was closed as a result of fire damage for a short period of time.

2. Cuppacumbalong Homestead is operated under a private lease.

   The lessee recently applied for a variation which would broaden the purpose clause of the lease. It is understood that the variation was intended assist with viability and therefore increase the potential for public access.

   The ACT Planning and Land Authority approved the variation. However, there was a third-party appeal. The Administrative and Civil Appeals Tribunal decision on the appeal supported ACTPLA's approval of the variation, subject to some minor variations. The Tribunal also ordered that the public access clause in the lease be reinstated.

   The decision does not take effect, and the lease cannot be varied, until a number of environmental studies, a Conservation Management Plan and a Master Plan have been completed.

   Once these studies are completed and the lease is varied, I expect appropriate opening hours will be imposed on the Lessee to ensure that the public has regular access to Cuppacumbalong. It is important that these studies are completed prior to any new works being undertaken. New works have the potential to increase opportunities for public access but need to be considered in the context of any likely impacts on the heritage values of the place.

Health—programs
(Question No 1211)

Ms Bresnan asked the Minister for Health, upon notice, on 28 October 2010:

(1) Does the ACT Government have any preventative health grants or programs that seek to target vulnerable groups by known location disadvantage, for example, the National Centre for Social and Economic Modelling has identified the suburbs of Symonston, Oaks Estate, and Reid as having the highest levels of poverty in the ACT.

(2) If the ACT Government does fund any targeted programs, (a) what are those programs, (b) who runs the programs and (c) how much funding is provided for each program.

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

(1) The ACT Government does provide preventative health grants through the ACT Health Promotion Grants Program (ACTHPGP) that seek to target vulnerable groups by known location disadvantage. This is also achieved through the ACT Government's administration of the Department of Health and Ageing, Healthy Communities initiative - Local Government Area Grants Program.

(2)(a) The ACTHPGP provides targeted preventative health grants in collaboration with the ACT Department of Education and Training (DET) and the administration of the Smarter Schools National Partnership for Low Socio-economic Status School Communities. This program has identified schools within the ACT that are of known location disadvantage however these do not include Symonston, Oaks Estate or Reid. The ACTHPGP is working closely with DET through the Healthy Schools Healthy Children Funding Round to: encourage grant applications from DET identified schools; broaden the funding round to include multi-year grants to encourage supported project development within these schools; and continue to provide detailed support if successful for funding.

The Healthy Communities Initiative administered by the ACT Government currently funds programs within the inner north suburbs of Braddon, Reid and Turner, identified through ABS data as being collection districts that fall within the bottom 5% in Australian rankings for relative social economic disadvantage. These programs include:

- Nutrition Education Program to be provided at The Boomerang Centre and The Canberra Seniors Centre.
- FoodCents. Training for service providers to improve their capacity to provide appropriate nutrition advice; and
- Heart Moves. A Physical Activity Program in the ACT designed to build the capacity of the fitness industry to provide appropriate physical activity programs for people at risk of chronic disease.

(b) The ACT Health Continuing Care Program conducts the Nutrition Education Program. Red Cross conducts the FoodCents Program and The Heart Foundation ACT conducts Heart Moves.

(c) (i) The ACTHPGP Healthy Schools Healthy Children Funding Round, $400 000 total available
(ii) Nutrition-Education-Program $52 273
(iii) FoodCents, $68 163; and
(iv) Heart Moves, $148 507

Health—chiropractors (Question No 1212)

Ms Bresnan asked the Minister for Health, upon notice, on 28 October 2010:

(1) How much did the ACT Government pay for the work undertaken by the Centre for Allied Health Evidence (CAHE) with regard to a literature review investigating the feasibility and effectiveness of chiropractors working in the public health sector.

(2) How does the figure referred to in part (1) compare with the budget suggested by the ACT Branch of the Chiropractors Association of Australia (CAAACT) for a 12 week pilot project to investigate publicly provided chiropractic services in the ACT.

(3) What was the basis of the selection of CAHE to undertake the review and why were they chosen over other tenderers.

(4) Who else tendered to undertake the review.

(5) What terms of reference did the ACT Government provide to CAHE for the review and what were CAHE's findings for each of these terms.

(6) Why didn't the ACT Government request CAHE to comment on the CAAACT pilot proposal specifically.

(7) If CAHE did comment on the CAAACT pilot proposal specifically, what were the comments.

(8) What chiropractic qualifications did the ACT Government require of the individuals conducting the review and what were the qualifications of the individuals.

(9) Given that on 9 December 2009 the Minister stated in the Assembly that after a literature review was conducted, an expert panel would be formed by ACT Health to examine the literature review findings and to assess the CAAACT pilot proposal using key performance indicators and considering the findings in an ACT context, (a) who were the members of the panel, (b) what was each of their expertise, (c) why weren't the CAAACT part of this panel, (d) what were the key performance indicators, (e) what was the outcome, when the CAHE findings for each of the terms of reference were considered against the ACT context and (f) how much did the ACT Government pay for the convening of this expert panel.

(10) Can the Minister provide a copy of the CAHE's report and key documents regarding the expert panel's assessment.

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

(1) ACT Government paid $25,842 (Ex GST) for this review.

(2) The estimated total budget proposed by the ACT Branch of the Chiropractors Association of Australia (CAAACT) for a 12 week study was $163,125.

(3) Two quotes were received. In addition to undertaking a literature review, the successful submission proposed a methodology to mitigate any potential criticism of bias associated with any recommendations. Their submission included establishing a small internal reference group to assist with definition of terms, and ensure an understanding of the service provision frameworks surrounding chiropractor activity in public health systems. This group included several knowledgeable Australian chiropractors involved in academic and clinical leadership roles, and at least one internationally recognised chiropractic researcher.

(4) This information is commercial in-confidence.

(5) The CAHE review focused on spinal musculoskeletal conditions occurring in acute, subacute or chronic forms for low back pain and non-whiplash neck pain, and considered:

- What is the effectiveness of chiropractic treatment for spinal conditions?
- Is there a comparison between outcomes for chiropractors, doctors and physiotherapists?

(6) CAHE was not contracted to comment on the CAAACT proposal, it was contracted to undertake work that would assist ACT Government make an informed decision about the proposal.

(7) CAHE did not specifically comment on the CAAACT pilot proposal.

(8) The ACT Government did not stipulate any chiropractic qualifications for the individuals conducting the review. However, one of the research team had previously undertaken research in the field of chiropractics. In addition.the methodology used by CAHE was designed to ensure chiropractic input was provided via the internal reference group.

(9) (a) to (f) Two things have happened since the review which impacted upon the plan to establish a panel: Firstly, Health Workforce Australia has been established by the Council of Australian Governments to manage and oversee reforms to the Australian health workforce. Secondly, Recommendation 1 of the literature review raised a number of issues which would need to be addressed via some form of primary research before a pilot study could be considered.

This advice was given to CAAACT and it was suggested that they approach Health Workforce Australia to assist them to address gaps.

(10) A copy of the Report is attached, as is the letter sent to the Vice President and Policy Officer of the CAAACT.

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

Floriade—traffic lights (Question No 1213)

Ms Le Couteur asked the Minister for Transport, upon notice, on 28 October 2010:

(1) During what period did the traffic lights on Commonwealth Avenue, which operate yearly during the Floriade festival, operate during 2010.

(2) How many days after the end of the Floriade festival were the lights switched off.

(3) What is the reason that the lights continue to operate after the end of the Floriade festival.

(4) Has the Government received complaints this year and in past years about the lights continuing to operate beyond the end of Floriade; if so, how many complaints has the Government received.

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

(1) The lights were brought into operation on 16 August and deactivated on 26 October.

(2) 16 days.

(3) Once the festival has finished there is a period during which the displays, attractions, etc, are being dismantled. This period usually lasts around two weeks and during that time there is no general parking available at Regatta Point. As a consequence workers and visitors to Regatta Point need to use the car parks on the west side of Commonwealth Ave and walk to the site. The lights are left operational to cater for these pedestrians.

(4) This year Roads ACT received two complaints about the lights being left on once the festival had finished (and one request that the lights be left on all year round). It should be noted however that these traffic lights are the responsibility of the National Capital Authority (NCA). The decision to activate them early and keep them operational after the festival has finished rests with the NCA.

Domestic Animal Services—dogs (Question No 1214)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2010:

(1) In relation to a further outbreak of parvovirus at the Domestic Animal Services (DAS) shelter, how many dogs have been housed at the DAS shelter since 23 June 2010 when the first outbreak of parvovirus was detected.

(2) Of those dogs referred to in part (1), how many (a) were tested for parvovirus, (b) were vaccinated against parvovirus and (c) have tested positive for parvovirus.

(3) Who is responsible for deciding when the DAS shelter should implement quarantine procedures and go into lock down.

(4) Can the Minister provide copies of any documents that outline the procedures that are implemented during quarantine periods.

(5) Who is responsible for deciding when the quarantine period at the DAS facility should end and what factors are considered when making this decision.

(6) What procedures do the DAS use to manage the ongoing risk in or around the facility once the quarantine period has ended and do these procedures include testing new arrivals for parvovirus and quarantining new arrivals until tests are complete.

(7) What specific measures have been taken to decontaminate the walking tracks in the nature reserve adjacent to the DAS shelter.

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

1. Parvovirus was first detected at the DAS facility on 19 June 2010. Between this date and 31 October 2010, a total of 596 dogs have been impounded at the facility.

2. Of the 596 dogs impounded during this period:
   (a) 14 dogs were tested for the parvovirus;
   (b) 272 dogs were C3 vaccinated against parvovirus; and
   (c) 11 dogs tested positive to parvovirus.

3. The Registrar is responsible for implementing quarantine procedures at DAS. This decision is made in conjunction with advice from the ACT Government Vet.

4. The procedures that are followed by DAS staff during quarantine periods are contained in DAS operating procedures.

5. The ACT Government Vet has determined that a 14 day quarantine period be implemented at the DAS facility following a positive detection of the parvovirus. If no further detection of the virus occurs during this period, the DAS Registrar declares the end of the quarantine period on the 15th day.

6.
   - All dogs entering the facility are C3 vaccinated against parvovirus;
   - Dog pens, food bowls etc are cleaned daily;
   - Foot baths are maintained at the entrance to the kennels;
   - Any owner who attends DAS to surrender an animal, is asked about the dog's vaccination history;
   - DAS vehicles are regularly disinfected;
   - Any dog showing signs of illness is monitored and taken to a vet for treatment if required;
   - Dogs are tested for the parvovirus when they show initial symptoms, as testing prior to this records a negative result;
   - New arrivals are quarantined if there are suspicions that they may have parvovirus, pending the outcome of a test. If this test is positive, a vet is called to confirm the diagnosis and if parvovirus is confirmed, the dog is immediately euthanized.

7. Walking tracks used by volunteers to exercise the dogs are outside the DAS facility on public land. The virus is extremely stable and considered 'ubiquitous'. No environment is virus free unless it is regularly disinfected. Bleach is the best and most effective disinfectant against viruses; however disinfection is problematic for non-bleachable surfaces such as grass and soil. Even if these areas were bleached daily, as they are open to the public and due to the nature of the surface, there is no guarantee that they would be free from the virus.

Vaccination of dogs against the virus is the only guaranteed method of preventing exposure, and this has been implemented at the facility as a matter of policy since 13 September 2010.

Roads—urban infrastructure (Question No 1215)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 28 October 2010:

(1) When was the last time that the design standards for urban infrastructure were significantly updated.

(2) Are the design standards subject to regular review; if so, how regular are the reviews.

(3) When was the last time the design standards were reviewed.

(4) Who conducts reviews of the design standards, for example, are they undertaken in government, or by an independent reviewer.

(5) Does the Government and/or the Department of Territory and Municipal Services use the technical infrastructure guideline/technical design manual called *Complete Streets*; if so, how is this manual used; if not, are there plans to use this design manual and how will it be used.

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

1. 2002.

2. Yes. Every 8-10 years. A review of the road design standards and specifications is currently underway.

3. Collectively in 2002 but individual standards and specifications have been amended since that time.

4. The Australian Road Research Board, a national organisation have been engaged to review the road design standards and specifications on behalf of the Department of Territory and Municipal Services (TAMS).

   The review process for Design Standard 23, Plant Species for Urban Landscape Projects is being undertaken by a working group including industry representatives, tree specialists and Departmental officers.

5. No. *Complete Streets* was only released in August 2010. The current review of the TAMS road standards and specifications will consider *Complete Streets* and whether it is consistent with national standards and if it is suitable for use in the ACT.

Planning—new buildings (Question No 1217)

Ms Le Couteur asked the Minister for Planning, upon notice, on 28 October 2010:

(1) What rules apply in the ACT, in the construction of new buildings, that regulate the use of
(a) adhesives, including for flooring and wallpaper, in terms of the maximum level of volatile organic compounds permitted,
(b) architectural and protective coatings, in terms of (i) the maximum level of volatile organic compounds permitted and (ii) which glycol ethers, heavy metals and carcinogenic substances are restricted,
(c) building insulation material, in terms of (i) content of recycled material required, (ii) any restrictions on where raw materials used in the insulation is obtained from, for example, cannot come from national parks and (iii) prohibited and restricted substances, such as formaldehyde, foam products and flame retardants,
(d) carpets, in terms of (i) any restrictions on where raw materials used in the product is obtained from, for example, from manufacturers that do not use chemical bleach, (ii) prohibited and restricted substances, for example flame retardants and (iii) requirements to meet water, energy and emissions standards in production,
(e) floor coverings, in terms of (i) glues and preservatives restricted or prohibited and (ii) restrictions or prohibitions on the use of timbers or other natural materials,
(f) panel boards, in terms of (i) restrictions or prohibitions on the use of timbers or other natural materials, (ii) restrictions on how timber in panel boards are treated, for example, with insecticides, (iii) content of recycled, or resource efficient material required, (iv) the maximum level of volatile organic compounds permitted, (v) prohibited and restricted substances, for example, fluorine and carcinogens, (vi) level of recyclability of the product and
(g) refrigerants, in terms of (i) the maximum level of ozone depletion potential permitted and (ii) the global warming potential permitted.

(2) What rules apply to the above materials in relation to renovations.

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

There are over 20 parts in the series of questions and although a large number of topics might be included under all-embracing areas such as sustainability or the environment, the questions encompass a number of discrete issues not all of which are covered by my portfolio. These include:

- maximum limits for volatile organic compounds in a variety of building materials;
- prohibition or other limitations on certain chemicals and other elements in architectural materials and finishes;
- restrictions on resources used in or as building materials on conservation grounds;
- requirements for use of recycled content in building materials;
- requirements for recyclable content in certain building products;
- requirements for manufacturing processes for building materials to meet "resource efficiencies";
- restriction of use of building products in the ACT depending on the origin of materials;

- use of ozone depleting substances in refrigerants; and
- permitted levels of global warming potential for refrigerants.

Australia has ratified the *Montreal Protocol on Substances that Deplete the Ozone Layer* and numerous subsequent amendments. Substances under that protocol are regulated by the Commonwealth *Ozone Protection and Synthetic Greenhouse Gas Management Act 1989*. Regulation under this Act, which has been in place since 1 July 2005, requires people and businesses that acquire, possess, dispose of or handle ozone depleting substances or synthetic greenhouse gases in the refrigeration and air conditioning industry to hold a suitable licence under those regulations,

In response to earlier questions on these issues in May and October of this year, I have informed the Assembly about the work being undertaken collaboratively at the national level on lifecycle environmental impacts of common building materials. The major piece of work is being led by the Building Products Innovation Council and it is intended that it will form the basis of new standards for building materials if required. On completion of this project and the national response to the outcomes, the ACT will assess whether any additional work is needed to develop local standards for areas that may not be covered in the current projects.

Planning—YMCA Sailing Club (Question No 1218)

Ms Le Couteur asked the Minister for Planning, upon notice, on 28 October 2010:

(1) Is the ACT Planning and Land Authority (ACTPLA) taking any action to enforce the lease purpose conditions for the YMCA Sailing Club in Yarralumla.

(2) How does ACTPLA liaise with the National Capital Authority (NCA) when a site has both ACTPLA and NCA leases.

(3) What communication has there been between ACTPLA and the NCA about the enforcement of the YMCA Sailing Club lease.

(4) Do the current changes of the use of the YMCA Sailing Club contravene the lease purpose conditions of the (a) NCA and (b) ACTPLA leases.

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

(1) ACTPLA has exercised its powers to enforce compliance of the building approval with the *Building Act 2004*, the *Planning and Development Act 2007* and the Crown lease for blocks 1,2 and 3, section 18 of Yarralumla. ACTPLA has advised that there was no evidence of a breach of lease as at 16 November 2010.

(2) ACTPLA liaises with the NCA when advice is required on any lease where any part of the land within the Territory lease is classified as 'designated land' under the Territory Plan and the National Capital Plan.

(3) ACTPLA and the NCA have communicated at the highest levels of the organisations on this matter. ACTPLA and NCA concur on the interpretation of the lease. The NCA has expressed agreement with the action taken by ACTPLA to address breaches.

(4) In relation to building work on the leasehold, ACTPLA has exercised its statutoiy powers to ensure that the work and use inferred by the work is compliant with the Building Act, the Planning and Development Act and the Crown lease. ACTPLA has advised that there was no evidence of a breach of lease as at 16 November 2010.

Planning—development applications (Question No 1219)

Ms Le Couteur asked the Minister for Planning, upon notice, on 28 October 2010:

(1) Is the ACT Planning and Land Authority (ACTPLA) required to refer to previous development applications when considering development application proposals as a matter of practice.

(2) How are relevant Development Control Plans taken into account when considering development applications.

(3) Do development applications need to be consistent with any development control plans relevant to the site.

(4) If a development application concerns an area which is also on National Capital Authority (NCA) land, what is the process of consultation and decision-making, and where does the final decision rest.

(5) If a development application is appealed through the ACT Civil and Administrative Tribunal (ACAT), how is the NCA's opinion, role or any Development Control Plan, able to be taken into account.

(6) How does ACTPLA follow up compliance on ACAT decisions.

(7) What actions do ACTPLA take if a construction is found to have been completed without any development application approvals.

(8) What actions does ACTPLA take if a building certifier approves a faulty development, or fails to note obvious breaches to the plan.

(9) Can ACTPLA issue certificates of occupancy after breaches to plans or rules have been noted.

(10) What is considered to be a significant structure under the Planning and Development Act and where in the Act, Regulations or Territory Plan can a list of significant structures be found.

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

(1) No. Each application is assessed on its merits in accordance with the planning requirements that apply at the time of making the decision.

(2) Where a development is subject to any relevant Development Control Plan prepared under the National Capital Plan, the development is to be not inconsistent with the Special Requirements or Development Control Plan. It is ACTPLA's responsibility to interpret the Development Control Plan.

(3) Yes

(4) For the purpose of answering this question, National Capital Authority (NCA) Land is taken to mean land in a designated area. ACTPLA only considers Development Applications (DAs) in a designated area that seek approval for a variation to a Territory Crown lease. Such DAs are publicly notified, referred to the NCA for comment, and determined in accordance with the *Planning and Development Act 2007*. The final decision for the DA may be made by ACTPLA, the Minister for Planning, or ACAT should the decision be reviewed. Note that design and siting approvals in designated areas are made by NCA.

(5) The Tribunal is required to apply the law, which includes the Territory Plan, at the time of making its decision. The Tribunal is required to consider any relevant Development Control Plan and advice received from the NCA.

(6) All lessees in receipt of a decision relating to a development application over their leased land have a requirement to comply with that decision in accordance with the *Planning and Development Act 2007*.

If an alleged breach of relevant legislation is identified by a member of the community or through ACTPLA's own activities, on completion of an appropriate investigation ACTPLA may undertake corrective action utilising the enforcement provisions of the legislation.

(7) The lessees of a property may be required to lodge a development application to seek approval for the development on the site, as is their entitlement. The application will be determined on its merits giving consideration to all the mandatory assessment requirements. Other appropriate enforcement action may be considered under the relevant legislation should it be necessary. This ranges from controlled activity orders, infringement notices and ultimately prosecution.

(8) On completion of an appropriate investigation, if an alleged breach of relevant legislation is sustained ACTPLA may undertake action against a licensee utilising the disciplinary provisions of the legislation.

(9) The statutory duty to issue Certificates of Occupancy and Use rests with the Construction Occupations Registrar. This is done on the advice of the licensed building certifier who has been appointed by the lessee of the property.

It is the statutory duty of the licensed building certifier to determine if a development is consistent with the applicable plans and rules. A building certifier cannot recommend to the Construction Occupations Registrar the issuance of a Certificate of Occupancy and Use for a building that is not in accordance or substantially in accordance with the building approval.

Breaches of rules or plans must be rectified by the building certifier before a recommendation is made to the Construction Occupations Registrar to issue a Certificate of Occupancy and Use.

This practice is consistent with the standard approach of a privatised model for building certification.

(10) The *Planning and Development Act 2007* does not define a significant structure. The *Planning and Development Act 2007*, *Planning and Development Regulation 2008*, and the Territory Plan, do not provide a list of significant structures.

ACTION bus service—parking facilities (Question No 1221)

Mr Coe asked the Minister for Transport, upon notice, on 18 November 2010:

(1) What was the total cost to establish the Mawson Park 'n Ride and Bike n' Ride facility.

(2) What factors determined the location of the Park 'n Ride and Bike n' Ride facility.

(3) Has any increase in patronage been recorded since the facility opened in January 2010; if so, what are the details.

(4) How many further sites have been identified as being suitable for Park 'n Ride facilities.

(5) If further sites have been identified, (a) where are they and (b) what is the anticipated cost of these facilities.

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

1. $530,000.

2. Factors considered in the selection of *Park 'n Ride* and *Bike n' Ride* facilities include:
   - o Proximity to high frequency/rapid bus services;
   - o Land availability;
   - o Vehicular and pedestrian access;
   - o Upstream congestion;
   - o Passive surveillance;
   - o Site visibility; and
   - o Cost effectiveness.

3. Yes. In the first few months of opening the patronage increase was around 30. This number has doubled within four months of opening and now more than 70 people are using this facility for *Park 'n Ride*.

4. There are four more sites identified feasible. Another five sites are under investigation.

5. Identified sites and their estimated costs are:

o Flemington Road (near EPIC)	$210,000
o Erindale	$510,000
o Flemington Road (near Harrison)	$585,000
o Belconnen (Purdue Street)	$ 50,000

Art—public installations (Question No 1223)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 18 November 2010:

What have been the ongoing costs per annum associated with each of the major installations of public art in the ACT for each year since 2007 to date, by location, including cost of (a) lighting, (b) security and (c) maintenance, including cleaning.

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

(1) The ongoing costs per annum associated with each of the major installations of public art in the ACT for each year since 2007 are listed below by financial year. All figures are GST exclusive.

2007-08

(a) Nil cost for lighting of artworks in the 2007-08 financial year. $268.00 was paid for power supply to *The Masters Voice* auditory artwork located in City Walk.

(b) Nil cost for security.

(c) $7,150.00 for routine maintenance of the collection managed by the Chief Minister's Department paid to Territory and Municipal Services Facility Management (TaMS FM). A breakdown of costs per artwork is not available as this was a lump sum payment arrangement.

2008-09

(a) $364.00 was paid for power supply to lighting of the *Illumicube* (Ainslie Avenue, City) and electricity supply to the auditory work *The Masters Voice* (City Walk) cost $458.00.

(b) Nil cost for security.

(c) $7,150.00 cost for routine maintenance of the collection managed by the Chief Minister's Department paid to Territory and Municipal Services Facility Management. A breakdown of costs per artwork is not available as this was a lump sum payment arrangement.

Reactive maintenance costs in 2008-09 were as follows:

- *The Cushion*, Garema Place, plaque replacement $2,160.00;
- Graffiti removal from *Dinornus maximus* (Yarra Glen), *The Cushion* (Garema Place), *Harmonies* (Melba Shops) and the ACT Memorial (Ainslie Avenue) cost in total $905.00;
- Graffiti removal from *Ghandi* (Glebe Park) $160.00;
- Replacement of lighting fittings and globes in *Running Lights* (Lake Ginninderra) cost $4,735.00;
- *Living Space* (City Walk) repainting of book by artist cost $996.00;
- ACT Memorial (Ainslie Avenue) repairs caused by vandal damage cost $4,615.00;
- *Wind Sculpture* (City Walk) repair of damaged fin and replacement fin cost $533.00; and

– Replacement of damaged/removed plaques poetry plaques in Garema Place cost $1609.00.

2009-10

(a) A total of $668.00 was paid for power supply to lighting of various works and electricity supply to the auditory work *The Masters Voice*, City Walk.

(b) Nil cost for security.

(c) $5,362.50 cost for routine maintenance of the collection managed by the Chief Minister's Department was paid to TaMS FM. Routine maintenance during this financial year was put on hold to allow for the renewal of the scope of works in response to the increased collection size.

Reactive maintenance costs in 2009-10 were as follows:

– *Choice of Passage* (London Circuit) and *Vessel of (Horticultural) Plenty* (Marcus Clarke Street) graffiti removal $751.00;
– Works to make good vandal damage *Vessel of (Horticultural) Plenty* (Marcus Clarke Street) $425.00;
– Repair after vandal damage ACT Memorial (Ainslie Avenue) $5,550.00; and
– The Masters Voice program adjustments $275.91.

2010-11 to October 2010

(a) $122.49 was paid for power supply to lighting of various works and electricity supply to the auditory work *The Masters Voice*, (City Walk).

(b) Nil cost for security.

(c) Nil paid to date for routine maintenance of the collection managed by the Chief Minister's Department.

Reactive maintenance costs to date in 2010-11 are as follows:

Replace light bulbs at *Twilight* (Ainslie Avenue) $384.59;
Repair after vandal damage ACT Memorial (Ainslie Avenue) $5,550.00; and
Ainslie's Sheep (City Walk) repair after vandal damage $386.00.

Environment—proposed data centre (Question No 1224)

Ms Bresnan asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) In relation to the proposed data centre development on Block 20 Section 23 Hume, have the proponents applied for a permit to pollute under the Environment Protection Act; if so, for what substances.

(2) Have any licences been issued for the facility; if so, for what substances and what conditions were included.

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

(1) No

(2) No

Planning—Hume
(Question No 1225)

Ms Bresnan asked the Minister for Planning, upon notice, on 18 November 2010:

(1) Who is the anchor tenant for Block 20 Section 23 Hume.

(2) Has the land been sold to the proponents of the proposed development on the site.

(3) Who has the Development Application (DA) for the site and is it still valid.

(4) What changes have been made to the proposal since it was approved on the site.

(5) Will the data centre run 24 hours per day, seven days per week.

(6) What number of turbines will be run and for what times of the day.

(7) Are the proposed turbines the same as was proposed under the original environmental impact statement; if not, what variations will there be in their size and design.

(8) What is the proposed energy use of the facility.

(9) Has the proponent indicated that energy will be sourced from renewable sources; if so, how much.

(10) Will excess power from the data centre be supplied back to the power grid.

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

(1) This is a matter for the lessee.

(2) TRE Data Centres Ply Ltd is the proponent for the development of the site and holds an executed lease for the site.

(3) Technical Real Estate Pty Ltd as Trustee for Technical Real Estate Unit Trust was the applicant for the original Development Application,

The approval takes effect in accordance with Condition 1 of the Notice of Decision which requires the registration of the Crown lease. The lease has not been registered and as such the approval has not taken effect.

The Development Approval is still valid.

(4) Amendments to reduce the stack heights were approved by ACTPLA on 1 July 2010. The amendments were required in order to satisfy conditions of approval to ensure compliance with the requirements of the National Capital Authority.

(5) This is a matter for the lessee.

(6) This is a matter for the lessee.

(7) The original EIS and approved application refer to Caterpillar Titan 130-20501S Axial Gas Turbine Generators for the purpose of noise modelling. There have been no amendments to the application for the turbines within the co-generation facility.

(8) This is a matter for the lessee.

(9) This is a matter for the lessee.

(10) This is a matter for the lessee.

Planning—Molonglo (Question No 1226)

Ms Le Couteur asked the Minister for Land and Property Services, upon notice, on 18 November 2010:

Has any modelling been done on what reduction there has been to the yield of residential dwellings using the new rules to maximise solar access for Molonglo suburbs.

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

In Wright and Coombs the main density control is the mandatory rules in the Coombs and Wright Concept Plan in the Territory Plan, not the Territory Plan solar provisions.

Due to the density controls in Wright and Coombs the solar access provisions have had minimal impact on the dwelling yields.

The solar access provisions have the most impact on the block and house size on East/West facing blocks, as the shadow is cast between the house and the boundary fence.

To achieve the same sized single storey house that could be built on a North/South block, the width of an East/West block must be increased. As a result the quantum of reduced yield is therefore dependent on the mix of North/South blocks and East/West blocks.

The Land Development Agency has undertaken to provide approximately equal distribution of North/South blocks and East/West blocks by area.

The provision of East/West blocks that comply with the solar access provision does have an impact on the density yield of any subdivision. In the case of Wright and Coombs the single dwelling yield is limited in accordance with the Concept Plan rules; however, the majority of the dwelling yield is achieved via high density dwellings in multi unit sites.

Water—ToiletSmart program (Question No 1228)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What was the target number of dual-flush toilet replacements under the ToiletSmart Program.

(2) Is the program on track to achieve that target; if not, why not.

(3) What is the budget for the program.

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

(1) The 2010/11 ToiletSmart and ToiletSmart Plus programs have an estimated program uptake of 2000 standard toilet upgrades ($100 rebate) and 900 pensioner toilet upgrades ($488 rebate). Like other behavioural programs the estimates of take-up rates for this program are not targets but an upper limit based on funding available. Take-up rate is dependent on consumer behaviour and perceptions which in turn are influenced by economic conditions and weather. The only influence that the program manager can have on take-up rate is through promotion and awareness raising, which DECCEW undertakes for these programs.

(2) Uptake of the program this financial year has been slower than estimated. This may reflect an increasing saturation of the market (*ABS Environmental Issues report: Water Use and Conservation*, March 2010, found that 84% of ACT households have dual flush toilets). This will be taken into consideration in developing options for the future delivery program in 2011.

An extensive advertising campaign is currently underway to increase public awareness. A mail out of ToiletSmart brochures in Water and Sewerage Accounts is currently being undertaken with ActewAGL. This mail out will continue over a 6 month period and reach 100,000 home owners.

(3) The 2010/11 ToiletSmart and ToiletSmart Plus program budget is $824,000 GST exclusive.

Water—commercial bathroom retrofit program (Question No 1229)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What was the target number of retrofits under the Commercial Bathroom Retrofit Program.

(2) Is the program on track to achieve that target; if not, why not.

(3) What is the budget for the program.

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

(1) 30 buildings at a maximum of $20,000 GST exclusive. The final number of retrofits possible with allocated funding will be determined by the amount of each rebate claim which will vary depending on the size of the bathroom upgrade in each building.

(2) $600,000.00 GST exclusive. Currently 43 buildings have signed up for program through Letters of Agreement with an estimated $570,500.00 (GST exclusive) of the budget allocated.

Water—GardenSmart program (Question No 1230)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What is the target number of GardenSmart Program recipients under the program.

(2) Is the program on track to achieve that target; if not, why not.

(3) What is the budget for the program.

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

(1) The 2010/11 program has an estimated uptake of 1000 GardenSmart visits.

(2) In the context of behavioural programs the estimates of take-up are not targets but an upper limit based on funding available. Take-up rate is dependent on consumer behaviour and perceptions which in turn are influenced by economic conditions and weather. The only influence that the program manager can have on take-up rate is through promotion and awareness raising, which DECCEW undertakes for these programs.

Uptake of the program this financial year has been slower than estimated. This is most likely due to increased rainfall in the region which in turn has taken focus away from the need to seek assistance in maintaining a healthy garden with less water. An extensive advertising campaign is currently underway to increase public awareness of the program and uptake.

(3) The 2010/11 budget is $322,764.00 GST exclusive.

Water—IrrigationSmart program (Question No 1231)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What was the target number of IrrigationSmart recipients under the program.

(2) Is the program on track to achieve that target; if not, why not.

(3) What is the budget for the program.

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

(1) The proposed IrrigationSmart program was trialled in a pilot in 2009-10, which targeted 200 households. 210 households received the service as part of the pilot.

The estimated take-up of the IrrigationSmart program in 2010-11 is 400; however, these estimates are subject to final program design. Like other behavioural programs the estimates of take-up rates are not targets but an upper limit based on funding available. Take- up rate is dependent on consumer behaviour and perceptions which in turn are influenced by economic conditions and weather. The only influence that the program manager can have on take-up rate is through promotion and awareness raising, which DECCEW undertakes for its programs.

(2) Pending engagement of a suitable service contractor to deliver the 2010-11 program, the service is expected to commence in first quarter 2011. The program is expected to achieve the estimated take-up.

(3) The budget for the IrrigationSmart Program in 2010-11 is $217,700.

Water—rainwater tank rebate program (Question No 1232)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What was the target number of rebates under the Rainwater Tank Rebate program.

(2) Is the program on track to achieve that target; if not, why not.

(3) What is the budget for the program.

(4) What are the (a) environmental, (b) social and (c) economic benefits of using domestic rainwater tanks.

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

(1) An estimated 260 rebates @ $1,000 GST exclusive. Final possible rebate numbers are determined by the size of tanks installed which determines the rebate amount claimed. Rebate amounts vary from $600.00 (internal connection only rebate) to $1,000.00 (9,000 litre or greater tanks with internal connection).

(2) The program is currently on track to achieve this number.

(3) The 2010/11 Rainwater Tank Rebate program budget is $330,000 GST exclusive.

(4) (a) environmental benefits

Rainwater tanks can make an important contribution towards reducing the demand on dam storages. Tanks also contribute to protecting the environment by reducing the initial un-naturally high volume of runoff from house roofs that would be absorbed by vegetation and the ground in a natural environment. That initial flush also often contains high levels of nutrients and creates high levels of sediment movement. Tanks also reduce the amount of storm water runoff that reaches our creeks and rivers, where it can cause flooding, erosion and sedimentation.

(b) social & (c) economic benefits

The following information from the National Water Commission Rainwater Tanks and Storm Water Fact Sheet summarises the benefits of installing a rainwater tank.

"Rainwater tanks have a long history of use in Australia, especially in many rural areas which often depend upon them for household water. In recent years, there has been an upsurge in rainwater tank installations in towns and cities. There are several reasons for this: water restrictions, state or local government policies (including rebate schemes), and home owners' personal choice.

The National Water Commission has published a study that helps people evaluate the cost effectiveness of rainwater tanks for households in urban Australia. Findings showed that the costs and reliability of tanks for households vary dramatically depending on the location and individual household circumstances.

Issues to consider:

- The yield from a rainwater tank depends on various household factors — for example, the size of the roof collection area, the tank capacity, the local rainfall situation, and the amount of tank water used around the home.
- Water from rainwater tanks can be used for outdoor garden use and/or in the home, and the decision on how it is going to be used will influence the tank's yield and costs.
- Installing a rainwater tank may cost a 'typical' property owner between $500 and $4000 over the lifetime of the tank, depending upon individual circumstances.
- The cost of installing rainwater tanks reduces the costs associated with repairing and replacing the existing stormwater system, and reduces the amount of pollutants entering urban rivers and streams.
- Rainwater tanks can also help reduce annual water bills and can be used to offset the effects of water restrictions.
- In areas of poor quality water, rainwater can improve the taste of drinking water.
- There is also the broader community benefit of promoting conservation and water-wise behaviour at the household level.
- Whilst rainwater tanks offer a supplementary water supply option for a growing number of households around Australia, larger-scale stormwater harvesting and reuse can supplement the normal water supply for urban communities."

Water—usage (Question No 1233)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What (a) water saving measures and (b) reductions in water usage have been introduced across the ACT Government since the department was established.

(2) What are the 'various options' that the department refers to at page 10 of its 2009-10 annual report and that the department will pursue to reduce our reliance on rainfall.

(3) What research has the department undertaken to discover innovative water-saving solutions and technologies that have been developed in Australia and overseas.

(4) What work has the Government done to develop a solution to enable a sustainable domestic grey-water recycling solution.

(5) What work has the Government done to discover and enable the grey-water technologies and solutions that are available and can be offered by the private sector.

(6) What work is the Government doing to test the competitive neutrality of ACTEW Corporation in relation to water saving solutions offered by the private sector.

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

(1) (a) As the Member would be aware, the Department of Environment, Climate Change, Energy and Water, celebrated its second year of formation in November of this year. Many of the water savings measures which were introduced under the *Think water, act water* strategy of 2004 by TAMS, continued to be implemented under the new Department.

The continuing and current DECCEW programs designed to save water and reduce consumption include:

- ToiletSmart Plus;
- IrrigationSmart (pilot);
- Rain water Tank Rebate (internal connection criterion was implemented under DECCEW);
- GardenSmart;
- Commercial Bathroom Retrofit;
- Outreach; and
- Plant selector tool and ACTSmart Sustainable Schools;

Additional initiatives that have contributed to saving potable water include:

- temporary restrictions;
- education and awareness programs;
- ACTPLA's water sensitive urban design initiative;
- TAMS' Sports and Recreation Grounds revised Irrigation Program; and
- participation in the Commonwealth's Water Efficiency Labelling (WELS) program for all water-consuming devices purchased in the ACT.

Within Government, DECCEW is assisting agencies to develop Resource Management Plans (RMPs), one of the actions under the Government's Climate Change Strategy *Weathering the Change*. RMPs will include actions to be taken by the agency to reduce water use. At this stage three RMPs have been developed, with a further four in draft form. DECCEW is actively supporting the remaining agencies to develop their RMPs by meeting with responsible officers within agencies and providing information about funding availability for resource efficiency measures under the Resource Management Fund.

(b) Estimates of annual savings in potable water for 2009/10 are provided below. Please note that estimates are based on the *Think water, act water* strategy targets and assumptions and are influenced by factors such as rainfall, the stage(s) of water restrictions over the period, as well as consumer behaviour:

- ToiletSmart, 210 ML;
- IrrigationSmart pilot, 10 ML;
- Rainwater Tank rebate, 148 ML;
- GardenSmart, 171 ML;
- Grey water hose give away, 185 ML; and
- Sport and Recreation Irrigation program, 328ML.

In addition, both the Canberra Integrated Urban Waterways (CIUW) program and Water Sensitive Urban Design (WSUD) are targeted to achieve 3,000 ML and 690 ML/annum respectively of potable water substitution when fully operational.

The WELS program additionally estimates a potential saving of 410 ML/annum depending on the level of uptake.

Within Government, each agency reports on water usage under the Ecologically Sustainable Development section of their Annual report, including the percentage change from the previous year. At this stage this data is not collected or aggregated centrally.

(2) The 'various options' that DECCEW has pursued to 'reduce reliance on rainfall' are broadly in two categories:

- demand reduction; and
- source (potable water) substitution.

Most of the measures illustrated in the answer to question (1) are demand reduction. The CIUW and WSUD programs are examples of source substitution programs, replacing potable water with stormwater.

(3) DECCEW works continuously with other agencies such as TAMS, ACTPLA and LAPS investigating solutions and technologies related to water savings. Urban Stormwater Reuse, Integrated Urban Waterways, non-potable water demand modelling and high tech computer-linked sprinkler systems are projects that DECCEW has been a partner in over the last two years.

(4) Grey water recycling has been part of the suite of measures outlined in the 2004 *Think water, act water* strategy to address the sustainable management of the ACT's water resources.

Through both the grey water hose give away (10,000 hoses from February to May 2008) initiated under the strategy and the publication of the "Grey water Use - Guidelines for residential properties in Canberra" this Government provided individual householders with the capacity to make an informed decision on the level and type of domestic grey water recycling that would suit their individual circumstances. The guidelines covered system design considerations, owner obligations, health and environmental implications and legislative requirements associated with grey water use.

However, the actual savings for households derived from the grey water hose give away and subsequent use have been difficult to quantify. The guidelines remain current, relevant and tailored to enable individual domestic decisions on grey water recycling.

Additionally, at the individual property level amendments have been made to the Water and Sewerage Regulations 2001 to provide for the separation of grey water in domestic premises to the edge of the floor slab. New developments are also required to install 'provisional water pipes' to toilets, washing machines and an external point to allow for future use of either grey water or rainwater.

While the overall cost effectiveness of implementing grey water systems is best evaluated at the individual household level, the benefits include achieving savings on household water bills where on-site use of reclaimed water replaces mains water use, and the promotion of water efficiency through community awareness.

(5) Representatives from a number of private sector grey water technology specialists have held discussions with DECCEW and EPA staff over the last 12 months.

Grey water systems will be evaluated within the overall context of recycling options available during the current review of *Think water, act water*.

While Government will always maintain an open mind to evaluating the introduction of the latest technologies and solutions, it would be remiss of me not to highlight that historically, there are a number of problems associated with the promotion of grey water systems.

Grey water systems are largely site-specific and become more complex if they need to be located under a concrete slab. The issues associated with grey water systems include:

- the relatively high costs of these systems, their installation and required maintenance or servicing costs - grey water systems require a regular usage and maintenance regime;
- the difficulty in obtaining qualified tradesmen to install and maintain such systems;
- the need to ensure how and where the grey water is used on a block; and
- health issues related to potential impacts and effects on humans, soils and plants.

Only waste water from the laundry and bathroom is regarded as suitable, as kitchen waste water contains too many fat and oil residues that can potentially pose a health and environmental risk. Depending on the source, grey water generally contains small traces of pathogens and bacteria and therefore has the potential to pose a risk to human health. Untreated grey water cannot be stored for longer than 24 hours.

In addition, and importantly in the ACT context, the implementation of grey water systems in an inland city has different implications than those for a coastal city. This is particularly so now with the ACT's proposed revised (reduced) cap and its place in the Murray-Darling Basin. On the coast, the grey water as part of the sewerage system is lost to the ocean, while in the ACT the water is treated and recycled down the Murrumbidgee system for further use downstream.

(6) ACTEW conforms to the competitive neutrality principles consistent with the Competition Principles Agreement. ACTEW makes tax equivalent payments each year and makes dividend payments to its shareholders equivalent to its full after tax profit.

The Government is unaware of any need to test the competitive neutrality issue in relation to any of ACTEW's operations but is willing to follow up upon receiving

details about any specific concerns. One of the functions of the Independent Competition and Regulatory Commission is to investigate and report on competitive neutrality complaints.

Environment, Climate Change and Water, Department—activities (Question No 1234)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 18 November 2010:

(1) What launches of programs, events, publications, policies, or other public announcements did the department and any of its agencies organise during 2009-10.

(2) For each policy launch referred to in part (1), (a) what was the date of the launch, (b) where was the launch held, (c) what did it cost, (d) what was the breakdown of that cost for (i) venue hire, (ii) refreshments, (iii) printing and (iv) other, (e) how many people were invited to the event, (f) how many were from non-government sectors of the number invited, (g) how many people attended the event, (h) how many were from non-government sectors of the number attending, (i) what media was present and (j) what media coverage resulted.

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

Please refer to attached table for response.

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

Children—kinship carers (Question No 1236)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 18 November 2010:

(1) Can the Minister confirm evidence given before the Select Committee on Estimates 2010-11 on 27 May 2010 that (a) background checking is carried out for all grandparent and kinship carers and (b) the carers know this checking is going on.

(2) At what point does background checking of a carer begin.

(3) At what point is a carer informed that the background checking is occurring.

(4) What is the step-by-step process followed in background checking carers.

(5) What happens in an emergency, when the Government, as parent, has to hand a child to a carer urgently and no background checking of the identified carer has been done.

(6) How frequently is the suitability of a grandparent or kinship carer reviewed and updated.

(7) To what extent is the carer informed of or involved in these reviews.

(8) What contingency plans are in place if an emergency situation arises or if circumstances change in the care arrangements.

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

(1) (a) Background checking is carried out for all grandparent and kinship carers

(b) The carers are made aware of this check and they are requested to provide signed consent to allow a request to be made to the Australian Federal Police for a *'Criminal Records'* check. Relevant personal information is requested from the carers by Care and Protection Services to assist the assessment and checking process.

(2) In an emergency situation the background checking begins at the point when the need for the placement of a child or young person is established, and the potential carer is identified.

When a placement is identified as part of a planned process, the checking begins when the care planning confirms that the identified carers have the potential to meet the needs of the child.

(3) Carers are advised at the point of placement (emergency) or prior to placement (planned) that background checking is required.

(4) The following steps are applied where appropriate:

i) A Care and Protection Services database check is completed to identify any 'connection' with children and young people linked to this service or issues of concern. A database search would be carried out on the identified carers and any other adults in the household. The Care and Protection Services database allows checking to date back to 1990.

ii) A written request is made to the Australian Federal Police as per Section 862 of the *Children and Young People Act 2008* seeking criminal records information relating to the carers and other adults in the household.

iii) Interstate Checks: If the carers have lived in other jurisdictions, a request is made to the relevant interstate child protection/welfare services seeking any information relating to their involvement with that jurisdiction.

iv) Medical Information: In the event that potential health and well-being issues are identified which may impact on a carer's ability to look after a child in the short or long-term, a request for information may be made to a General Practitioner or relevant medical professional. Care and Protection Services would seek the consent of the carer before requesting this information.

v) Personal References: This option may be used when a carer nominates a personal referee or when Care and Protection Services are seeking to explore, or confirm specific aspects of a carer's circumstances as part of the assessment process.

(5) No child in the care of the Chief Executive is placed without initial checks being carried out.

Initial checks would include the Care and Protection Services database check and, in an emergency situation, a verbal request to the Australian Federal Police seeking an initial criminal records check and response indicating no issues of concern, or areas of concern that would prohibit placement of a child or young person. A written request and response would follow-on from this.

The After-Hours Crisis Service area of Care and Protection Services has established links with the Australian Federal Police and relevant information is shared in keeping with legislative provisions. The After-Hours Crisis Service also has access to the Care and Protection Services database system 24 hours per day.

These checks are undertaken following consent provided from the carers.

(6) There are a number of mechanisms for monitoring and reviewing kinship care placements:

a) Children placed with grandparents and other kinship cares are directly supported by Care and Protection Services caseworkers. This provides a level of supervision and intervention in keeping with the family needs, and the 'least intrusive' principle of the *Children and Young People Act 2008*. In the event that significant issues arise in the child's, carer's or family circumstances, a more formal review of the carer's suitability may be undertaken. This review may also be triggered by the presenting behavioural needs of a child or young person and the capacity of the carer to support those needs.

b) An annual review is undertaken for each child or young person who is in care. The *Children and Young People Act 2008* requires that the Chief Executive review the circumstances and living arrangements of the child or young person in care. Included in this process is a review of how the child's placement is progressing and identification of strengths and emerging issues.

c) A Review of Arrangements for a child occurs at 3 month or 6 month intervals dependant on the needs of the child and stability of the placement, this is an opportunity to review how the placement is progressing and to identify current issues for the child and carers and to develop planning in response to any identified issues.

(7) A carer would be consulted and involved in the development and implementation of a Care Plan for the child. A written Care Plan is a tool that outlines the responsibilities and actions related to the needs of a child in the care of the Chief Executive. A Care Plan is also lodged at the Children's Court.

A carer will also be invited to attend and contribute to a Review of Arrangements. A Review of Arrangements for a child occurs at 3 month or 6 month intervals dependant on the needs of the child and stability of the placement. The Review of Arrangements is used to convene relevant professionals and family members for a child and the discussions and actions agreed in this forum are then reflected in the Care Plan.

(8) If circumstances change in the care arrangements then the Care and Protection Services caseworker would endeavour to resolve the issues 'in placement', through direct work or by convening a Review of Arrangements, so minimising disruption to the child.

If circumstances necessitate a placement break, then Care and Protection Services through the Placement Manager, would seek to facilitate a period of respite or short-term care for the child, preferably in another kinship placement, or a foster care placement.

Children—leaving care cases (Question No 1237)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 18 November 2010:

In relation to the Child Protection Case Conferencing Pilot referred to on page 76 of the Department of Disability, Housing and Community Services annual report 2009-10, (a) in general terms, what were the kinds of matters considered in relation to the 53 leaving care cases referred to the conferencing pilot, (b) in general terms, what were the outcomes for those 53 cases and (c) how will progress of those 53 cases be monitored.

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

(a) Within the leaving care Child Protection Case Conferences a number of matters were addressed that ensured the young people would be well supported once they were no longer in the care of the Chief Executive. These matters included residency, education, support services, contact and funding resource arrangements such as Transition to Independent Living Allowance grants.

(b) In general terms, these cases resulted in an 'action plan' that detailed what case management was needed prior to the young person leaving care. This included appropriate supports, services and funding referrals. The 'action plans' also identify which agency would be responsible for identified actions.

(c) Within the 53 cases, a portion have had more than one case conference prior to leaving care to ensure that the support services and other actions needed prior to the young person leaving care was implemented and modified if/as required. For the proportion of cases where the involvement of Care and Protection Services has ceased due to the young person leaving the care of the Chief Executive, other government and community agencies assume the role of monitoring the leaving care plan and supporting the young person.

Families—decision meetings (Question No 1238)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 18 November 2010:

In relation to Family Decision Meetings referred to on page 77 of the Department of Disability, Housing and Community Services annual report 2009-10, (a) how are family decision meetings different to family group conferences, (b) in general terms, what were the outcomes of the seven new family decision meetings held during the year and (c) in general terms, what were the outcomes of the three meetings held to review previous decisions.

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

(a) Family decision meetings are commonly used to address a specific or immediate issue of concern. The meetings use a 'conflict dispute model' and normally occur through only one meeting. In comparison Family Group Conferences occur over a longer period of time, include a number of professionals and extended family members and result in a comprehensive 'family agreement' which can be lodged in the Children's Court.

(b) In general the family decision meetings assisted in resolving family conflict on issues such as contact arrangements and schooling.

(c) The review family decision meetings reviewed the 'agreements' made at the initial family decision meeting and addressed any further conflict or issues that had arisen.

Families—group conferencing (Question No 1239)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 18 November 2010:

In relation to Family Group Conferences referred to on page 76 of the Department of Disability, Housing and Community Services annual report 2009-10 (a) on what grounds are families referred to Family Group Conferencing, (b) of the eight new conferences held during 2009-10, how many resulted in family agreements, (c) what is the nature of matters agreed to in a family agreement and (d) in general terms, what were the outcomes from the nine conferences held to review previous decisions.

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

(a) Any caseworker within the Department of Disability, Housing and Community Services can refer a family for a Family Group Conference. To refer a family the caseworker believes the family could benefit from the process of bringing professionals and family members together to develop a comprehensive 'family agreement' which addresses the wellbeing of a child or young person. As the process is voluntary, the family must be willing to participate in the conference.

(b) All of the eight conferences resulted in family agreements being reached. The family agreements were all lodged within the Children's Court and involved transferring of parental responsibility to a person other than the Chief Executive of the Department of Disability, Housing and Community Services.

(c) The family agreements address a number of different matters including children's residency, transferring of parental responsibility, contact with family members, transport arrangements, health and medical, schooling and financial agreements.

(d) The review Family Group Conferences resulted in minor changes of existing family agreements including issues such as changes in contact and transport.

Children, Youth and Family Support, Office—reviews (Question No 1240)

Mrs Dunne asked the Minister for Children and Young People, upon notice, on 18 November 2010:

(1) When was the last time the Office of Children, Youth and Family Support examined all of its programs and services to determine whether there is any duplication of effort or unnecessary or inefficient service cross-overs.

(2) If no review has been undertaken, why not and when will the Office do one.

(3) If a review has been undertaken, what were the outcomes.

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

1) Monitoring service delivery and effectiveness is part of ongoing core business of the Office for Children, Youth and Family Support. The Office for Children, Youth and Family Support uses standard business practices such as reporting, monitoring, business planning, listening to stakeholder feedback and current research to achieve this. Service improvements are made following the consideration of many factors including the impact and best interest of clients and staff, legislative and contractual obligations, budget and funding cycles and the Department of Disability, Housing and Community Services strategic direction.

2) Please refer to answer 1.

3) This is an ongoing process. Recent examples demonstrating ongoing service improvement include the significant amendments to the *ACT Adoption Act 1993* which resulted in revised practices, development of the new neglect policy, the implementation of the revised Out of Home Care Framework and the current consultation occurring about new Youth and Family Support services.

Government—ministerial staff (Question No 1248)

Mr Seselja asked the Treasurer, upon notice, on 7 December 2010:

(1) What staffing support is provided to the Minister or the Minister's office, in full-time equivalent terms, by the Minister's department or agency.

(2) What is the annual cost of the support referred to in part (1).

(3) What other support is provided to the Minister or the Minister's office other than staff and what is the nature of this support.

(4) What is the annual cost of the support referred to in part (3).

(5) What other resources are provided by the Minister's department or agency to support the Minister or the Minister's office.

(6) How many car parks are allocated to, or reserved for, the Minister or the Minister's office at the (a) Legislative Assembly and (b) Minister's department or agency.

(7) What is the Fringe Benefits Tax payable, on an annual basis, for the car parks referred to in part (6).

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

(1) The Department provides a Departmental Liaison Officer (1 FTE) to facilitate departmental communication for both the Treasurer's Office and the Minister for Gaming and Racing. The annual salary cost is approximately $111,485.

A departmental unit, Chief Minister's Support and Protocol, is also located within the Legislative Assembly building in close proximity to the Chief Minister's office to provide a range of services to the Executive and their staff including protocol services for, and coordination of, Ministerial functions and awards; administrative and secretariat services for honours and awards; ministerial documentation support and tracking; corporate services and support in managing the Executive budget. The annual salary cost of the Support and Protocol is approximately $378,000.

(2) See answer to Question (1).

(3) The Minister is provided with support that is implicit in, and consistent with, the Westminster system of parliamentary democracy in which the public service supports the government of the day.

The cost of this support is reflected in wider departmental costs set out in the Budget Papers and agency Annual Reports.

(4) See answer to Question (3).

(5) See answer to Question (3).

(6) There are 11 car parking bays allocated to Ministers' Offices at the Legislative Assembly and 14 car parking bays in total in the Canberra Nara Centre.

(7) The amount of Fringe Benefits Tax payable, on an annual basis, for these car parks is approximately $15,600.

Government—employee car parking (Question Nos 1274 and 1275)

Mr Seselja asked the Minister for Energy, upon notice, on 7 December 2010:

(1) How much Fringe Benefits Tax is paid annually by each department or agency in the Minister's portfolio for car parking for employees.

(2) How many (a) car parks and (b) employees does the amount referred to in part (1) apply to.

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

(1) The Department does not pay any fringe benefits tax on car parking provided to employees as the allocated car parks are not located within a 1 km radius of a commercial parking station.

(2)
(a) N/A
(b) N/A

Housing—waiting lists (Question No 1303)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) In relation to services regarding waiting lists, for each priority category, how many (a) families and (b) individuals are currently listed on the Social Housing register.

(2) Prior to the implementation of the Social Housing Register in September 2010, how many (a) families and (b) individuals were listed on each of the community and public housing registers.

(3) What is the average waiting time for suitable accommodation for (a) families and (b) individuals currently on the Social Housing register.

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

(1) Waiting lists for each of the categories:

Housing Register	**OOT[1]**	**PRH[2]**	**HNH (incl MIT/MTD)[3]**	**STH[4]**
Single Applicants	0	15	566	256
Applicants with two or more people	0	72	528	163

Transfer Register	**OOT**	**PRH**	**HNH (incl MIT/MTD)**	**STH**
Single Applicants	2	12	222	200
Applicants with two or more people	0	43	278	263

Community Register	OOT	PRH	HNH (incl MIT/MTD)	STH
Single Applicants	0	1	72	23
Applicants with two or more people	0	0	61	32

[1] Out of Turn Allocation
[2] Priority Housing
[3] High Needs Housing (Management Initiated Transfer/ Management Transfer-Downsize)
[4] Standard Housing

(2) Waiting lists for each of the categories as at 30 August 2010:

Housing Register	OOT	PRH	HNH (incl MIT/MTD)	STH
Single Applicants	1	26	511	272
Applicants with two or more people	1	52	467	157

Transfer Register	OOT	PRH	HNH (incl MIT/MTD)	STH
Single Applicants	2	8	215	249
Applicants with two or more people	4	18	300	309

Prior to the introduction of the implementation of the Social Housing Register a central record of the waiting lists held by Community Housing Providers was not available.

(3) Average Waiting times for each of the categories (days):

Housing Register	OOT	PRH	HNH (incl MIT/MTD)	STH
Single Applicants	0	76 days	557 days	653 days
Applicants with two or more people	0	83 days	479 days	663 days

Transfer Register	OOT	PRH	HNH (incl MIT/MTD)	STH
Single Applicants	554 days	81 days	836 days	1385 days
Applicants with two or more people	0	92 days	750 days	1183 days

Community Register	OOT	PRH	HNH	STH
Single Applicants	0	27 days	253 days	79 days
Applicants with two or more people	0	0	172 days	65 days

Housing—full market renters (Question No 1305)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) How many Social Housing tenants are currently paying maximum market rent.

(2) How many Social Housing tenants are currently paying between (a) 90% and 100%, (b) 80% and 90%, (c) 70% and 80%, (d) 60% and 70%, (e) 50% and 60%, (f) 40% and 50%, (g) 30% and 40%, (h) 20% and 30%, (i) 10% and 20% and (j) 0% and 10% of market rent.

(3) What is the estimated market value of all properties owned by Housing ACT that are occupied by full market renters.

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

(1) 1161

(2) (a) 57
(b) 152
(c) 397
(d) 436
(e) 606
(f) 1010
(g) 2257
(h) 3743
(i) 1476
(j) 61

(3) $429 million

Government—media and communications advisers (Question No 1352)

Mr Seselja asked the Minister for Planning, upon notice, on 8 December 2010:

(1) How many staff are employed as media advisers or communications advisers in each department and agency in the Minister's portfolio.

(2) What is the average salary of each staff referred to in part (1).

(3) How many staff (a) are employed as graphic designers and (b) manage advertising as their primary responsibility.

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

(1) Two staff are employed as media advisers or communications advisers - noting that their responsibilities also include in-house publications, website management, advertising, development of communications strategies for major planning projects, etc.

(2) The average salary of each staff referred to in part (1) is $78,357.

(3) (a) two part-time graphic designers (who job-share one position) are employed; (b) no staff employed to manage advertising as their primary responsibility.

Government—media and communications advisers (Question No 1358)

Mr Seselja asked the Treasurer, upon notice, on 8 December 2010:

(1) How many staff are employed as media advisers or communications advisers in each department and agency in the Minister's portfolio.

(2) What is the average salary of each staff referred to in part (1).

(3) How many staff (a) are employed as graphic designers and (b) manage advertising as their primary responsibility.

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

(1) ACT Treasury does not employ any staff as media advisers or communications advisers.

(2) Not applicable

(3) Not applicable

Environment—plastic bags (Question No 1374)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 9 December 2010:

In relation to the survey conducted by consultants on behalf of the Department of Environment, Climate Change, Energy and Water on plastic bags, which figure is correct given that the Executive Summary of the survey results indicate that 33 per cent of those surveyed by telephone support a ban on plastic bags, whereas information on page 8 of the results indicates that only 19 per cent of Canberrans surveyed by telephone (33 per cent of the 58 per cent who support some form of restrictive Government action) support a ban.

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

(1) The table provided within the Executive Summary compares findings in the three forms of surveys (telephone, shopping centre and online). Some questions were supplementary to previous questions in the survey and therefore only responded to by some respondents.

Page 8 states

a. 58% of respondents believed there should be some form of restrictive government action (such as a levy or a ban) in relation to free plastic shopping bags;

b. Of those, 40% supported a compulsory plastic bag levy and 33% supported a ban on the use of all plastic bags.

Yarralumla Brickworks—redevelopment (Question No 1375)

Mr Seselja asked the Minister for Planning, upon notice, on 9 December 2010 *(redirected to the Minister for Land and Property Services)*:

(1) What has been the cost to date for the proposal to redevelop the Yarralumla Brickworks and adjacent land.

(2) When will consultation be complete.

(3) Will the redevelopment be subject to a change of use charge for any developer.

(4) What is the current estimated cost of the infrastructure that will be required for the development.

(5) Does the Government have a policy on the maximum and minimum number of dwellings for the development; if so, what is this policy.

(6) When is the likely commencement date of any development.

(7) When would any development be completed.

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

(1) The total expenditure as at the end of October 2010 for the current Land Development Agency (LDA) Canberra Brickworks and Environ Strategy project has been $567,155.

(2) The last community information session was held at the Brickworks Site on 4 December 2010 where two options were presented ('Mothballing' or 'Adaptation'). The period for comment has been extended to the 28 February 2011.

(3) No. The land is currently unleased Territory Land. Change of Use charge applies when there is an application to vary the lease. It is anticipated that the land development component of this project will be developed as an LDA estate where individual sites will be released to the market through a competitive process.

(4) Total infrastructure cost including adaptive re-use of the Brickworks and quarry park has been estimated to have a present value of $136 million. This does not include

costs of a new interchange on Adelaide Avenue which would need to be funded through the capital works program.

(5) A concept plan and Precinct Code will likely be incorporated into the Territory Plan. These will include building height and density controls and will likely include minimum and maximum dwelling numbers. Any development on site cannot contradict the Territory Plan and hence agreed densities must be observed by any future developers. It is the LDA's policy to include maximum and minimum numbers of dwellings or gross floor area in new leases.

(6) This will be largely dependent on the timing of any Territory Plan Variation and National Capital Plan Amendment process. This could take in the order of 12 to 24 months from the time the government makes a decision as to whether to support the proposal. Works could start earlier on the Brickworks and quarry park as the current zoning of this part of the site permits adaptive reuse.

(7) The Adaptation Option is estimated to take approximately five years from commencement of the project.

Planning—Marcus Clarke Street car park (Question No 1376)

Mr Seselja asked the Minister for Planning, upon notice, on 9 December 2010:

(1) What consultation took place with the community when the new car park at the southern end of Marcus Clarke Street was constructed.

(2) If there was limited or no consultation, why was more thorough consultation not undertaken.

(3) What are the long term plans for this car park and will it be returned to public open space.

(4) How many trees were cut down to make way for this car park.

(5) What arrangements have been made with the National Capital Authority over access to the carpark.

(6) Do the current arrangements for entering the car park pose any dangers to cyclists; if so, what measures are being undertaken to reduce these dangers.

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

The development referred to is located on Section 26 City. In terms of the National Capital Plan the subject land is identified as "designated area". Where designated areas apply, the National Capital Planning Authority has the planning responsibility, including works approval. The question should therefore be directed to the National Capital Planning Authority.

Water—catchment inflows (Question No 1385)

Mrs Dunne asked the Minister for the Environment, Climate Change and Water, upon notice, on 9 December 2010:

What are the average inflows, for each month, for the last two financial years and for the period July to November 2010, into the catchment that would make up the Tennent Dam.

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

The average inflows, for each month, for the last two financial years and for the period July to November 2010 were:

Monthly inflows ML/Month

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2008	Data not requested						865	1055	1584	774	469	779
2009	102	0	0	65	153	319	616	568	1231	1626	550	129
2010	59	261	1725	285	396	1076	1741	3892	6472	13555		

Data for November 2010 is not yet available.

Questions without notice taken on notice

ACTION bus service—online trip planner—Wednesday, 22 September 2010

Mr STANHOPE *(in reply to questions by Mr Coe)*: You asked if there was previously a trip planner on the ACTION website until about three or four years ago that was taken down. If so, should the development costs not be very much at all.

While a very basic suburb to suburb route finder - not a journey planner - was part of the ACTION website a number of years ago, it was removed due to inaccuracies in the data. The review of transport information systems will determine any Budget and data implications for a fully functional online journey planner, which will in turn dictate the timeframe to deliver an online journey planner.

You also asked how many bus accidents have not been reported to the Road Transport Authority (RTA) since 2001.

Bus operators, including ACTION, are required to report each notifiable accident to the RTA, as it occurs. Notifiable accidents are defined under the *Road Transport (Public Passenger Services) Regulation 2002* (section 24) to mean " an accident or other incident in which the death, or bodily injury to, a person is caused by, or arises out of the use of, a bus used to operate the bus service". ACTION estimates that approximately 75 notifiable accidents a year were not reported in accordance with the regulations since 2005.

In response to the audit highlighting that ACTION was not advising the RTA of these "notifiable accidents" ACTION has put in place processes to ensure that the RTA is advised of notifiable accidents, in accordance with the requirements of the legislation. The RTA will review these reports and the follow up action taken in response to them by ACTION.

As I advised you in a letter dated 5 March 2010 ACTION monitors all incidents that involve an ACTION bus, including collisions between a bus and another vehicle; collisions between a bus and an animal or another object; collisions where part of a bus had been damaged due to a road hazard; projectile attacks on buses and also passenger slips and falls on buses.

Land Development Agency—environmental initiatives—Thursday, 18 November 2010

Mr STANHOPE *(in reply to questions by Ms Le Couteur, Ms Hunter and Ms Bresnan)*:

As a land developer, the LDA can only influence certain outcomes with sustainability and relies on sustainable design options by the purchasers. Therefore, the LDA has initiated a Home Sustainability Advisor Program which includes advice for purchasers on how to make their home design more sustainable. The Home

Sustainability Advisor will also review plans for compliance with site specific mandatory requirements which are being administered via a bond.

As part of this program the LDA has hosted a series of sustainability information sessions for purchasers in Wright during November 2010 to provide information about the sustainability initiatives and requirements in Wright.

In addition to promoting sustainable house choices via a bond, the LDA is also encouraging early completion of landscaping and energy efficient heating and cooling appliances via a rebate program. This is a pilot program which will be reviewed to determine future approaches.

The encouragement of energy efficient heating and cooling appliances recognises that even with a well designed-home, there are days in the middle of winter where the temperature is below zero and days in the middle of summer where the temperature nears 40 degrees. Therefore, it is expected that most purchasers of these well-designed homes will install appliances to assist during these extremes. The incentive is therefore to aimed persuade people against purchasing appliances that are not energy-efficient.

The current rebate scheme was established following discussions with the MBA, HIA and others. Total rebates up to $6,000 per block are available and of this $1,000 is for reducing the energy consumption associated with heating and cooling systems and the associated energy consumption and emissions.

The sustainable design issues are addressed through a sales contract provision related to the use of the sustainability adviser engaged by the LDA and the individual homes meeting the specified environmental performance through design. Therefore the LDA did not see there was a need for a rebate for this element, as it was effectively being dealt with through the contract and design guidelines, noting the LDA's approach was aimed at ensuring the outcome at the design stage, rather than assessing the outcome after the event when it may be too late to rectify poor design.

It should be noted that the design related sustainability initiatives in relation to energy being pursued by the LDA in Wright are:

- the Home Sustainability Advisory Service;
- Solar Envelope Guidelines to ensure solar access for standard residential homes
- an estate design that has maximised the solar passivity of all blocks within constraints of topography and major roads alignment; and
- 7 star energy rated multi unit developments.

As indicated earlier the approach being pursued by the LDA has the potential to result in homes generally exceeding minimum standards.

Having a sustainability adviser sign off on development applications in Wright is a new initiative, and the efficacy of the initiative needs be assessed before any decision could be made to extend the initiative across future LDA estate developments.

There is currently no rebate being developed that would apply to new houses that treat their own grey water.

I thank you for your continued interest in these matters. Should you wish to obtain further information about the LDA's work in this area I invite you to contact Mr John Robertson, Chief Executive Officer, LDA.

ACT Public Cemeteries Authority—proposed southern cemetery site—Wednesday, 17 November 2010

Mr STANHOPE *(in reply to a question by Ms Le Couteur)*:

The ACT Cemeteries Authority is currently preparing a business case for a southern cemetery and the report is due to the Government in December 2010. Among other interment options, the report will include a crematorium and a natural cemetery.

Emergency services—waste management—Thursday, 21 October 2010

Mr CORBELL *(in reply to a question by Ms Bresnan)*:

I have been advised by TAMS of the following:

1. According to ACT NOWaste's water extraction licence, water managed at the West Belconnen Resource Management Centre (WBRMC) is within the Lower Murrumbidgee Catchment, not the Ginninderra Creek Catchment. It should also be noted that the former West Belconnen Landfill accepted mostly relatively innocuous inert and solid waste and not waste that might generate toxic or hazardous leachate.

   Areas within the WBRMC will be licensed to companies to allow soil from old petrol stations contaminated with low levels of hydrocarbons to be remediated. Contaminated soil from each site will be covered by a separate Environmental Authorisation (EA) from the Environment Protection Authority (EPA) and this will prevent leachates from leaving the site.

   ACT NOWaste has an EA for the commercial landfill component of the WBRMC. All waste management activities on the site are conducted in accordance with this EA.

   The EA prohibits discharge of leachate to surface waters outside the site and retention of all leachate on site in a leachate dam or for disposal in controlled ways. This has effectively prevented leachate leaving the site. It also requires regular monitoring of bores on the site to ensure that no leachate is leaving the site from old land filled areas that pre-date modern environmental landfill design. This monitoring has demonstrated that there is no problem with leachate leaving the site.

   Another requirement is for ACT NOWaste to conduct regular water and soil monitoring activities. ACT NOWaste regularly reports to the EPA about these

activities and in addition, has other obligations under the *Environment Protection Act 1997*, such as ensuring that clear water discharge meets the *Environment Protection Regulation 2005*.

It should be noted that 'sullage' ponds contaminated with hydrocarbons on the site have now been remediated and work is continuing successfully to remediate the material extracted from these ponds. Attention to the remediation of such areas will ensure the continued and long term protection of the environment, the Catchment and the local area.

I am confident that the risk is appropriately managed in accordance with the EA and the Act as set out above, and that the risk of any toxic or hazardous leachate leaving the site is extremely low.

2. Commercial loads of asbestos and soil contaminated with small particles of asbestos are accepted by appointment only at either the Mugga Lane Resource Management Centre or the WBRMC. Acceptance of the material is subject to strict environmental and occupational health and safety standards. The measures meet national best practice EPA requirements. The EPA has also approved the Safe Work Method Statements that apply, which detail the management procedures for all environmental, occupation health and safety and public health issues raised by the movement and acceptance of the material.

   The contaminated soil accepted into the WBRMC is primarily soil contaminated with bonded asbestos sheet, where asbestos fibres are already contained within cement board and similar board products. The burial of this material in accordance with the EPA and Workcover / WorkSafe requirements ensures minimal or no risk to the creek and to the local area.

Emergency services—waste management—Thursday, 21 October 2010

Mr CORBELL *(in reply to a question by Ms Hunter)*:

I have been advised by TAMS that the material in question is mostly soil, and despite containing low levels of hydrocarbons it poses a very low risk of ignition. The soils are coming from old petrol station sites some of which are in residential areas.

The bioremediation process is approved by the Environment Protection Authority before the process commences and will be undertaken on a specially constructed impermeable earth pad that will include a two metre high bund to contain all materials within the site. Based on this, it was not deemed necessary to seek further advice from Emergency Services Agency.

Children and family services—Tuesday, 7 December 2010

Ms BURCH *(in reply to a supplementary question by Ms Bresnan)*:

During Question Time yesterday, I was asked a series of questions in relation to the youth and family support services framework. I took on notice a supplementary

Question from Ms Bresnan in relation to the current funding percentages and if these will be maintained to meet the needs of the 18-25 year old cohort. I would like to inform the Assembly that under the new Framework for youth and family support services funded through the Office for Children, Youth and Family Support, organisations will be collecting comprehensive data on who they are providing services to and the outcomes they are achieving in response to the support they receive. At this point in time, that information is not available in any consistent or comprehensive way and the percentage of funding utilised to provide services to young adults aged 18-25 is not known.

The new Framework has an emphasis on working with young adults to either:

- support them within the context of their family so they can remain living at home; or
- support them in the parenting of their own children; or
- support them in their transition to sustainable independent living and engagement with the adult service system if they have on-going needs.

Combing the two funding programs will enable services to work with young people when it is identified that they require additional support rather than wait until they reach a certain age. By providing assistance earlier we are aiming to decrease the number of young adults who are still requiring assistance outside their own support network.

Services currently provided through these funding programs are only a part of a broader service system for young adults provided by Government, both the ACT and the Commonwealth, and by community organisations. Through the tender process, organisations will be invited to submit proposals on services to be considered for funding under the new framework. The proposals will be evaluated on their individual merit, how they work within the framework and how they integrate with the broader service system.

Exhibition Park—recycling—Thursday, 21 October 2010

Mr BARR *(in reply to a question by Ms Le Couteur)*:

Canberra Stadium and Manuka Oval both joined the Department of Environment, Climate Change, Energy and Water (DECCEW) ACTSmart *Business* Program in 2009. The Program, like its sister initiative ACTSmart *Office*, helps organisations establish efficient waste management systems.

Canberra Stadium has designated recycling bins with signs to help crowds use them correctly. Players from the Canberra Raiders and CA Brumbies feature in advertising broadcasts at the Stadium promoting recycling. The Stadium's cleaning contractors also separate recyclable materials as part of their post-event cleaning.

Before joining the program in 2009, the Stadium recycled an average of 20% to 30% of its waste. This soon rose to 50% and peaked in September 2010 with 88% of total waste recycled. This equated to over 40 tonnes of material being recycled so far this year.

Similar results have been achieved at Manuka Oval, though the volume of recyclable material is less than at Canberra Stadium.

At Stromlo Forest Park, there are no bins provided for general use and visitors are required to remove their waste from the venue. For large events, waste and recycling bins are provided.

ACTION bus service—timetable—Wednesday, 17 November 2010

Mr STANHOPE *(in reply to a question by Ms Bresnan)*:

You specifically asked about the number of complaints received regarding the rollout of the new network and what issues do most of the complaints relate to.

As you are aware Network 10 came into effect on Monday 15 November 2010. Between Monday 15 November and Wednesday 17 November 2010, 42 complaints were received. Of these, 19 related directly to Network 10. The majority of the complaints received relate directly to service interruption as a result of the implementation of Network 10.

ACTION bus service—timetable—Wednesday, 17 November 2010

Mr STANHOPE *(in reply to a question by Ms Hunter)*:

You asked what feedback has ACTION received in the past about its communication of route changes and how has ACTION taken on this feedback in developing its latest communication strategies?

ACTION has used a similar communication strategy for Network 10 to previous network changes. The Canberra Connect contact centre – which administers the ACTION information line (13 17 10) – reports that, anecdotally, the over 1800 customers who have called the information line or made contact through the Canberra Connect or ACTION websites have been happier with the communication of the Network 10 changes than with any previous network.

ACTION bus service—timetable—Wednesday, 17 November 2010

Mr STANHOPE *(in reply to a question by Ms Le Couteur)*:

You asked when there will be adequate supplies of the printed bus timetable available.

Since Monday 1 November 2010, printed bus timetables have been available at ACTION bus stations, and posted on request to households by calling the ACTION information line on 13 17 10. The options to pick up a new timetable were clearly stated in the brochure on the network changes that was sent to all households between 2 and 4 November 2010. The new Network 10 timetables were also available through a link on the front page of the ACTION website from Monday 1 November 2010.

Staff are currently in attendance at the city interchange on a daily basis to assist commuters with changes to the new timetables. ACTION staff are also ensuring that hard copy timetables are made available at the interchange and have been refreshing stock regularly.

Bimberi Youth Justice Centre—staff—Wednesday, 8 December 2010

Ms BURCH *(in reply to questions by Mr Coe and Mrs Dunne)*:

During Question Time yesterday, I was asked a series of questions in relation to the Bimberi Youth Justice Centre. In relation to questions that I took on notice from Mr Coe and Mrs Dunne concerning management positions, resignations and extended leave, I would like to inform the Assembly:

There have been no changes made to qualifications and experience or to job descriptions for management positions at Bimberi. There have been no managers transferred from their positions at Bimberi.

In 2009/10, five permanent operational staff separated from the Bimberi Youth Justice Centre.

Since January 2009, five Bimberi Youth workers are recorded as having taken personal leave in a block of 10 days or more. Two Youth Workers have taken Leave Without Pay over 10 days.

Alexander Maconochie Centre—capacity—Wednesday, 8 December 2010

Mr CORBELL *(in reply to a question by Mr Seselja)*:

In 2003 the Department of Treasury, as part of the *Proposals for Future ACT Correctional Facilities* report (publicly available), modelled prisoner numbers using medium and high forecasts.

- The medium forecast for 2030 is 260.
- The high forecast for 2030 is 274.

In 2003 Treasury's medium forecast projections for June 2010 were 228. This figure is very close to the average number of prisoners in the ACT in June this year, which was 221.