Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

17 FEBRUARY 2011

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Thursday, 17 February 2011

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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.

Petition
Ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By **Mr Stanhope**, Minister for Transport, dated 15 February 2011, in response to a petition lodged by Mr Seselja on 16 November 2010, concerning improved safety for children within the Gowrie Oval car park.

The terms of the response will be recorded in *Hansard*.

Roads—Gowrie Oval car park—petition No 113

The response read as follows:

> The ACT Government notes the petition submitted by the petitioners, tabled by Mr Seselja MLA on 16 November 2010 and makes the following comments:
>
> - Mr Stanhope MLA and Roads ACT received requests for investigation of pedestrian issues at Gowrie Oval in 2010. These concerns mainly related to the afternoon pick-up time of students from the Holy Family Primary School;
>
> - In response to these concerns, officers of Roads ACT visited the location on a number of occasions during the afternoon pick-up time and held discussions with the School's staff;
>
> - The pick-up arrangements for Holy Family Primary School provide for children to use an underpass to cross Castleton Crescent to reach waiting parents at Gowrie Oval;
>
> - During the inspections Roads ACT officers observed that the majority of vehicles in the carpark belonged to parents or carers waiting to pick up children and that a large proportion of these parents/carers left their vehicles to wait for their children on the underpass side of the carpark and escort them back to their vehicles;
>
> - The carpark itself operates as a slow speed environment and the need for traffic calming measures at this location is not justified;
>
> - It was also observed that crossing activities in the carpark are not limited to one specific location and that the number of pedestrians and vehicles would not meet the requirements for the provision of a marked pedestrian crossing at this location;

- Notwithstanding the above, Roads ACT installed pedestrian warning signs at the entrance to the car park to alert motorists to the presence of pedestrians;

- In regard to practical measures to improve safety, Roads ACT has advised the school's staff that parents should be encouraged to meet their children on the underpass side of the carpark and that children should be instructed to wait on the underpass side of the carpark until they are met by their parents; and

- In addition, Roads ACT officers met again with the School Principal and Deputy Principal. Further inspections and meetings with concerned parents are being arranged during the first week of term. Roads ACT will further investigate any issues raised during these meetings and implement additional measures if required.

Health Amendment Bill 2011

Mr Corbell, on behalf of **Ms Gallagher**, 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) (10.01): I move:

> That this bill be agreed to in principle.

I present to the Assembly today the Health Amendment Bill 2011 which provides for two unrelated matters: firstly, amendments to part 4 and part 5 of the Health Act 1993 which governs how approved clinical privileges committees and quality assurance committees exercise their powers and perform their functions, and, secondly, amendments to establish a local hospital network or LHN for the ACT.

Part 4 of the Health Act governs how approved quality assurance committees exercise their powers and perform their functions. The amendments in the Health Amendment Bill 2011 are not to change the intent of the act or set any new direction of the government in regard to the governance of quality assurance committees. The amendments simply seek to improve the efficiency, effectiveness and quality of health services in the ACT through changes to the language used, improved mechanisms for reporting, and providing a sunset clause for committees.

Firstly, the Health Amendment Bill 2011 proposes to clarify the ongoing intention of the act to enable information to be shared with the entities outlined in the act. The amendment removes the exception that is ingrained in the current language, which has led to varied interpretations of when information may be shared with the identified entities.

Secondly, a series of new reporting provisions will clarify reporting on issues that arise in the committees. Redefining the scope of the reporting requirements will

enable quality assurance committees to make extraordinary reports to the chief executive, in the interests of the quality and safety of health services. This will also provide a clear reporting mechanism for issues that are outside the scope and function of a quality assurance committee. Additionally, a new provision has been added allowing a mechanism for the chief executive to request reports from the committees on their activities.

The final amendment provides for an automatic expiration of all quality assurance committees after three years. This will establish a mechanism for managing committees whose function falters over time, is primarily administrative and will not affect the functions of the quality assurance committees.

Part 5 of the Health Act governs the establishment and procedures of clinical privileges committees. This part was amended in June 2006, particularly in respect of disclosure of information. Essentially, the changes made placed restrictions on the admissibility of protected information and statements given, and documents prepared, in relation to clinical privileges committees.

Since these amendments were made, it has become apparent that some aspects of part 5 of the Health Act did not fully reflect the intent behind the 2006 amendments. Specifically, the provisions related to the obligations of confidentiality imposed under the legislation regarding information obtained by clinical privileges committees having resulted in complex administrative arrangements being required so that ACT Health is able to meet its obligations to protect the safety of members of the public fully. A series of proposed amendments to part 5 in this bill have been developed to address this problem.

Firstly, the bill proposes to replace the term "clinical privileges" with the term "scope of clinical practice". This will align the language of the Health Act with the national standard for credentialling and defining the scope of clinical practice and the existing policies of other Australian states on credentialling and defining the scope of clinical practice of doctors and dentists. The two new provisions will then allow for clinical privileges committees to credential doctors and dentists and also define a scope of clinical practice for, and grant a scope of clinical practice to, doctors and dentists.

A series of new provisions will allow for interim and emergency recommendations to be made in relation to a complaint about the clinical competency of a doctor or dentist. New provisions will then allow for decision makers to be notified of the interim and emergency recommendations, make a decision on these recommendations and then notify relevant parties of that decision, including the final decision arising from the full review process. "Relevant parties" include the chief executive of the health facility where the doctor or dentist is working, the Medical Board of Australia or the Dental Board of Australia, a health service outside the ACT, but only if there is a specific request from that health service or other third party for the information.

New provisions will mandate the sharing of information about decisions between the two decision makers in the public health sector but only in circumstances where the sharing of that information is likely to facilitate the improvement of health services provided in the ACT or the safety of persons who receive those health services.

Where a decision is made to amend or withdraw the scope of clinical practice of a doctor or dentist, a new provision will allow decision makers to notify relevant persons responsible for the management of affected areas of the decision so that they will be aware of and, as appropriate, implement the decision.

New provisions will allow for the sharing of information between clinical privileges committees and other clinical privileges committees and also clinical privileges committees and quality assurance committees, but only in circumstances where the disclosure of information is likely to facilitate the improvement of health services provided in the ACT or the safety of persons who receive those health services.

New provisions will ensure complainants remain anonymous and that their original written complaint is de-identified before it is provided to any doctor or dentist against whom a complaint has been made or any other third party to whom the original written complaint is required to be released to.

The amendments to part 5 include new provisions that, while minor and uncontroversial, present considerable practical advantages for the ordinary functioning of clinical privileges committees and the decision makers on recommendations arising from reviews undertaken by those committees.

I would like to turn now to the issue of the establishment of the ACT local hospital network, the LHN, and the ACT LHN Council. The objectives of these amendments are to set out a definition of the ACT LHN, its governance arrangements within ACT Health and to establish an ACT LHN Council including the process of appointment and its generic composition.

The national health and hospitals network agreement provides for local hospital networks, which are to be comprised of a single or group of hospitals and other health services that are geographically or functionally linked. The amendments establish the ACT LHN, which will be a networked system holding service contracts with ACT Health, will report to the Deputy Chief Executive of ACT Health who is responsible for clinical operations of ACT Health, and will be comprised of the Canberra Hospital, Calvary hospital in relation to public patient activity, the Queen Elizabeth II Family Centre and Clare Holland House.

The amendments provide for the membership of the ACT LHN Council which are aligned with the requirements of the agreement but reflect local capacity and expertise, including the need to ensure some local community knowledge and understanding. These amendments provide for the generic composition of the ACT LHN Council which are based on a transparent process of appointment.

The amendments make it clear that the council will not comprise representatives of particular groups or interests in the health system, or indeed the community, but will be comprised of members with an appropriate mix of skills and expertise, including health management experience; clinical experience, external to the LHN wherever practical; cross-membership with local primary healthcare organisations, which are now called Medicare locals; academic, teaching and research experience; financial management, commerce and industry experience; public consultation experience; and consumer/carer experience.

The amendments provide that the council will be appointed by the Minister for Health and will be based on a transparent process including placing advertisements in newspapers seeking people to nominate for positions. Selection for appointment will be based on people's skills, expertise and knowledge.

The amendments also provide that the council must provide an annual report to the Minister for Health and must include in that report the consultation undertaken by the council with the community about any issues affecting the satisfactory delivery of health services and the overall performance of the ACT local health network.

The amendments also provide for the functions of the council. The functions of the council would be to advise the chief executive about the clinical and corporate governance framework needed to support the maintenance and improvement of standards of patient care and services under the LHN; and, under the area of strategies and methods, to support the efficient and economic operation of the network, to ensure the network manages its budget to meet performance standards, to ensure that network resources are applied equitably to meet the needs of the community and to promote cooperation between health facilities. It will also deal with ways in which to support, encourage and facilitate community and clinician involvement in the planning of services that form part of the network, to look at the network's policies, plans and initiatives for the provision of health services, and any other matter prescribed by regulation.

The council will also be required to report to the Minister for Health quarterly on each of these functions.

Finally, the bill includes provisions for a review of the ACT LHN after 12 months of operation, with a requirement that the Minister for Health present the report of the review to the Assembly.

I commend the bill to the Assembly.

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

Road Transport (Third-Party Insurance) Amendment Bill 2011

Mr Corbell, on behalf of **Ms Gallagher**, 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) (10.12): I move:

> That this bill be agreed to in principle.

Today I present or, should I say, formally present the Road Transport (Third-Party Insurance) Amendment Bill 2011. While this is the first time this bill has been

presented in the Assembly, most members would already have seen the earlier exposure draft of the bill which was made publicly available last year in early October. This followed the Treasurer's decision to initiate a two-month consultation period which concluded at the end of November last year.

During the consultation period, the Department of Treasury met both jointly and separately with compulsory third-party scheme stakeholders and other interested parties. On behalf of the Treasurer I take this opportunity to remind members that the stakeholders in this scheme are the motorists and businesses who pay compulsory third-party premiums, the people who make claims under the scheme and, last but not least, the licensed insurers who actually underwrite the scheme. Others who participate, such as the lawyers and medical professionals, are simply service providers within the scheme.

Treasury has met with the ACT Chamber of Commerce and Industry; the ACT Council of Social Service; representatives of the taxi industry; and NRMA Motoring and Services. On the part of the insurers, Treasury has met with the peak industry body—the Insurance Council of Australia—and the incumbent CTP insurer through its NRMA Insurance brand, Insurance Australia Group.

I hasten to add that the legal profession was also extensively consulted. On the defence—insurer—side of the aisle, Treasury met with lawyers from NRMA's legal panel. On the plaintiff side, Treasury met with representatives of the Law Society of the ACT, the ACT Bar Association and the Australian Lawyers Alliance.

Briefings have also been provided to the opposition—Mrs Dunne, Mr Smyth and their advisers—and to the Greens—Ms Bresnan, Ms Hunter and their advisers. The government particularly thanks those members involved in that process and, indeed, yourself, Mr Speaker, for your interest.

The government has listened to all concerns raised and has adjusted some aspects of the bill. We have reduced the 20 per cent threshold on psychological impairment to 15 per cent, or more consistent with the physical impairment threshold. And we have removed the cap on non-economic loss or pain and suffering. However, so that the special interest groups who remain implacably opposed to these reforms will be in no doubt, I reiterate and declare now that the decision to introduce this bill today is a signal of this government's strength of purpose on this issue. The reforms proposed by the bill are very necessary, and the government will not be deflected from pursuing them.

Compulsory statutory insurance, such as compulsory third party, is what is known as a grudge purchase. This is because its purchase is required by law in the public interest. Accordingly, someone paying the premium should have a reasonable expectation that those premium dollars will be spent for the purposes for which the scheme exists—in the case of CTP, helping injured motor crash victims return to health and, if seriously injured, helping them manage their injuries to secure the best possible future. Therefore, such schemes must provide robust and cost-effective pathways that enable them to run efficiently and produce the best possible outcomes for the lowest compulsory contribution. Best outcomes at best value.

Between the year 2000 and 2007, approximately 8½ thousand CTP claims were finalised. Over that period ACT motor crash victims made claims at double the Queensland or New South Wales rate, and their claims took an average of 1,161 days to resolve. Fifty-two per cent of the costs of our CTP scheme were consumed by legal costs and lump sum damages covering non-economic loss. Some people prefer the emotive term "pain and suffering". It made up 33 per cent of scheme costs. Legal costs consumed 19 per cent, or nearly $1 of every $5 paid in premiums. Coupled with the high average wage rates in the ACT, economic loss claims accounted for 23 per cent of scheme costs. This meant that only one-quarter of our scheme costs were left for the true purpose of why statutory compensation schemes exist and are compulsory—namely, treating injured crash victims and returning them to health.

It needs to be understood that, over the years, successive ACT governments had no authority to demand and apply necessary information about how the scheme was running. Consequently, the CTP scheme ran blind under a private monopoly, the worst kind of situation. The government acted in 2008 with the start of a phased array of essential reforms, starting with the Road Transport (Third-Party Insurance) Act 2008, the CTP Law. The CTP law effected baseline reform, drawing principally on New South Wales and Queensland models, in the following areas: premium setting and insurer regulation, providing necessary and early rehabilitation, claims and litigation procedures, legal costs—a key scheme costs pressure, and updating statutory classifications.

We began from a zero base in terms of scheme data and information when this project started in 2006. The 2008 reforms were the foundation stone of scheme reform; they were low key, based on existing models and, frankly, conservative and carefully crafted. However, the government understands that the 2008 reforms, the first in 60 years, placed in an environment in which any type of regulation at all was viewed as alien, were viewed by some as radical. Indeed, the same special interest groups regard the amendments introduced today as radical and shocking. However, these further reforms are both structured and incremental.

Members will naturally be interested to know how the 2008 reforms are working. While the new scheme has only been in operation for just over two years, these foundation reforms are working as designed. Our scheme actuary reports that, for the first batch of resolved claims under the 2008 scheme, medical and rehabilitation costs have risen, as indeed was the intention of the 2008 reforms. Settlement times have reduced, some to within the optimal settlement window of 462 to 574 days as designed into chapter 4 of the CTP law. This reflects the specific intent unanimously expressed by this Assembly when it chose to enact the 2008 reforms.

These amendments build on the 2008 reform package by encouraging early rehabilitation and putting the focus back on health and not the gravy train that CTP claims once were for just about everyone but the claimant. These amendments do this by providing the necessary value-adding around injury identification, assessment, medical review and the compensation structure to complement those reforms. They also deal with a few inefficiencies that have arisen in connection with the motor crash litigation industry. I will have more to say about this later.

The government resiled from addressing the second and third elements of lump sum costs—namely, non-economic loss and economic loss—in the 2008 reforms. While the motoring public, insurers and most interest groups overwhelmingly welcomed the CTP law and sought a full suite of reforms, others did not. The government, therefore, decided to measure scheme performance over a reasonable time and test the assumptions underlying the reforms to ensure that they were on the right track and to prove the value proposition. They are, and it has.

These outcomes, therefore, have given the government the confidence to proceed with the second and third tiers of the CTP restructure—namely, the restructure of lump sum damages and the refinement of economic loss to secure the best management compensation framework available for injured crash victims and premium payers.

The primary objectives of this bill are to complete the phased array of scheme structure reforms and to double the percentage of available scheme costs applied to medical treatment, rehabilitation and return to health. It also lays the groundwork for lower premiums and cements the competition proposition.

With respect to non-economic loss, the bill the government has tabled today will encourage claimants to focus on health and rehabilitation to achieve the best outcomes for their health and wellbeing. It will do this by introducing a statutory minimum impairment threshold process specific to non-economic loss.

As I have said earlier, compulsory third party is compulsory, which means that the community is obliged to pay premiums. Our scheme is, however, a common law scheme, which means that compensation based on common law precedent is payable once liability has been established. It is not a statutory benefits scheme, and we cannot compel complainants to commence rehabilitation.

What is appropriate, and is therefore proposed by this bill, is to encourage claimants to use the early treatment and rehabilitation options that already exist under the scheme. Under the existing scheme, non-economic loss damages are awarded or negotiated by reference to the pain and suffering of a claimant. In this environment, there is a strong disincentive to maximise medical recovery where this would result in lower lump sums for non-economic loss. As a consequence, adequate medical treatment was often delayed until settlement, which, as we have seen, averaged at 1,161 days—that is, around three years and two months. Having settled a claim, the responsibility for managing their future medical treatment falls to the claimant. Needless to say, in many cases, the opportunity for really effective treatment has passed. In other cases, the claimant may not be keen to incur the cost of ongoing medical treatment out of their lump sum. In either case, the result was a less than satisfactory health outcome.

The bill that the government is tabling today will turn the incentives completely around. Those injured persons below the threshold impairment will have no incentive to seek to maximise non-economic loss lump sum payments. It is, therefore, in their interests to undertake all the necessary rehabilitation at the insurers' expense as soon as possible. This means much better prospects for complete recovery.

Of course, there will be instances in which full recovery from serious injury will not be possible, even with the best of medical intervention. That is why the bill provides for non-economic loss damages to continue to be payable for the more seriously injured—that is, those above the permanent impairment threshold specified in the bill.

The key elements of the bill are: the establishment of a statutory minimum impairment threshold process for non-economic loss damages; the provision of a mechanism for independent, expert medical assessments to be undertaken shortly after the injury occurred to assess the impairment of a person injured in a motor accident; allowing for medical assessments to be peer reviewed and, if necessary, reviewed by the court, with these medical assessments being binding on the parties to a motor accident claim and conclusive proof in any court; in undertaking a medical assessment, the physical and psychological elements are not to be combined, however, psychological assessments may be made in isolation; and if a person is injured in a motor crash, then they will be entitled to non-economic loss only if their injuries are serious such that their whole person permanent impairment is 15 per cent or more, and the same threshold will apply to both physical and psychological injuries.

To dispel the misinformation that has been put about by the interest groups opposed to the bill, it does not take away any existing right that an injured person has to claim any other category of compensation. This includes both a person's past and future loss of earnings, the full cost of their medical treatment and rehabilitation, the cost of home and vehicle modifications and attendant care where that is required.

The bill provides that interest on damages will only be payable in the following circumstances: where the respondent, the insurer in most cases, receives information that would enable a proper assessment of the injured person's motor accident claim and has a reasonable opportunity to make a settlement offer, where appropriate, but no offer is made; where the respondent/insurer receives further information and has a reasonable opportunity to make a revised settlement offer but no revised offer is made; the respondent—an insurer or the nominal defendant—fails to comply with the information disclosure provisions under part 4.6 of the CTP act; and where a settlement offer has been made but the court-awarded damages are more than 20 per cent higher than the highest settlement offer, and the settlement offer was unreasonable having regard to the information available to the respondent.

Under this bill, 84 per cent of people injured in motor crashes will no longer have to be concerned about the subjective lottery of "pain and suffering" compensation for their injuries. Their pain and their suffering will be treated in a defined, structured and effective way under the statute. Compensation will be determined by particular statutory formulas and mechanisms that will enable injured crash victims to progress into their recovery in the knowledge that whatever it has or will cost them in time, money and future care as a result of being negligently injured, it will be recoverable under the scheme.

We are continually bombarded by complaints from Canberrans about the cost of compulsory third-party premiums, while the injured are required to wait by a telephone to be told what to do next in order to maximise financial rewards under the

scheme for both themselves and their representatives. Getting injured people back to health and full participation in the community is the government's focus.

Let me reiterate that no injured person, other than at-fault drivers, will be denied access to the scheme. However, in the case of those injured as a result of another's negligence, moneys otherwise lost in endlessly debating legal issues will be channelled into structured return-to-health pathways. All existing rights to reasonable medical, rehabilitation and return-to-health costs and provable economic loss, past and future, will, of course, be preserved. Injury victims will be encouraged and supported in their recovery from injury.

To assist in these objectives, there are technical provisions in this bill which provide the necessary guidance to the courts as to how they should deal with particular aspects of claims around economic loss and mandatory final offers. It has become clear from the volatile developments in costs expectations and old scheme claims that it is essential to provide greater assistance to courts in the compulsory statutory insurance environment.

Accordingly, there will be benefits for everyone under these reforms. Actuarial analysis undertaken by the CTP scheme actuary indicates that everyone will benefit by lower premiums and by greater access to return-to-health opportunities. In this way and correspondingly, obligations, costs and benefits under the scheme will finally fall into balance. Issues of injury, impairment, treatment and recovery will take advantage of the most modern mechanisms available today for the benefit of those injured as a result of crashes in motor vehicles.

Lower premiums will benefit the community. Lower premiums will also assist our businesses by reducing their overhead costs. They will also remove the existing, all-too-real incentive for businesses to set up in nearly New South Wales locations rather than the territory, because our schemes will be closely aligned. It is this government's intention ultimately, at least in relation to statutory compensation insurance, to facilitate a seamless regional economy. The previous reforms and these amendments are not about denying an injured party the right to the best means of representation, but are designed to protect their rights as they access the scheme.

Finally, I want to say something about competition. Despite the planned effects of the 2008 scheme working well in relation to claims finalised under the CTP law, I must inform members that we face the alarming prospect that the 2008 reform might be subsumed by the flood of inflated old scheme awards for NEL and economic loss, in place of the important health outcomes intended to be effected by the 2008 reforms.

Consequently, potential new insurers decided to wait before coming into our scheme because the risks remain too volatile. Entering the ACT market requires commitment of at least $20 million in risk capital for a share of a relatively small market in an environment that provided headlines about damages of $1.3 million in a whiplash case.

However, the government remains confident that competition will happen. The changes proposed in this bill greatly strengthen that prospect. The government is confident that the 2008 reforms, coupled with this bill, will together produce the best

managed compensation framework for premium payers and injured crash victims in Australia and provide inbound insurers with a predictable claims environment.

I commend the bill to the Assembly.

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

Criminal Proceedings Legislation Amendment Bill 2011

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) (10.33): I move:

> That this bill be agreed to in principle.

In 1993 the Supreme Court Amendment Bill 1993 was passed by the Legislative Assembly to introduce section 68B to the Supreme Court Act 1933. The provisions created an opportunity for an accused person in a criminal proceeding to elect to be tried by judge alone prior to the court first allocating a date for trial in circumstances where the accused has received legal advice and the election was freely made.

At the time of the introduction of these provisions, it was expected that the right for an accused to waive his or her right to a trial by jury and elect for a judge-alone trial would occur in limited circumstances. The intention of the provision was that it would apply to matters involving complex and lengthy legal issues or explanations of matters where large amounts of pre-trial publicity could be said to adversely affect an accused's right to receive a fair trial. Indeed, this had been the experience elsewhere. At the time of debate of the amendments, there was reference to the very low election rates in New South Wales for commercial matters, whereas at the time of the introduction of the ACT bill, only one election had been made in the period 1979 to 1987.

As early as July 2007 and as recently as this year, there have been a number of public comments made with respect to the government's intention to examine judge-alone trials. I indicated in 2008 my concerns with respect to the perception that judge-alone trials were becoming the norm when the intention of the legislation was that they were to deal with exceptional cases.

The issue of judge-alone trials was raised in the Department of Justice and Community Safety's May 2008 discussion paper on reforms to court jurisdiction, committal processes and the election for judge-alone trials. The issue of judge-alone trials was included in response to a number of high-profile judge-alone trials in the ACT which resulted in acquittals.

Statistical evidence about the results of judge-alone trials was lacking, and meaningful data is difficult to obtain. Consequently, I asked my department to examine any available evidence about the rate of elections for trial by judge alone in the ACT, to compare that evidence with the experience of other jurisdictions and to gather further information on the types of matters where elections were being made.

The Department of Justice and Community Safety initiated a review of all Supreme Court criminal trials conducted over a four-year period, ending on 30 June 2008. The review revealed some interesting findings. The ACT appears to have a high rate of defendants electing for trial by judge alone. The ACT has the highest proportion of matters proceeding by judge-alone trials in Australia at 56 per cent, compared with the next closest jurisdiction, the South Australian Supreme Court, at 15 per cent and then Western Australia at 2.7 per cent. The South Australian statistics are particularly interesting because the ACT legislation was modelled on the South Australian law and the provisions are directly comparable.

There appear to be high rates of elections for trial by judge alone in matters involving allegations of a sexual nature, including allegations relating to child pornography, and allegations involving the death of a person, murder and manslaughter in particular. There was some evidence of elections being made inappropriately after the identity of the trial judge was known, but these were restricted to cases where fresh indictments or amendments to indictments were made on or close to the date that the trial was listed for hearing. This made it difficult to be certain of the factors influencing the election.

The conviction rate for judge-alone trials for murder during the period—this is a four-year period ending on 30 June 2008—was zero per cent. The conviction rate for judge-alone trials for sexual matters during the period was nine per cent, and the conviction rate for all other judge-alone trials during the period was 47 per cent. The community would be very interested in these figures. The results of the review support the proposal for legislative reform to curtail the disproportionately high number of elections for trial by judge alone that are being made in the ACT. The trends shown in the audit period have continued into 2009 and 2010.

There is strong community support for these amendments. Territorians expect that those charged with the most serious of offences are assessed and judged by a jury of their peers. This ensures that our community standards and values continue to be an integral element of our justice system.

I acknowledge the concerns of some in the legal profession that these reforms are unnecessary. However, as I have previously mentioned, the trends identified in the audit require the government to act, and I believe that the wider community supports this initiative.

Similarly, the concern has been raised that the proposed reforms to judge-alone trials may result in delays with matters being finalised by the Supreme Court. However, decisions that are made by a jury are on the spot and will reduce the delays associated with the production of reasons, which currently occurs with trials by judge alone.

Additionally, I note that the government has recently introduced a suite of other legislative reforms to reduce pressure on the Supreme Court. The government has recently tabled the Courts Legislation Amendment Bill 2010 and the Bail Amendment Bill 2010.

The Courts Legislation Bill will require offences with a maximum penalty of five years or less to be heard exclusively in the Magistrates Court. Presently, defendants charged with offences with maximum penalties from two to five years imprisonment may elect to have these matters dealt with summarily in the Magistrates Court or heard on indictment in the Supreme Court. This reform will move a significant number of offences to the Magistrates Court where they can be dealt with appropriately while untying resources in the Supreme Court.

The Bail Amendment Bill 2010 passed by the Assembly earlier this week introduces significant reforms to the way that bail is administered in the territory to address the backlogs in the Supreme Court.

In addition to these amendments I have recently announced, together with the Chief Justice, a review of case management practices in the Supreme Court. The bill I present here today amends the relevant provisions to remove the option of election for trial by judge alone for all offences involving the death of a person. This includes murder, manslaughter and culpable driving occasioning death. Further, the bill also removes the option of election for trial by judge alone for all the sexual offences contained in the Crimes Act, including child pornography offences and bestiality.

The offences proposed to be covered by these reforms are clearly set out in the schedule to the bill. These charges represent the most serious allegations that can be made against a member of our society. They are also often matters which require decisions and findings of fact to be made involving the application and assessment of community standards. As such, a person accused of serious crimes is best judged by a jury of his or her peers.

The bill further clarifies the government's intention around the timing of the election. The provision now makes it clear that the election must be made prior to the identity of the trial judge being known to the accused or to his or her legal representatives. This is designed to minimise what is commonly referred to as judge shopping or forum shopping.

Finally, the bill increases several penalties relating to sexual offences. The penalties have been increased for the offences of act of indecency without consent, possession of child pornography and using the internet et cetera to deprave young people. The increases in the penalties are to ensure consistency with amendments to the Courts Legislation Amendment Bill 2010 and to amendments to the Supreme Court Act in this bill.

While these reforms may not be popular with some stakeholders, I believe they are necessary to ensure the integrity of our criminal justice system. It was never intended that judge-alone trials would be the norm. It was never intended that they would be available so routinely and in such a large number of so very serious cases.

I commend the bill to the Assembly.

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

Planning, Public Works and Territory and Municipal Services—Standing Committee
Report 9

MS LE COUTEUR (Molonglo) (10.43): I present the following report:

> Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 9—*Inquiry into RZ3 and RZ4 Residential Redevelopment Policies—Inner North Canberra*, dated 9 February 2011, including additional comments *(Ms Le Couteur)*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This inquiry considered the issues of residential redevelopment in the RZ3 and RZ4 zoned areas of inner north Canberra, as well as some consideration of high density development along transport corridors. For those people who have not been looking at the territory plan and noting where RZ3 and RZ4 are, basically we are going up Northbourne Avenue. On the west side we stop at Sullivans Creek and on the east side it is the bits close in with Limestone and Majura. In some places it is the boundaries but in other places it is further in than that.

The inquiry started in June 2009. One of the advantages of the long period of the inquiry was that we got a lot of submissions. We received 52 submissions and a lot of them were from local residents. Early on we released a discussion paper which I think provided some useful background information. I would like to thank all the people who submitted to the committee—some of them quite passionately because they were speaking about their local areas. I would also, of course, like to thank my fellow committee members. I especially mention the committee chair, Ms Porter, who unfortunately cannot be with us today for medical reasons. I also thank Mr Coe and the committee secretary, Nicola Kosseck.

We made 15 recommendations and I will briefly go through those. Obviously I do not have time to go through them all in detail. The first recommendation was that rule 21, which restricts development in the city side of this area—while there has not been a lot of development in the non-city side—be scrapped. We felt that it really was not achieving its aims and that the non-city side, up to Dickson of this area, was still a really appropriate place to have greater urban intensity. We note that it is already happening there. There are the three buildings where the City Gate Motel used to be. It just seems that it had not fulfilled its purposes and was irrelevant.

We then moved on, in terms of recommendations, to the two areas which had moratoriums on them. Rule 44 is the moratorium on section 63 of Turner. The

committee recommended that this rule be removed. This was a recommendation which had clear support from the local residents. It made it a lot easier for the committee to make that recommendation because clearly the local residents seemed to be in favour of it.

The moratorium on section 47 was a lot more controversial, principally amongst the local residents. While the committee has recommended in recommendation 3 that rule 44 restricting the use of section 47 in Turner should be removed from the inner north precinct code, I have put in there a footnote expressing my views that this moratorium should not be removed until after most of the other recommendations of the committee's report have been implemented. These are the other recommendations which are aimed at improving the quality of residential development and amenities.

I have great sympathy for the people who live there and wish to retain the ambience of the area in which they live. It is a beautiful place to live. It is a very difficult decision. Not all the land owners support the moratorium. The other thing that makes it difficult is the lack of clear intellectual justification, the lack of a clear reason for it. There has been talk of heritage listing, but that has never been pursued.

I believe that if the committee had supported the moratorium at this time it would only be postponed because inevitably in another five or 10 years time—not too long a period of time—the pressure would have been there to revise it again. I support the removal, but I believe this removal should not happen until after the other recommendations of the committee, which are aimed at improving development in the area and in fact throughout the ACT, have been implemented.

I cannot speak at great length on all the recommendations because I only have a quarter of an hour. Recommendations 5 and 6 talk about working on the residential codes. It was the universal view of some submitted correspondence to the inquiry that the codes were complicated and it was not easy to see the distinction between the different zonings. They just felt that either they did not understand them or they did not do what they should do or a combination of both of those. The committee strongly felt, in recommendations 5 and 6, that we should be looking at these zones. I note that they were part of the draft territory plan variation 303, which I understand is undergoing considerable rework within ACTPLA. I look forward to seeing its re-emergence to the light of day in a new and better form. I hope that the committee's comments will be relevant to that.

Moving to recommendation 7, this is a recommendation which I also hope will be part of the reworking of the draft territory plan variations 301 and 303. Part of the Greens' submission to 303 was that ACTPLA actually look at models of design and construction quality assessment. There are some of these in Australia and there are some internationally. The universal comment of the public is that they are not against greater urban intensification. In fact, they recognise the reasons for it. But what they are against is poor quality, poorly designed and poorly constructed urban redevelopment—urban redevelopment which does not respect the existing houses and the existing neighbourhood.

We think we should be able to do better than what is happening at present. So recommendation 7 is based around that. We have got to be able to do better. Other

jurisdictions have different models which, at least from this distance, seem like they are doing better. We would very much like ACTPLA to look at these models. This could be an appropriate thing to be part of the next territory plan variation, which will be dealing, I understand, with all the residential zones.

Recommendation 8 was that multi-unit dwellings be designed to optimise energy efficiency. This is particularly important because multi-unit dwellings often cannot easily be renovated or changed afterwards. If we make mistakes when building the first time they will probably be there for the life of the building, whereas single residences are usually a little bit more flexible if mistakes have been made.

Recommendation 9 is about universal design principles. We ask the government to report back on progress it has made in implementing this. From a personal point of view, I would like to go further than that. One of the problems of the current regulations is that they only come into play in a multi-unit development where there are more than 10 units. As we know, a lot of the redevelopments in the ACT have less than 10 units so we do not get any universal design.

Given that one of the drivers of redevelopment in these areas is people getting older and needing to have dwellings which suit their circumstances, I think universal design should be much more common. What universal design means is that the building is designed so that it can be easily converted into an adaptable building which is suitable for people in wheelchairs or walking frames. The cost of doing this at design and construction stage is almost nothing. It is in the order of a couple of hundred dollars. The cost of retro-fitting a building, if you do not do it at the construction stage, can be a lot more. We would be talking about many thousands of dollars. So it is important that we do it at the beginning in our multi-unit areas.

The committee's next recommendations, 10 and 11, both talk about public open space networks and how they need to be retained, improved and enhanced. The committee strongly feels that these areas, which will have high residential density in future, need to have good open space so that the people who live there have got somewhere to go outside, somewhere to walk and somewhere to recreate. If we are not going to have as much space in individual backyards, we need to have sufficient high quality space in our communal backyards.

Recommendation 12 talks about the ACT government working with developers to achieve the desired zoning outcomes. Here we are referring to the fact that there have been quite a few instances where redevelopment that has happened in this area has been pretty low-level redevelopment. There are plenty of places where we could have easily achieved greater urban density without inconveniencing or disturbing any existing neighbours. One that comes to mind right now is the development next to the old Rex Hotel. There was the Rex Hotel itself, but next to it there was a car park, which I think has been redeveloped by the ACT government under the stimulus package. Some of that is two storeys. It is very close to Civic—it is just on the other side of the green belt—and it would make sense to be more dense there. If we miss the good opportunities, we are going to just make it harder to get a good urban forum for the ACT. We have recommended that the government have in-depth consultation with the Canberra community about densification opportunities along transport routes,

in particular approach routes, and around places which we think would be good for higher density.

Our last recommendation is an important one. In recommendation 15 we recommend that the Heritage Council expedite the assessment of a Northbourne housing precinct and finalise a conservation management plan for this precinct. People may be aware that significant quantities of land in the inner north, and particularly on each side of Northbourne Avenue, are owned by Housing ACT. They are subject to, at this stage, assessment by the Heritage Council for heritage significance, which is tying up a large area. This stock of housing is not being very well maintained by ACT Housing. Just going past it, as I do every day, you can see that it needs maintenance. It is clearly awaiting a decision as to its fate. What is needed is the heritage listing to be resolved. They are large blocks of land, they are large areas, and something needs to be done, which is better than the existing situation of houses becoming less attractive.

Finally, in the short amount of time left to me, I would like to talk about my additional comments. I felt that what we have got in the inner north precinct is a wonderful area to address the pressures that require change in Canberra. We have climate change and we have peak oil. It was distressing yesterday to find that the government does not consider peak oil in any of its plans, but peak oil will happen and this will influence how Canberra works. I think that as a community we have all recognised that climate change is going to happen. Last year we passed the 40 per cent greenhouse gas reduction target, but we need to start planning for these things, not just talking about them.

The inner north is an incredibly desirable place to live. It is close to Civic, major employment, major commercial, major entertainment. It has got two wonderful natural areas very close to it, Mount Ainslie, Black Mountain. It has got schools, it has got local shops, it has got local parks, it has got, you know, basically what people would like. It has got good transport connections to the rest of Canberra, it is a very frequent public transport, it is busy cycling and walking route.

But we need to change it. It needs to grow with the city's growth. The inner north precinct was, of course, designed by Walter Burley Griffin, together with his wife and partner, Marion Mahony, and was part of the original design for Canberra. But that was for a projected population of 25,000 to 30,000. Our population is now 10 times this. We need a vision for a sustainable inner north. We have put it in here, and what we need now is the will to implement it.

MR COE (Ginninderra) (10.58): Firstly, I would like to put on the record my thanks to the chairwoman, Ms Porter, to the deputy chair, Ms Le Couteur, and to the committee secretary, Nicola Kosseck, for their work in putting this report together. I would also like to extend my thanks to Ms Le Couteur for giving a comprehensive run-down on the 15 recommendations included in the report. Given the summary that Ms Le Couteur has given the chamber, I will just speak about a few issues in particular that I think are worth highlighting.

I will go straight to the back of the report, being recommendation 15, which is:

> The Committee recommends that the Heritage Council expedite the assessment of the Northbourne Housing Precinct and finalise a conservation management plan for the precinct.

This is obviously a somewhat controversial part of Canberra and a somewhat controversial discussion regarding the development, or redevelopment, of these areas. But undoubtedly the land occupied on Northbourne Avenue by the housing properties is underutilised as it currently stands.

The fact is that the number of dwellings on those blocks at the moment is not at a level that I think would be consistent with a view for that sort of infrastructure and that sort of transport corridor. So I think it is important that the Heritage Council does finalise a conservation management plan as quickly as possible. It is a controversial issue, but I think it is important that it does happen as quickly as possible and I hope that it is not being stalled for political reasons and that it is not delayed any longer because of any adverse media that may be generated one way or the other.

We have to distinguish between conservation and preservation. With conservation, you can actually make changes. You can make reforms. You can do things in order to conserve a reasonable portion. With preservation, you are pretty much locking something up and leaving it as it is, and I fear that is what we are doing at the moment. And, when you simply preserve something for the sake of preservation, you run the risk of it deteriorating and in effect being mothballed, and I do not think anyone is served well by substandard housing. Whether it be the actual tenants, the residents themselves, whether it be the neighbours, whether it be the broader community, whether it be absolutely any stakeholder whatsoever, nobody is served well by poor quality and the very low density housing that we have along the major transport corridor of the city, being Northbourne Avenue. So I do very much support recommendation 15 and hope that will indeed lead to some policy changes which will make that part of the inner north, and indeed that part of Canberra, a little more sustainable from a residential point of view.

There are a few other issues in the report that I want to in part distance myself from, or at least add some additional comments to. On paragraph 4.13 I have stated that I think it is important that we ensure that all future developments have appropriate car parking. I think it would be inappropriate if we were to restrict people's car parking opportunities simply because we want to force them onto other modes of transport. The way we need to make that modal shift is to encourage people to want to go onto an ACTION bus, encourage people to want to ride their bike, encourage people to want to walk. I do not think we should be doing it by making one option unattractive, making one option worse, therefore forcing people onto other modes of transport.

Paragraph 6.36 of the committee report states that the committee "strongly supports maintaining the existing quantity of public housing and considering any innovation that will lead to more affordable housing". The focus, I think, has to be on housing affordability. Public housing for many people is a symptom of not being able to get into the private market. It is not always that, but for many people it is. I think that, in order to address many of the issues we have with public housing—the demand for

public housing and the supply of public housing—if we can address the housing affordability issues many of those issues will be solved.

Recommendation 6 in paragraph 6.37 talks about including a mix of one, two and three-bedroom dwellings in residential developments. Sometimes it will not be appropriate to have a mix of one, two and three-bedroom dwellings. I can think of properties around universities perhaps where you might want to just have studio apartments or you might want to have a different format for how people live. So I think we have to be very careful not to be too prescriptive about the make-up of particular sites. We need to make sure that on the whole we do have a good balance of housing types, but we should be very careful when we get overly prescriptive about individual properties.

Paragraph 7.20 of the report says:

> The committee believes that more ambitious solar access targets should be included in the development controls.

Again I have concerns with this in that we need to ensure that we have a reasonable balance between yield, affordability and energy efficiency. If we too heavily commit to particular aspects of design, we run the risk of being worse off because we do not get that balance right between yield, affordability and energy efficiency.

Paragraph 7.33 states:

> The Committee would like to see developments of five or more dwellings also be required to provide a per cent of dwellings which meet the relevant Australian Standard for Adaptable Housing and the *Access and Mobility General Code.*

I have disagreed with this comment because I do not believe that the committee did adequately look at these issues. In fact, I believe that in many of the comments in section 7 the committee are overstepping the mark. I do not think we had adequate information, whether it be from witnesses or from submissions, to make some of the comments that we made in section 7. I think the report in part was used to slide in some political comments, some comments from different political parties' ideology, and I think that has resulted in this committee overstepping the mark and going beyond the scope of our report. So 7.33, in particular, I think is a bold statement, given we have just about no evidence whatsoever from witnesses or from the submissions we received.

I spoke earlier about public housing. Paragraph 8.46 states:

> The Committee notes that it is important to maintain current levels of public housing in the inner north area.

I do not think we should be simply looking at the number of public housing dwellings; I think we should be looking at housing on the whole. We cannot be segmenting public housing or social housing from the rest of the housing stock. Does saying that we should have current levels of public housing mean we should not have more public housing? Does it mean we should have less public housing? What does it

actually mean? I do not think we should be committing ourselves to whatever the current level of public housing happens to be.

Overall, this is really the cut and thrust of what the planning committee is all about in terms of making recommendations about the future of specific sites and about zones in general. Recommendations 1, 2 and 3 seem to be controversial, but we cannot shy away from making decisions in this place; that is what we are here to do. I think recommendations 1, 2 and 3, if they are implemented by the government, will result in necessary reforms to the territory plan.

With regard to recommendation 3, I do take objection to Ms Le Couteur's comments when she said that recommendation 3 should be done last after the other recommendations are done. I think that is sort of having a bet both ways. I think Ms Le Couteur does understand that there really is not a process whereby that can actually happen. Once it is in the territory plan, there really is not that much scope for the minister, for ACTPLA or for us to actually determine which bit should get greater emphasis than other bits. So by Ms Le Couteur saying, "I support recommendation 3, but only on the condition that other recommendations are done," I think is going a little bit too far and hedging one's bet a little bit for political purposes.

For Ms Le Couteur to also then say, "And, if we don't do it now, it is inevitable," is again somewhat hedging one's bets. Yes, I believe that the major transport corridors in the ACT, especially Northbourne Avenue, do have tremendous opportunity for redevelopment and can bring us much of the critical mass we require for the densification of our city. For instance, a development on Northbourne Avenue with 500 dwellings, with pretty much one development application, is far more efficient and is far less burdensome on infrastructure and for the community as a whole than 250 dual occupancies spread over Canberra, and you get a very similar result. That is a fact.

I believe that many developers in town understand that and I hope ACTPLA, the minister and other members of this place understand that. We have to make sure that we have a situation in place, an environment in place, whereby we can actually support these large-scale developments in appropriate locations. That is the most important thing: that they are in appropriate locations where they are not going to significantly change the character of the surrounding area and are not going to impinge on the liveability of the neighbours or surrounds. They may be high tests which a development must reach, but I believe there are places in Canberra where this can be achieved.

In conclusion, it is a long report and the inquiry did receive a good range of views—as Ms Le Couteur said, some very passionate, which is wonderful. I do not shy away from the decisions that we made in recommendations 1, 2 and 3. They are tough decisions but decisions I think this committee needed to make. I do not think we should be trying to hedge our bets about 1, 2 and 3. We need to make sure that we have the appropriate developments in the appropriate locations with all the appropriate processes gone through, but we still need to create a framework in place to create a situation whereby the city can grow but grow in the right locations.

I commend this report to the Assembly and I very much look forward to the minister's response and the government's formal response to it in the coming months.

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

Public Accounts—Standing Committee
Report 15

MS LE COUTEUR (Molonglo) (11.12): I present the following report:

> Public Accounts—Standing Committee—Report 15—*Inquiry into the ACT Auditor-General Act 1996*, dated 8 February 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

Today I am very pleased to present this report from the Public Accounts Committee inquiry into the ACT Auditor-General Act 1996. The committee's inquiry has been an important opportunity for various aspects of the Auditor-General Act to be considered and suggestions for proposed amendments to be put forward and assessed.

The first observation that I would like to make I will make on my own behalf, but I believe that other members of the committee may share it: the Auditor-General is very well respected throughout the ACT community and public service and fulfils a very valuable role in the ACT and our parliamentary democracy.

The role of auditor-general is a key accountability mechanism in a Westminster democracy; in fact, I think all democracies generally have some sort of auditor-general person. The auditor-general's role in the Westminster system is to provide a credible insurance to parliament as to government performance. They do that in two ways: financial audits and performance audits. In the ACT, we are particularly blessed, in my opinion, because our Auditor-General Act does have a strong emphasis on performance audits, which not all auditors-general do. So the role of the Auditor-General provides a very key accountability mechanism for the Assembly and for the wider ACT community; thus it is very important that we support this role and strengthen it where necessary.

This is the first full inquiry into the Auditor-General Act since it was enacted in 1996. The report has been significant in reviewing the extent and application of the act, firstly, to take into account significant changes within the public sector environment and the accounting and auditing professions; secondly, to take into account the broader role and mandate now expected of auditors-general; and, thirdly, to clarify and strengthen the act on the basis of its performance in meeting its objectives since it was enacted in 1996.

The committee has made 41 recommendations, which are wide ranging; I will not attempt to read and discuss them all in the short amount of time I have. Having run

out of time in my previous dissertation, I am learning. The recommendations are focused on strengthening and safeguarding the independence of the Auditor-General, clarifying and strengthening provisions in the act and, lastly, ensuring that the Auditor-General is equipped with the necessary powers and resources to carry out its role and mandate in the emerging contemporary public sector environment.

The committee's report examines and reflects on several key themes that have become apparent during its inquiries. These themes include the role and relationship of the Auditor-General to the Legislative Assembly and to the Legislative Assembly's delegate, the Standing Committee on Public Accounts. We also touched on the role of PAC itself. Recommendation 23 was that there should be a non-government chair and a non-government majority in PAC. While we are not in any way trying to reflect negatively on the operations of PAC at times when there has been a government chair or majority, we are saying that in terms of giving a clear signal that PAC is independent from the government, these are two things which would make it clearer to the wider public that it is an independent committee.

We have also looked at formal consultation with the Auditor-General with respect to the performance audit. That is recommendation 5. This is just codifying something which, as a matter of courtesy, the Auditor-General has done with PAC—consult about the performance audit project.

Also we have got recommendations about the appointment of a new Auditor-General—recommendation 7 and associated recommendations 8, 9 and 10. Recommendation 7 is a more "out there" recommendation. It recommends that the Auditor-General Act be amended to provide the capacity for PAC to recommend the appointment of the Auditor-General.

The first recommendation is not accepted. I have just noticed that we have got a typo here: recommendation 8 refers to recommendation 6, but the reference to recommendation 6 should be to recommendation 7. If recommendation 7 is not accepted, we have got a number of recommendations—8, 9 and 10—which clear up some of the ambiguities in the current situation so that we do not end up with a situation like the one we ended up with in relation to the advertising reviewer, where neither side was agreeing and it was not clear how to get out of the deadlock.

We have also suggested that the admin and procedure committee look at some of the issues of privilege and provision of information from the Auditor-General to all members of the Assembly. Sometimes we in PAC are very aware of our privileged position in terms of getting briefings from the Auditor-General. We are looking at ways that this might be able to be spread more amongst members of the Assembly. We note that some other parliaments have different mechanisms which give a bit more of a role for other members of the Assembly.

Let me go to other areas we looked at. There was the unique role of the office of the auditor-general in the Westminster accountability model and the audit system of democratic governance. This was an area where we had considerable debate, because it is a new concept as far as the ACT is concerned. Basically we drew heavily on the New Zealand parliament. I will mention here, and I may mention it again at the end,

that we were very much indebted to the Australasian Council of Auditors-General, who put in a very detailed submission on behalf of all the auditors-general. We have referred quite extensively to the collective wisdom of the Australasian auditors-general.

One of the things that the council talked about was that in New Zealand there is the officer of parliament idea. The concept of officers of parliament is about officers whose function is to provide a check on the arbitrary use of power by the executive; they must only discharge functions which the house itself could carry out if it wanted to. Normally you would not create an officer of parliament, but there are a few occasions when this is something which could be considered. We felt that the office of the Auditor-General was the position where this was potentially something that could be considered. They do have a unique relationship with the Assembly and this would be a way of recognising and strengthening this relationship.

Another obvious area where there is a unique relationship which may need to be strengthened is the parliamentary involvement in the budget appropriations for the Auditor-General. Clearly, no matter what the act for the Auditor-General says, without resources the Auditor-General is powerless. One of the ways that the Auditor-General's functioning and power can be reduced is by just not providing them with sufficient resources. This has been an ongoing matter of discussion within PAC as long as I have been there, and I would be fairly confident that it was a matter of discussion in previous PACs. It is clearly also a matter of some controversy, and I note that Mr Smyth has some legislation before the chamber dealing with this.

We, however, have a new recommendation on this subject, recommendation 24. What it seeks to do is a make the present situation a bit clearer. At present, while PAC makes a recommendation as to what the Auditor-General's funding should be, there is no clear mechanism by which this would become public knowledge. It always ends up becoming public knowledge, but it is a very messy process. Recommendation 24 is:

> … that the *Auditor-General Act 1996* be amended to provide the Legislative Assembly through the Standing Committee on Public Accounts with a formal role in considering the Audit Office's draft budget estimates and making a report with recommendations to the Legislative Assembly, as part of the Australian Capital Territory's budget process, on the level of funding required by the Auditor-General.

The committee recognises the role of the executive in terms of setting the budget. It also recognises that there are many competing demands upon the budget. This was the agreed recommendation as to how to go forward on that. I suspect that other members may have more to say about that.

We also spoke a bit about external reviews of the operation of the Auditor-General's office, noting that a review was held just last year and that we were very pleased that this was a generally favourable view of the audit office. The process of getting there has been a bit frustrating. Recommendations 16 through to 22 will strengthen and make a bit clearer how this will happen the next time—if the recommendations are accepted and implemented. It was a slightly confusing and frustrating process, although it is a process which we think should be undertaken on a regular basis.

We also said that any revision of the Auditor-General Act should have regard to the New Zealand officers of parliament system.

The committee received a number of submissions to the inquiry from interested stakeholders and was grateful to be able to draw upon their broad range of expertise and experience for its deliberations. As I mentioned earlier, particularly useful was the submission from the Australasian Council of Auditors-General. As I said, they represent the collective wisdom of the Australasian auditors-general. The committee recognises the significant commitment of time and resources required to participate in an inquiry of this nature. Many of the recommendations suggested by participants, or variations thereof, have been adopted as recommendations in the committee's report.

The committee would like to thank all stakeholders who contributed to the inquiry by making submissions, by providing additional information, or by appearing before it to give evidence. I would like to conclude by thanking, as well as the external stakeholders, my fellow committee members, Mr Smyth and Mr Hargreaves, and of course the Committee Office staff. In particular, I thank Andrea Cullen for her excellent work in this. I commend the committee's report to the Assembly and I note that my committee colleagues may well wish to provide comment.

MR HARGREAVES (Brindabella) (11.25): I rise actually to support the general thrust of the report before the Assembly this morning. My colleagues have indicated the issues that they feel are important—or at least Ms Le Couteur has. Mr Smyth will do so, I guess, in a minute. But rather than go over the same grounds, I will avoid the points that they have made, or intend to make, and leave the digestion of the main body of the report to Assembly members and the government in particular.

Members will know that it is not my practice to append a dissenting report to committee reports. I find this, in the main part, to be, at best, difficult to read and reference and, at worst, the application of a political point-scoring perspective. However, I do depart from my colleagues in certain elements of the report—and there are not many of them—and I shall address them all shortly. I do want to thank my colleagues for the degree with which they have applied the notion of parliamentarianism to this report and the way in which both my colleagues have approached the academic consideration of the roles and responsibilities of the Auditor-General and the degree of compromise they have allowed in the construct of many of the recommendations.

My first concern is the notion of the Auditor-General being an officer of the parliament. I know that this is the case in New Zealand and is becoming the vogue within other parliaments, some of which are in Australia. However, I do not have to agree to something just because it is becoming the accepted way of doing business. If I think it is lacking in principle, it is wrong.

This notion implies—backed up by unsubstantiated evidence—that independence from the executive is not guaranteed by the Auditor-General Act and that there can be undue influence exerted through lack of control of the Auditor-General's budget. I do not accept these premises. The Auditor-General Act is strong enough. It provides for

independence and is significant. It provides an opportunity for possible savage criticism of the government of the day, as delivered by successive auditors-general.

Like any agency existing off the taxpayers' teat, the Auditor-General has obviously to substantiate a need for additional funds and compete with other worthwhile activities, such as the other oversight statutory officers. The independence of the position is guaranteed by the Auditor-General Act, as has been bewailed many times in this place. However, I have not met an auditor-general that has cowered before a chief minister or any other minister over 40 years in public services, the last 13 of which have been in this place. So I cannot support recommendation 1 of the report. "A good start," I thought to myself.

I come, though, to recommendation 7, which I cannot support either. As I have indicated in paragraph 4.38 of my dissenting report, I believe that this recommendation offends the doctrine of the separation of powers in that the legislature should not involve itself in the detail of governance. The current role of the committee is to exercise the power of concurrence with, or veto of, the recommended application for the position. For a committee to recommend an outcome implies that it will involve itself in the selection process, and that is not acceptable to me. Committees should restrict themselves to parliamentary business and not get involved with the day-to-day activities of government.

Further, there was an implication that such committee membership will contain the expertise to check the qualities of applicants. The current committee does not possess this expertise in terms of qualifications nor public administration.

I disagree with recommendation 9, for similar reasons. This recommendation empowers the Legislative Assembly to choose an applicant for appointment to a statutory position. The parliament should not be an interview panel. It should not be part of the process. It should be a ratifying body or a veto-carrying body. This current Assembly does not actually appoint anyone. It approves, through a vote on a motion, such appointments recommended to it. It holds no formal delegation to appoint anyone to any position, and this is how it should remain.

Recommendation 12 suggests that the Auditor-General take an oath or affirmation of office. This is totally inappropriate. Do we require the Clerk to take an oath? Do we require the chief executive officers to take an oath? Do we require other oversight statutory office holders to take an oath? Do you want an answer? No. The taking of oaths should be limited, as they are today, to elected representatives, the police and the judiciary. Paragraph 5.48 suggests that the taking of this oath will "symbolically strengthen the relationship between the Auditor-General and the Assembly". What arrant nonsense!

I found recommendation 23 insulting in the extreme. It suggests that the PAC only ever be chaired by a non-government member and that it have a membership that does not constitute a government majority. To the ludicrous bit first, any casual observer of this place will see that it is impossible for the government of the day to have a majority on any committee. What part about six opposition and four crossbenchers versus two government backbenchers don't you get? Even in majority government,

the treasury bench has only fielded three committee members because the fourth non-executive member was the Speaker. It just cannot happen. Game over; redundant recommendation.

Further, there is the implication that the work of government-nominated members of PAC will do the bidding of the government. I find that an appalling insult. Committee members are parliamentarians and should work on parliamentary committees as servants of the parliament, and not as party hacks. Anyone accusing me of this is invited to do so outside the precinct with a photo of their house, because I will sue for defamation and take that house and give it to charity.

Further, departing from the speech, anybody who accuses me of doing the bidding of the government has got rocks in their head and quite clearly needs some remedial reading lessons so that they can have another good look at the *Hansard*.

This recommendation enshrines the notion that those opposite and the crossbench are party operatives first and parliamentarians second. And I reject the notion emphatically and with every fibre in my body. Persistence with this recommendation suggests that those opposite and on the crossbench disagree with me, and what a shame that is.

In fact, an examination of the history of committees here will reveal that there was no such suggestion about the place when I was chair of a standing committee, but that a member of the opposition, when a chair, was required to relinquish that position because she had used the position inappropriately. So let us get real.

Finally, there is the notion of constitutionality. This recommendation begs the question as to whether the treatment of one member or a class of members differently is an act which "obstructs or impedes any member in the discharge of his duty, or which has a tendency, directly or indirectly, to produce such results".

Here I refer to *House of Representatives Practice*, page 726, in which such a process would be regarded as a breach of privilege and, as such, would be a contempt of the parliament. I contend that the prevention of a member from being a chair of a parliamentary committee is discriminatory to such an extent that the discrimination does indeed obstruct or impede such member in the discharge of his or her duty as a member of that parliament. *House of Representative Practice*, page 726, opens the chapter on breaches of privilege and contempts by referring to the source of its view as section 49 of the constitution. One wonders, therefore, whether a recommendation such as this, accepted by the parliament, that is, the Legislative Assembly, and introduced into its standing orders would therefore be unconstitutional.

There is no doubt in my mind that this recommendation offends the privileges extended to members of this place. It is my recommendation to this Assembly that no action be taken on this recommendation until such time as constitutional legal advice has been sought and obtained and such advice is made available to the Assembly.

That just about does it. I do support much of the report. Again, I thank my colleagues Ms Le Couteur and Mr Smyth for the compromises they have made in gaining a large

amount of consensus in the report. A big thankyou to about-to-become Dr Andrea Cullen for her support and research—a sterling job and much appreciated. A big thankyou also to Lydia Chung and Lesley Irvine for their much-valued support. I commend most of the report to the Assembly.

MR SMYTH (Brindabella) (11.34): It is always a pleasure to speak after Mr Hargreaves. I note that he has commended most of the report to the Assembly. I think people need to read the report before they make a decision about what it is attempting to achieve. They are recommendations. Some other bodies—the government, the Assembly, admin and procedure committee—will have to take these issues and deal with them, and I hope they do. There is an opportunity here to look at how we deal with the Auditor-General, how the Auditor-General is resourced, and what role the Auditor-General truly performs on behalf of the Assembly.

Recommendation 1 sets off a string of recommendations about the position the Auditor-General holds and whether or not the Auditor-General should be an officer of the parliament. This is done in other places. It is not a big step, it is not a controversial step, but it gives to the office of Auditor-General the position that says, "As an office of the parliament it is acting on behalf of the parliament, it is responsible to the parliament and it will do the will of the parliament". I think that is a very important distinction to the way that it has been portrayed.

Recommendation 5, for instance, says that the Auditor-General be required through the act to consult with the public accounts committee regarding its annual performance audit program. This is very, very important. The PAC looks after the Auditor-General on behalf of the Assembly. The Auditor-General talks regularly with the PAC, but it is about codifying in this case what is to be done and ensuring that it is done.

There are a series of recommendations that follow. No 7 recommends that the act be amended to provide capacity for the Standing Committee on Public Accounts to recommend to the executive an appointment to the office of Auditor-General. Currently we have veto power, but we cannot recommend anybody else. We have seen recently, for instance, the behaviour of the government over the appointment of the advertising officer. What this says is that the Assembly should have a role in this position following the logic that if the Auditor-General is responsible to the Assembly, surely the Assembly should have some say in who carries out that role for the Assembly. I think people need to read the string of recommendations that follow in the light of what it is attempting.

Mr Hargreaves touched on recommendation 23. Look, it might not have happened, but who is to say it will not happen in the future. It just clarifies the position that a number of us hold here, particularly on things like estimates and PAC, which are very important committees. It is about making sure that the committees that review the finances of the government particularly are independent of the government and remain that way. I do not think it is too evil or too sinister. Yes, it may codify what currently happens, but it will ensure that it continues to happen in the future and that we make sure that it happens in that way.

Recommendation 24 is a very important recommendation, and people will know my interest in this issue. I will read the whole recommendation:

> The Committee recommends that the *Auditor-General Act 1996* be amended to provide the Legislative Assembly through the Standing Committee on Public Accounts with a formal role in considering the Audit Office's draft budget estimates and making a report with recommendations to the Legislative Assembly, as part of the Australian Capital Territory's budget process, on the level of funding required by the Auditor-General.

I think it is very simple and it is very clear. Again, if the Auditor-General is responsible to the Assembly, then it is quite reasonable for the Assembly to have a say in how much funding the Audit Office receives, otherwise, as Mr Hargreaves has pointed out, the easiest way to neuter somebody that is causing a bit of grief is, of course, to decrease or change their budget. So this is saying that scrutiny is important. Particularly in a one-house parliament as we are, the auditor's role is even more important and so should be enhanced.

Recommendation 25 is also very important:

> The Committee recommends that the Audit Office should be funded to conduct a number of performance audits that is determined by the Auditor-General and endorsed by the Standing Committee on Public Accounts within the budget context.

The preceding paragraph makes the case quite clearly. The current ratio is about 35 to 65 in terms of audits that are done. The majority of the funds go on financial audits. Clearly they are important and clearly it is appropriate that the financial status of all the departments is audited so that we know that the money is being spent and where the money is being spent. But we also need to know how effectively that money, taxpayers' funds, is being spent. A number of nations around the world are moving to a 50-50 ratio where half the auditor's budget is spent on financial audits and half of the budget is spent on performance audits to measure the performance. I think that it is very important. Governments are addicted to saying, "Aren't we good because we've spent all this money?" Taxpayers want to know, "Hang on, you've spent all our money; what did we get for it?" The only way to do that across a range of issues is through the Audit Office and performance audits.

Recommendation 25 should be endorsed as a very sensible approach. We are not saying that you need to do it immediately. Indeed, the auditor has said a number of times she does not currently have the capacity in her office to move to a 50-50 split should the budget increase. But over a period of time—say three to five years—the office would ramp up the number of performance audits so that we make sure that the people of the ACT are getting value for the money the government spends on their behalf.

Recommendation 28 looks at the role of the staff and says that we need to be very careful that the only person who can direct the Auditor-General's staff is the Auditor-General. There are protections there to ensure that the staff are also looked after.

Recommendations 30 and 31 deal with quite a contentious area. The committee recommends that the act be changed so that the Auditor-General has the authority to access documents of a recipient of public moneys and audit a recipient's organisation for the services it provides. It has to be taken in the context of recommendation 31, where the committee recommends that any other legislation needs to be changed as necessary so that these funds can be looked at. It applies only to those activities funded by the ACT government.

Through grants and through their spending, governments give a lot of money to organisations to do things on their behalf. Currently it is acquitted by relatively simply statements such as: "We got this much money. We spent that much money. Job done." Recently PAC had a case where there was a complaint that, although the money may or may not have been acquitted, it had not necessarily been spent on what it was given for, and that is what we are saying here. When taxpayers' funds are given over to non-government organisations, it is very important that we know they are acquitted, that the money is spent on what it was dedicated to, that we get value for money and that the services are delivered. I suspect those two recommendations will have a lot of people concerned. They should not be. If they are doing the right thing, they should be able to acquit what they are spending public funds on without any difficulty at all.

Recommendation 36 looks at the ability of the Auditor-General to disclose information to the Assembly, the police or other agencies—for instance, ASIC—and to assist courts with the investigation and process of offences. Should the auditor come across these offences, we think it should be quite clear in the act that the auditor has the authority to give information that has been discovered that might be criminal or a breach of the law in some manner. That information should be available. It is very important that people understand that their funds are being spent in accordance with the law.

Recommendation 41 is another interesting recommendation—that the auditor be allowed to conduct joint investigations and/or performance audits with other statutory office holders tasked with oversighting institutional integrity within government. Sometimes what the auditor will look at overlaps the bailiwick of other statutory offices. For instance, the Commissioner for the Environment might have an interest in a particular program or an organisation. The auditor might come to the conclusion that the Audit Office has a similar interest. So, without stepping on each other's toes but working in concert, it would allow greater efficiency and greater use of the expertise that exists in some of the statutory offices and allow us, as an Assembly, to be better informed. It would also ensure that the people of the ACT understand that we take a great deal of interest in how the funds that are invested in the executive are spent on their behalf.

This is a very good report. Notwithstanding some of the comments made by Mr Hargreaves, we worked to ensure that as far as possible there would not be a dissenting report and that we could accommodate members' needs without watering down what it is that we sought to achieve. The Audit Office is important. This is the first review since the act was put in place in 1996. We saw just last year the irregular auditing of the Audit Office, which gave the auditor a very good bill of health, but it

highlighted some failings both in legislation and in funding that would allow the Audit Office to do its job to the maximum of its ability.

Some of the recommendations involved other committees looking at things, particularly the admin and procedure committee. There is a bit of work for that. There is currently a review of the FOI Act by the JACS committee, and how that is applied to the Auditor-General in the context of the JACS inquiry may need to be looked at as well.

The review is comprehensive. I would particularly like to thank my colleagues. It has taken us some time, but I think it is worth the wait. The work put together by soon-to-be Dr Cullen was well received by all the members, and we thank Andrea for all her support and all the work she does. She works very well. Indeed, one of the recommendations is that a small amount of government funding needs to be put aside for the irregular audit so that that is included in the budget of the year that the audit is to occur and that the Assembly Speaker might actually look at what the implications for the Committee Office are in this report, because there are some implications there.

It is important that we regularly review statutory office holders, particularly as they relate to us here in the Assembly and to the people of the ACT and how we ensure the effectiveness and efficiency of the way they go about their jobs. The position of Auditor-General has been interesting in the last couple of years where contentious reports have been delivered. Rather than addressing the issues, the Chief Minister has gone out of his way to shoot the messenger, as he is often so wont to do. This report says to anyone who would want to attack the Audit Office that you need to understand that the Audit Office acts at the behest of the Assembly, through the public accounts committee, and that you need to be wary because members in this place take our responsibilities in safeguarding the role of the Auditor-General very, very seriously because it is a very, very serious matter.

With that, I would recommend that all members take a good look at the report. I know we have a lot of reading material provided to us and that this is a longish report. However, I recommend that all members take the time to read it. I currently have a bill relevant to this issue before the Assembly, and I think its case might be strengthened by much of what is in this report. We need to ensure that we give people like the Auditor-General the tools they deserve and particularly the funding they deserve to do their jobs as effectively as possible.

Question resolved in the affirmative.

Children and young people—sexualisation in advertising and media

Paper and statement by minister

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): Pursuant to the resolution of the Assembly of 25 August 2010, I present the following paper:

> Children and Young People—Sexualisation in advertising and the media—Government response—Letter to the Speaker from the Minister for Children and Young People, dated 21 December 2010.

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

Leave granted.

MS BURCH: This motion noted the significant level of community concern about the sexualisation of children and young people in advertising and the media and the evidence which suggested that this is having a significant detrimental impact on children and young people's health. The motion was noted in August last year, and was put forward by Ms Hunter and supported by the Assembly with some amendments. The Assembly called on the government to act on four recommendations, and I am tabling a letter I sent to the Speaker last year which outlined what has been done to date. I believe you have all been provided with a copy of the letter.

The first recommendation was to explore options for the development of a voluntary code of conduct for retailers in the ACT. To progress this, my department has contacted peak business bodies, including the Chamber of Commerce and the ACT Business Council of Australia, to discuss what is already in place and the possibility of considering the introduction of a voluntary code of conduct for retailers. A meeting was held in December, and further work will progress this year to explore ways information on this topic can be disseminated. One of the challenges is that advertising and purchasing for many businesses in the ACT is often controlled from interstate and media laws are regulated by the commonwealth. Raising wider awareness of this issue will need to be part of the process.

Secondly, the government was asked to ensure that programs in the ACT ensure children and young people are given an opportunity to talk about the media. I am pleased to inform the Assembly that this is already happening. It is my understanding that all schools, until the end of last year, have been expected to address essential content from the ACT preschool to year 10 curriculum called "every chance to learn". This framework had a requirement that all students are taught to be critical in appraising media content and its impact.

Further to this information, I am advised that in 2011 the Australian curriculum phase 1 will be implemented in the ACT, which will introduce the four subjects of English, maths, science and history. In the English curriculum there is content that covers children understanding and interpreting the media, realising the power of media to persuade people of particular views and learning about stereotypes and other concepts that will equip them to live safely in their world. The ACT schools will be working with this content.

For the other learning areas such as health and physical education, schools will continue using the "every chance to learn" curriculum framework where, as I have mentioned, there is significant content available to teachers for use when addressing

the topic of sexualisation of children in the media. This curriculum is a good basis for schools discussing how media might at times be sending the wrong messages to young people.

The final two recommendations that have been asked for by the Assembly are to request the Youth Advisory Council to be involved in talking to young people and that the children's commissioner be asked to work on the issue. I have written to the Youth Advisory Council and asked them to consider running a forum for high school aged students in the ACT about a positive body image campaign. The forum will be based on work already done by the national advisory group on body image, which has developed a voluntary industry code of conduct on body image. In my original letter it was hoped to have this session in the next month or so. However, Youth Week is fast approaching and some consideration is being given to having the forum after that event.

As the Assembly is aware, the Children and Young People Commissioner has a number of roles, including consulting with children and young people, resolving complaints and concerns about services for children and young people, and providing advice to the government and community organisations on how to improve services for children and young people. He is currently somewhat occupied with the review at Bimberi, but I will be discussing the matter with him at the next opportunity.

In addition to these issues, I continue to be concerned about young people's use of social networking sites and their potential exposure to risk from predators and cyberbullying. Acknowledging that the control of legislation which impacts on these sites is in the federal arena, I have written to Senator Stephen Conroy, Minister for Broadband, Communications and the Digital Economy, asking him to approach the major networking sites in Australia, such as Facebook, to set up a panic button, similar to the one used in England, which children and young people access online.

Raising awareness, encouraging critical thinking about this issue and promoting standards that support positive body image messages will help to combat the detrimental impact of sexualisation of children and young people in the media. A national effort is needed to achieve significant outcomes in this area, but it is hoped that these steps the government has put in motion will contribute to improving the safety and wellbeing of children and young people in the ACT. I am happy to report back to the Assembly on the progress of these actions at a later point this year.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens), by leave: In response to Minister Burch's statement on the motion that I put forward in August last year, it is good to see that some progress has been made but I guess a critical point here is around moving forward with the development of a voluntary code of conduct for retailers. I note that many businesses have said that their head offices and so forth are outside the ACT but I do not think that should be a reason to not push forward on this important issue.

We had the Senate inquiry into this issue and that committee presented its report titled *Sexualisation of children in the contemporary media environment* in June 2008. Then there was a government response to that report in 2009. So it really is important that

this be taken up at a federal level as well. We cannot be complacent around the issue. We cannot be complacent around the impact that sexualised images have on children and young people. We know some of those impacts are around self-esteem, body image and so forth.

It is also an issue that has been taken up in other countries that I believe are far more advanced than we are in Australia and in the ACT. There are international precedents for giving priority to the interests of children in the area of media regulation. As a couple of examples, in Quebec in Canada there are complete bans on all advertising in relation to children under 13 and there are bans on all television advertising in Sweden and Norway in relation to children under 12. Partial bans apply elsewhere. For example, Greece bans television advertising for toys between 7 am and 10 pm. In the UK, there are bans on television advertising of junk food. They were introduced in 2007.

Given the issues of sexualisation, obesity and overconsumption in general, I think it is worth while considering this issue seriously. Of course, the Greens have argued for a long time about junk food advertising, which unfortunately has not gathered the sort of support I would have hoped to have seen at the federal level.

Sexualisation of children and young people is not an issue that we will be able to turn around in a short space of time and is something that will have to be grappled with outside the ACT, as I said, as well as in the ACT. However, it is important that we take the first step to change what is a very unfortunate phenomenon. It is important for us to implement initiatives that will have a significant benefit for young people, children and their parents.

I thank the minister for coming back and reporting on the progress that has been made to date and I look forward to even greater progress being made on this important issue.

MRS DUNNE (Ginninderra), by leave: Had I not been in the chair earlier, I probably would not have given leave for the minister to speak because my office has not received, as far as I can tell, a copy of this statement, contrary to the agreements between whips on this matter. Generally speaking, the statement is somewhat disappointing. It is disappointing to see the little progress that has been made on this important issue.

Going back to the discussion that we had on this subject last year, my view of the resolution that we came to is that it was a little half-hearted for such an important issue and then it is very disappointing to see such little progress—one meeting, some thinking about it, currently the Children and Young People Commissioner being tied up with Bimberi. This resolution was passed many months before the Children and Young People Commissioner received a reference in relation to Bimberi and it seems that nothing has happened.

Overall, this is a pretty poor effort from the minister and probably would not get a pass mark in most places but the Canberra Liberals will continue to speak on this very important issue and stand up for the rights of young people, particularly our young girls who are facing a very strong barrage from the media, and the advertising

industry in particular, about how they should look, how they feel and how they should behave. As a mother of daughters, I am extraordinarily disappointed in the performance of this minister in this statement.

Leave of absence

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

> That leave of absence be granted to Ms Gallagher (Deputy Chief Minister) for this sitting due to her attendance at a Ministerial Council meeting interstate.

Legal Aid Amendment Bill 2010

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

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (12.00): The Liberal opposition will be supporting this bill which makes a number of amendments to extend officer indemnity, clarify powers of the Legal Aid Commission in relation to client contributions to costs and to update a definition. The first of these three elements extends the indemnity in court proceedings currently provided to legal aid officers so that it covers assistance provided to persons other than under this act.

At present it could be argued, for example, that an officer of ACT Legal Aid appearing in court for a client of New South Wales Legal Aid may not be protected by the indemnity provisions of the ACT Legal Aid Act. This is uncertain—I am not entirely convinced that it is the case—but this amendment makes it abundantly clear that indemnity extends to situations such as that.

The second amendment provides that the financial contribution made by a client to the costs of proceedings can be varied according to the client's circumstances as they may change during the proceedings. Currently, the act refers to a specified amount, which might be interpreted to mean that the amount to be contributed will remain static for the period of the proceedings. However, I note the explanatory statement claims that the provision has already been interpreted to allow variation to the specified amount. To that extent, this amendment will not change the operation of the act.

However, it also makes it quite clear that, if a client's financial circumstances do change during proceedings, a call could be made to contribute to the extent that that change might allow. This potentially would relieve the pressure on the budget of the legal aid office, thus extending their capacity to assist others.

The final amendment changes the stated definition of "private legal practitioner" so that it now refers to the definition in the Legal Profession Act 2006. I did have a concern that it was not immediately clear that the definition captures barrister, which is specified in the present definition in the Legal Aid Act. Indeed, I asked for a map that shows how barristers are included in this definition.

Let me go to the definition as it stands in the act and which this bill seeks to amend. Currently the Legal Aid Act defines "private legal practitioner" as:

> … a person who is practising as a barrister, as a solicitor, or as a barrister and solicitor, on his or her own account or in partnership.

It is simple and easy to understand the definition, as I am sure members would agree. But the explanatory statement describes the definition as anachronistic by virtue of the Legal Profession Act 2006. So the amendment simply establishes a signpost to that definition. That seems simple at first glance.

But to see whether the new definition covers barristers, this is what you have to do—and I draw on the roadmap given to me by the Department of Justice and Community Safety, and the fact that I needed a roadmap to get through the definition is of some concern: first, you have to go to section 9 of the Legal Profession Act, which defines "principal". Then, discovering that a principal is an Australian legal practitioner who is the principal of a law practice, we go to the definition of a law practice. That definition tells us that a law practice is, amongst other things, an Australian legal practitioner who is a sole practitioner.

Then you go to section 8 of the Legal Profession Act to find out that a legal practitioner is an Australian lawyer who holds a local or interstate practising certificate. And then you go back to the dictionary to find that a local practising certificate is a certificate granted under the act. Then you go back to section 35 that tells us that the licensing body can grant local practising certificates, including barrister practising certificates. So we can conclude that the new definition does include a barrister.

To make it perfectly clear, in case there is any doubt at all, I am now convinced that the definition in the Legal Aid Act does allow for barristers to act under the Legal Aid Act, but I was lost. The fact that I needed a roadmap shows that the drafters are lost and we have taken away a very simple definition and replaced it with something ridiculously complicated. Given the views of some members of the legal fraternity about the capacities of the Attorney-General, I am sure he was lost as well.

But there are other things that you have to do as well. You can go to sections 49, 270 and 319, which make it clear that a barrister is an Australian legal practitioner, generally engaging in a legal practice as a sole practitioner. And that makes everybody giddy.

In his presentation speech, however, the Attorney-General told us that this amendment, along with the others, will "ensure the legislation remains easy to interpret". And he goes on to say:

> The drafting improvements will ensure that everyone understands what the commission's powers are …

It is easy for some but I do not think even the average barrister, when I discussed it with them, could actually explain how they obtain powers under this. They all knew

that they were right and that they still could continue to practise under the Legal Aid Act. But it is a bit of a problem.

Perhaps this is why the department had to advise the convolution created by this amendment does "point to the need to redraft the national legal profession model, which is currently happening". Amen to that. I look forward to seeing how the new model will create a path that is, like the definition as it presently stands in the Legal Aid Act, simple and easy to follow.

That said, the Canberra Liberals will be supporting this legislation today.

MR RATTENBURY (Molonglo) (12.07): The Greens will be supporting this bill. It makes a number of changes to the law that governs legal aid in the ACT. Legal Aid plays an important role in providing legal advice and representation to people who cannot afford a private lawyer. It fills an important hole in our legal system and the Greens very much welcome the work that legal aid officers do.

Clients of Legal Aid are people who, because of their low income and limited assets, as I said, cannot afford a private lawyer. There are eligibility criteria set to distinguish between who should be provided with legal aid and who can afford their own representation. Some potential clients will, of course, straddle the criteria. They will not be able to afford a private lawyer themselves, but at the same time they will not qualify for a 100 per cent legally funded lawyer.

For these people, Legal Aid will ask that they make a part contribution to the fees. In return, they are provided with a lawyer. This is obviously a good outcome because it allows people on the fringes who straddle the criteria to get reliable legal representation. However, of course, clients are not frozen in time and their financial situation may change. During the course of their court case they may get a better paying job or, unfortunately, they may lose their job and see their income reduced.

What has become apparent is that the amount these clients are asked to pay needs to be flexible and this needs to be clear in the legislation. This is one amendment made by this bill. The attorney's speech used the example of someone who has an improved financial situation being able to have their contribution increased.

We were concerned to ensure that it also worked in the reverse so that if a client does come across harder times they can have their contribution reduced. My office checked this with Legal Aid ACT who advised that, yes, the alteration can and will work in both directions. This was important, and I thank Legal Aid for that advice.

The remainder of the bill makes minor but important changes to the protections and immunities offered to lawyers working for Legal Aid. It is the case that barristers appearing in court are immune from liability for their actions, with the exception of professional negligence. This is a longstanding protection offered to lawyers which recognises that they have dual obligations to both their client and the court and that at times these dual obligations may in fact compete with each other. The obligation to the court may restrict or influence how a barrister operates in court.

It is clear that the immunity that applies to one lawyer should be available to all. The amendment in this bill closes a small loophole that could have raised the question about the extent of the immunity for legal aid lawyers. The amendment removes that uncertainty and is worth while in that sense.

In conclusion, the Greens do support this bill. We believe it makes sensible changes that add both flexibility and certainty to Legal Aid ACT and allows them to continue the important work that they are doing.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.10), in reply: I thank members for their support of the bill. The bill offers commonsense, straightforward improvements to the legislation that governs Legal Aid ACT. Regular updates to the Legal Aid Act 1977 ensure that the legislation continues to facilitate legal assistance programs. This bill clarifies Legal Aid ACT's powers and functions. These clarifications will help to prevent technical legal arguments from interfering with the core mission of Legal Aid ACT.

When I introduced the bill, I explained how these amendments will work to help the territory. In asking for the Assembly's agreement today, I remind members of the consultation process that led to this bill, and I would like to review the amendments once more.

Before I do so, though, I note Mrs Dunne's criticisms of the complexity of the language of the drafting in the legislation and simply draw to Mrs Dunne's attention the fact that it is a necessity to refer to those elements that she criticised in that manner to have regard to the Legal Profession Act, which is based on a national model law. It is not over-drafting. It has regard to the fact that we have national model legislation which is reflected here in the ACT in our Legal Profession Act and obviously reference to what a legal practice is, what a legal practitioner is, must be consistent with that Legal Profession Act. It is as simple as that.

The Legal Aid Commission delivers services to the public under the name Legal Aid ACT. The effectiveness of Legal Aid ACT depends in part on the integrity of the legislation that establishes and regulates it. This government has been especially mindful of the commission's needs in this regard. Throughout the years, as legislative issues are identified by the commission, the government has sought to develop and introduce solutions.

Members will recall that in September 2009, I sought members' support for amendments to improve and update the governance structure of the commission. Those amendments were delivered through the Justice and Community Safety Legislation Amendment Act 2009 (No 2). That act was the product of close cooperation between my department and the commission and today's bill is yet another good example.

As with the other recent amendments to the Legal Aid Act 1977, the amendments we are considering today come from direct experience of the commission with

administering its legislation. The government engaged in an extensive consultation process with the commission and these amendments are based on the commission's advice. For example, one item relates to the assessment of a person's eligibility for legal assistance under section 31 of the act.

The current practice of the commission is to apply a two-part means test. The means test measures income and assets. The purpose of inquiring into a person's income and assets is to ensure that legal aid funds are directed to those who are most unable to pay for help. This is a central component of access to justice. Granting legal assistance on the basis of income and assets helps to give legal representation to people who otherwise would have none.

In some cases, the commission receives applications from people who are capable of paying some amount for representation but who cannot afford the entire cost. The act gives the commission discretion to provide assistance to those people through a cost-sharing arrangement. An amount that the person has to contribute is assessed and legal aid funding provides the balance. Under this system, Legal Aid's dollars are able to go further. Contributions from people who can afford to pay means more legal aid funds available for those who cannot afford any representation at all.

Under current practice, the commission reviews a person's financial situation during the course of assistance. This is because, at times, a person may receive a substantial amount of money after the commission's initial assessment. In that case, adjusting the contribution required is appropriate and fair. Also, particularly in Family Court matters, the commission's help may result in a direct financial benefit to an assisted person. In that case, a reassessment of the required contribution is also undertaken.

This is the standard practice for Legal Aid here in the ACT and other legal aid commissions around the country. Reassessments have the same purpose as requiring a contribution in the first place—to ensure that, when appropriate, people who receive assistance share the cost with the community.

Based on the advice of the commission and from my department, the bill will make the statutory requirements easier to read. It will also more explicitly direct the commission to consider a person's ability to pay in assessing and reassessing contributions. The effect of the amendments to section 31 of the act will be to make clear and explicit the commission's obligation to use its funds only to the extent of genuine financial need. The Assembly's agreement to this bill will mean that no argument about technicalities will delay the commission in its duty to assess reasonable contributions.

Again, it is important to remember that the bill will not alter anyone's right to legal assistance. The commission will continue, as it has in the past, to deliver high quality legal assistance to the public. It will also continue in its current methods of assessing and collecting contributions from those who are able to share the costs with the community. What will change is that the law governing these arrangements will be clearer and there will be no doubt about the commission's responsibilities.

The other amendments in this bill reflect changes in the regulation of the legal profession. The Legal Aid Commission frequently deals with private legal

practitioners in order to perform its functions. Private practitioners receive grants to help clients who are eligible for assistance, but cannot be assisted by legal aid officers. This relationship between the private law firms and Legal Aid is central to the commission's work.

When changes in terminology are introduced in the regulation of the legal profession, as I highlighted earlier, these changes need to be addressed in the Legal Aid Act. The first of these amendments involves changing the definition of private legal practitioner to align with the definition of principal in the Legal Profession Act. The current definition of private legal practitioner only covers practitioners who are practising as barristers, as solicitors or as barristers and solicitors, either independently or in a partnership.

The amendment will expand this definition, in line with the Legal Profession Act 2006, to encompass sole practitioners, partners of a legal practice, legal practitioner directors within an incorporated legal practice and legal practitioner partners in a multidisciplinary partnership. The ACT is home to a wide range of law firms, many of which have individual corporate structures. This amendment will adequately reflect and capture those very different legal practices and how they are structured.

Madam Assistant Speaker, I thank members again for their support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2010

Debate resumed from 9 December 2010, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

Debate (on motion by **Mrs Dunne**) adjourned to a later hour.

Sitting suspended from 12.19 to 2 pm.

Ministerial arrangements

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): For the information of members, as I am sure all members are aware, the Deputy Chief Minister, Treasurer

and Minister for Health is unable to be present in question time today. She is representing the territory at a health ministers ministerial council meeting in Tasmania. But I stand ready to assist if I am able in relation to issues that might have been directed to Ms Gallagher.

Questions without notice

Bimberi Youth Justice Centre—safety

MR SESELJA: My question is to the Minister for Children and Young People. Minister, we have been advised that personal duress alarms were issued to certain staff and contract workers only after the assault incident on the MSS guard that occurred on 5 February 2011. We have also been told that some of those workers had been working at Bimberi for several weeks without the benefit of that vital piece of personal security and safety equipment. Minister, is it the case that some workers, whether staff or contract, had been working at Bimberi for a period of time before they were issued with personal duress alarms? If yes, why?

MS BURCH: I thank Mr Seselja for his question. I am not aware of the detail of that. It is something that I have raised with the department.

Mr Hanson: Surprise, surprise!

MS BURCH: Well, I would assume that staff out there have been issued with the tools and equipment required for them to do their duty. So that is something—

Opposition members interjecting—

MR SPEAKER: Order, thank you, members.

Mr Coe: It's a big assumption.

MS BURCH: I do not think it is an unreasonable assumption, in all fairness. But it is something that I have raised with management out there, and it is something that will form part of quite a comprehensive, very detailed review that is currently being undertaken.

MR SPEAKER: Mr Seselja, before we continue, I have indicated this week that I do not find it acceptable for a minister to have five or six people shouting at her at once. A number of members have been warned this week. Those warnings are carrying over. I expect a level of ability to hear the minister during question time.

A supplementary, Mr Seselja?

MR SESELJA: Thanks, Mr Speaker. Minister, is it the case, in fact, that personal duress alarms are not issued to MSS guards? If this is the case, why?

MS BURCH: That is a question I will be asking management, and I will want a very detailed explanation about that.

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what procedures are in place relating to responses to and reporting of activated personal duress alarms at Bimberi?

MS BURCH: As I indicated yesterday, there are policies and protocols in place. What I am beginning to get from a thread from over there is that perhaps there is a question about how they are implemented and supervised in many ways.

Duress alarms are an important piece of equipment and a tool for the youth workers and MSS staff out there. They are to ensure their safety and the safety of their colleagues. They need to be regularly checked, and everyone who goes into that facility should be aware of the policies and procedures that surround them.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, is it the case, as we have been informed, that equipment belts issued to workers do not hold personal duress alarms securely enough and that workers have resorted to putting them in their pockets, therefore making them less accessible in an emergency? If yes, what are you doing to rectify the problem?

MS BURCH: I will take that on advice, Mr Speaker.

Youth and family services program—tender process

MS HUNTER: My question is to the Minister for Children and Young People. My question is in relation to the tender process for the youth services program-family services program. Minister, many community sector agency workers rearranged or cancelled leave over Christmas as they were informed that the tender documents would be available from 15 January 2011. Minister, why was the release of the tender documents delayed until 29 January 2011?

MS BURCH: I think you are referring to a two-week delay in the tender documents. It is my understanding that there were internal administrative processes that led to that delay. It is unfortunate, but I understand that throughout this process the sector has been informed about the nature of the tender—certainly, the scope of the work. It is unfortunate, and if Ms Hunter would like the detail of that I am happy to take some advice on notice. But the tenders are out now. This is the end of a nearly 18-month conversation in the reform of the youth and children's services program.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Thank you, Mr Speaker. Minister, what evidence base can you provide for justification of the reforms, particularly to the youth services sector?

MS BURCH: I think the evidence base was articulated in background briefings, in conversations. As I said, this has been an 18-month dialogue with the sector. There

has been a discussion paper put out. Submissions have been brought into DHCS. They have assessed those submissions. And that has formed the basis of the framework and the tender that has been commissioned.

MS LE COUTEUR: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Are these reforms really based on the need to add a support service system to the current care and protection service in the ACT, and how much is actually based on data and evidence of the needs of Canberra' s young people?

MS BURCH: I encourage members to go to the discussion paper and the framework, where it articulates that this is responding to the broader family need. That involves youth and families. I have had a discussion with the stakeholders of both those areas, and they recognise the benefits of this amalgamation, this aligning of the framework programs. It will bring efficiencies into the sector. It is a new way of doing business. Certainly, those that I have spoken to are welcoming of the change.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, can you give assurances that the ratios of spending will remain the same after combining the YSP and FSP programs, as providers were told in the first August 2009 meeting?

MS BURCH: There is certainly no indication or comment from me that will take dollars out of the program. I am committed to ensuring that the program dollars remain the same.

Bimberi Youth Justice Centre—assaults

MRS DUNNE: My question is to the Minister for Children and Young People and it relates to events subsequent to the assault incident on an MSS security guard that occurred at Bimberi nearly two weeks ago on 5 February. Minister, what progress has been made in the investigation of the assault incident and to what extent have you been kept informed of that progress and the results of that investigation?

MS BURCH: I thank Mrs Dunne for her question. There are three inquiries or investigations into that assault. There is the Australian Federal Police inquiry; that is running its due course. There is the operational inquiry that we have commissioned and a security review that we have commissioned. Both the works that we have commissioned, reporting to us, I have asked that they commence within a very tight time frame. I am looking to the department to have the report by the middle of March.

As for where the AFP review is, I think that is something that they undertake in due time. I am aware that DHCS has been in contact with the officer involved and continues to offer support should he require and as he requires it.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what interim changes to procedures and staffing of the accommodation areas have been made at Bimberi pending the completion of the investigation?

MS BURCH: Again, I thank Mrs Dunne for her question. There have been a number of immediate changes put in place. Certainly security aspects of the physical infrastructure have been reconsidered and some action has been commenced there; for example, quotes have been sought for some stronger or more permanent remedies to that. Certainly management have well and clearly heard the message around supervision and support offered to all staff on night duty there and are revisiting those policies and protocols to make sure that they are implemented fully and strongly.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, has MSS approached you or your department to discuss premiums or penalties on their charges to cover danger pay for MSS guards at Bimberi since the assault? If yes, what agreement has been reached?

MS BURCH: There has certainly been no approach to me, and I will take some advice about whether that conversation has happened with the department. But I am not aware of it.

MR SMYTH: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, what compensatory liability does the ACT government carry in relation to the MSS guard who was assaulted?

MS BURCH: I am sure it covers a range of responsibilities and liability cover, but I can come back with the detail.

Planning—energy efficiency initiatives

MS LE COUTEUR: My question is to the Minister for Planning and concerns planning-related energy efficiency initiatives. Minister, given that the ACT has a target of reducing greenhouse gas emissions by 40 per cent by 2020 and that 73 per cent of emissions come from the built environment, is an ACT-specific approach to planning being developed to meet our targets or is the government's policy to continue to defer to slow COAG processes to meet the ACT's planning challenges?

MR BARR: I thank Ms Le Couteur for the question. Both approaches are being pursued. We obviously have a range of intergovernmental commitments through the

COAG process, but we are also taking actions of our own, as outlined in the weathering the change document and, of course, in the work of the sustainable futures report through ACTPLA, our broader planning policy as outlined in the territory plan, and, indeed, in the work that we are undertaking now to review the Canberra spatial plan.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, have you assessed whether the framework for the planning-related parts of the national framework for energy efficiency will deliver energy efficiency improvements in time to achieve the ACT's climate change targets? If so, what has that assessment indicated?

MR BARR: Personally, no, I have not been looking at the detail of that but officers within my department are and will be providing advice to government and to various ACT government agencies. We will, of course, respond to our intergovernmental commitments through COAG and the requirements that we have signed up to there, as well as meeting the targets we have set in the ACT context.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Thank you. Minister, have you now deferred to COAG's date of 2012 to enact laws ensuring the energy efficiency of replacement hot water systems in existing houses, despite your promise to do this by mid-2010?

MR BARR: Work is progressing in both areas. Members would be aware of some of the decisions I have already taken that we have discussed at some length in this chamber.

MS BRESNAN: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, now that ACTPLA is looking after licensing of energy efficiency assessors under the sale of premises act, is the government now enforcing requirements for disclosing energy efficiency ratings for rental housing? If not, what timetable has been set for this?

MR BARR: Indeed, our commitments were outlined in the government's response on those issues. I will need to take some advice on the implementation of that. It is not something I have in front of me at the moment, nor do I have intimate knowledge of exactly when certain practices commenced. But I am happy to provide that information to Ms Bresnan.

Bimberi Youth Justice Centre—staff

MR SMYTH: My question is to the Minister for Children and Young People and it relates to recruitment of staff at Bimberi. Minister, what are the qualification requirements for youth workers and teaching staff who work at Bimberi?

MS BURCH: That was the teaching staff?

Mr Smyth: The youth workers and the teaching staff.

MS BURCH: The teachers are employed through the Department of Education and Training; therefore I think the bulk of them are teachers. I know they do contract some work through CIT to do some vocational based training. They would be skilled according to requirements of CIT.

As far as the training for youth workers is concerned, we provide training. There is a range of qualifications, and that would be inherent in people who would have an interest in working there. But certainly staff are now enrolled in cert IV in youth work through CIT. There are 25 existing staff who are enrolled at the moment, and we have got 15 staff who are enrolled in the diploma course and five enrolled in the advanced diploma course of youth work. We are leaning towards that being the base course; it is offered here locally at CIT, which is a fantastic institution. But some workers may come with additional skill sets as well.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister, are there any youth workers or teaching staff currently working at Bimberi who do not meet those qualification requirements? If so, why are they so engaged?

MS BURCH: As I said, the teaching staff would go through the quality standards of DET, and I am sure that that has been met. For staff that do not have a cert IV in youth work we enrol them in CIT. I think I have just said to Mr Smyth that 25 existing staff are enrolled in a cert IV in youth work.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Thank you, Mr Speaker. Minister, what process of identification of suitability and what security, health and medical checks are made before the engagement of youth workers and teachers is confirmed at Bimberi?

MS BURCH: As part of the recruitment process there would be a comprehensive suite of checks and balances to make sure that we get appropriate people. What I will bring in next time—perhaps the interest will be gone—

Mrs Dunne: No.

MS BURCH: No? I am actually glad you will not lose interest in the youth justice system here because you are a bit of a Johnny-come-lately, Mrs Dunne, to this matter.

Opposition members interjecting—

MR SPEAKER: Order! Let us get on with the answer, thank you.

MS BURCH: For the benefit of those opposite, I will bring the recruitment package for them to read.

MR SPEAKER: A supplementary, Mrs Dunne?

MRS DUNNE: Yes, a supplementary question, Mr Speaker. Minister, are there any youth workers or teaching staff currently working at Bimberi whose processes of identification for suitability and security, health and medical checks have not been completed or have not been started? If yes, why, and what workplace restrictions are put on them until all these checks are completed?

MS BURCH: There are over 50 funded positions over there. I will take that level of detail on advice, Mr Speaker, for Bimberi staff, and I will talk with my colleague around the DET staff.

ACTION bus service—data

MS BRESNAN: My question is to the Minister for Transport and it is in relation to the availability of data on the operation of ACTION buses. Minister, I understand that in a meeting with representatives of the Imagine Team in relation to engaging ACTION with a proposal for an open-source smartphone application, a representative of your department stated that they could not release the data for political reasons. Minister, what are these political reasons and why does the ACT not release this data when other jurisdictions make it publicly available?

MR STANHOPE: I thank Ms Bresnan for the question. I have to say that I was not aware of any such conversation or statement referring to political reasons. I would have to say that it is news to me. I am at a complete loss to understand what was intended. I am not sure that I can or will be in a position to better assist Ms Bresnan in understanding what was intended by that comment, who made it or, indeed, whether or not it was made. It nonplusses me and I cannot imagine what it was a reference to.

In relation to the information and its availability, my understanding of the issue is that it is an issue that TAMS has been working on independently. I think it is complex. I think that the information that the department has available to it is not complete, that TAMS, in fact, is not all that confident in the completeness or the integrity of the information. I do understand, Ms Bresnan, that you have an as yet uncompleted freedom of information request relating to that particular information. I presume that the—

Mr Hanson: I thought they were kept separate from ministers.

MR STANHOPE: Well, they are.

MR SPEAKER: Order, Mr Hanson!

MR STANHOPE: I know about them but no minister has any role in—

Mr Barr: Do you think that freedom of information requests should be secret, do you?

MR STANHOPE: That is a good point. I think it just once again displays the ignorance of Mr Hanson and the Liberals in relation to the operations and administration of government. Of course, ministers are aware of these things but we play and have no role. I think, indeed, that the ultimate response to—

Ms Bresnan: Point of order, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

Ms Bresnan: The second part of my question was: why does the ACT not release this data when other jurisdictions make it publicly available?

MR STANHOPE: I was just explaining it, Mr Speaker, until Ms Bresnan interrupted. I was just explaining that I am aware that Ms Bresnan has lodged a freedom of information request for this information. As a result of that process and that request, issues around the release, releasability and appropriateness of the release of the information will, of course, be made.

I think, Ms Bresnan, that perhaps the best way I can answer your question is to say that if the information can appropriately be released, it will be released. I will know as much about that as you when your freedom of information request is actioned. Of course, there is a range of reasons why information is not from time to time released—if it is commercially sensitive, cabinet in confidence or if there are other reasons for its non-release.

In relation to this information, Ms Bresnan, I have not seen it. I have not been involved in its release or otherwise. But now that you have initiated a freedom of information request, the question of its releasability and the appropriateness of its release will be tested consistent with the freedom of information guidelines which you have activated.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, given that a free, open-source smartphone application is ready to go when the data is made available, why does ACTION insist on continuing to attempt to develop a closed-source application in-house?

MR STANHOPE: I presume it is fair to say, Ms Bresnan, that ACTION was seeking to meet an identified need or demand, and it would have been seeking to meet that identified need or demand in the context of its available resources and the priority that this particular project was—

Members interjecting—

MR SPEAKER: Stop the clock, thank you. Mr Coe and Mr Hanson, I remind you both that you have received warnings this week. Chief Minister.

MR STANHOPE: Thank you, Mr Speaker. Ms Bresnan, I am sorry for the interruption; TAMS would have proceeded in its investigation of this particular issue with the sole purpose of seeking to meet what it identified as a need.

I must say I have not had discussions or a briefing specifically on the history and the progress of this particular project, but certainly it would have been pursued consistent with other priorities, with resourcing and with capacity within the organisation. I do not know what stage they have reached in their progressing of the particular issue, but that would have been their motivation—one of seeking to meet a public need, and an identified public need. To what extent they have progressed that and the level of progress they have made, I cannot answer that today, but I will certainly take a briefing on that and be more than happy to advise you of where they are up to, the progress they have made, how long they believe they were from a resolution and what the nub of the issue is in relation to the external work that has been done on this particular issue, and the capacity for collaboration between ACTION and others, outside sources, including the students on whose behalf you are making representations.

I do not know the status, or the status of the information that they have, its releasability, whether it is reasonable or appropriate for it to be released, whether it is in a form that can be released. I simply do not know the answers to those questions. In the context of the process that you have put in place, those issues, of course, will now be dealt with through that process. *(Time expired.)*

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, when the government has real-time information on ACTION buses, will you release it for use in open source applications?

MR STANHOPE: I will take advice on that question, Ms Le Couteur, and respond to you.

MR COE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do you accept that such software would actually make it easier for people to ride on buses and, therefore, with the delay of such software being available, you are forgoing additional passengers for the ACTION network?

MR STANHOPE: Certainly, Mr Coe, I accept that it would be a very useful tool and a very significant, important additional tool in relation to the services that ACTION can provide and a means for members of the public, most particularly those that would wish to utilise ACTION, to actually have their needs met. I accept that. In an

ideal world, of course, we would do everything all at once. But every ACT government organisation is constrained by its other priorities, by its level of resourcing, by its capacity and by its staff. We need to accept, as we all do, that we cannot do everything all at once and satisfy everybody's particular immediate priority.

ACT government agencies and the government take decisions, for better or worse, on the priorities which we expect our agencies and organisations to focus on at a particular time. That is the decision, I assume, that was taken in relation to this particular project. There are a range of other priorities, for instance, getting MyWay operational, which has consumed significant resources and received some significant criticism from you, Mr Coe, in terms of time lines and effort. That is also about resources and capacity and staff and staff availability.

We have priorities. We are investing heavily. We are pursuing each of them. But there is an order and there is a limit to our capacity determined by the level of our resourcing. I think everybody intuitively understands that. *(Time expired.)*

Bimberi Youth Justice Centre—staff

MR COE: My question is to the Minister for Children and Young People. Minister, have any workers at Bimberi, whether employed or contract staff, requested to be taken off line duty? If yes, why and how many?

MS BURCH: There has been some redeployment of some staff. We are focused very much on empowering the unit leaders and team leaders out there and have gone through how they best work within those units. I do not think it has resulted in staff coming offline as such. Bimberi, the facility itself, has that our staff interact with each other and with the young people on a regular and ongoing basis; that is the nature of the facility there. So I am not quite sure where Mr Coe is going with the question.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, how many education staff were teaching at Bimberi in 2010 and how many of them returned for duties in 2011?

MS BURCH: Again, teaching staff come through DET. There are a number of teaching staff that have returned; there are a number that have not returned. No, I do not know the exact number that have come back. I can find that out and bring it back, but these are teachers making choices about where they choose to teach. Some of the teachers at Bimberi last year were contracted through CIT to do a particular program; now that program is not on offer. I do not think that that is a teacher not coming back; that is just a teacher who has fulfilled his duties, fulfilled the role, and that is the end of that.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what changes, either in content or duration, have been made to staff induction programs for 2011 compared to those programs run in 2010?

MS BURCH: I will take some advice on the program. I know that we are investing strongly in induction. When I was out at Bimberi a number of weeks ago I met a cohort—I think there were seven new youth workers—who were currently going through an induction there. They were enthusiastic about the opportunities and their future employment at Bimberi. It is something that we invest strongly in, with areas of occupational health and safety, in preparation for working in the challenging environment of Bimberi.

Mr Hanson: On a point of order, Mr Speaker, the question was specifically about changes that have been made to staff induction programs, comparing 2010 to 2011, and she has not moved to the point of the question. I would ask the minister to address directly: have any changes been made either in content or duration of induction programs?

MR SPEAKER: Yes, there is a point of order. Ms Burch, would you like to continue?

MS BURCH: Thank you. If they were actually listening, I think I said at the beginning that I would take some detail. They are just waiting to line up. There is actually a beer on offer to see if I get every question from those opposite and so far it is working.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Thank you, Mr Speaker. Minister, were there any instances when requests for recreation leave over the December-January period were refused? If yes, why?

MS BURCH: I will take advice.

Childcare—after-school care

MR DOSZPOT: My question is to the Minister for Disability, Housing and Community Services. In its 2010 report, the Standing Committee on Health, Community and Social Services, under recommendation 4 in the *Love has its limits* report, advised:

> … the ACT Government seeks to establish after-school care programs at the four ACT Government special schools, The Woden School, Black Mountain School, Cranleigh School and Malkara School to ease the pressure on respite care services and working carers.

Minister, given the urgency of this issue, what measures and steps have you taken or are you taking to address the committee's recommendation?

MS BURCH: I do look forward to being able to provide a government response to that. But in relation to this, we are commissioning, going out and getting, a business case to look at the issue of specialised after-school care. Some parents are very

interested in that. Some parents prefer mainstream access through traditional after-school care programs. But it is something that I am actively looking at.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, what representations have you received from families requesting such services?

MS BURCH: I have been approached by and had conversations with a number of families, as I have said, who are interested in this but also interested in maintaining access to mainstream after-school care as well. This is why, as I have said, I have commissioned a piece of work to look at a business case for this.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, have you received representations from distressed families expressing their inability to continue to care for their children due to insufficient care support programs and post-school options? If yes, what are you doing to address those concerns?

MS BURCH: I get a number of representations from families across a range of things, because their priority is their child. I do what I can to respond to that. We have got strong post-school options in place. We are commissioning some work for after-school care. We continue to support where we can. Just this week we announced our commitment to establish an intentional community. That is a result of groups coming to us looking for alternative accommodation models. This is a government that does respond to those pressure points as we can.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what is the timetable for this work that you have commissioned and how often have you met with the minister for education to liaise around the issue of those school leavers?

MS BURCH: We are actively seeking the commission now, so I would imagine that that is a three to six-month piece of work, preferably shorter, so that we can plan into the future. As far as conversations with my colleague the minister for education are concerned, DET have put out quite a comprehensive policy and strategy around how they are responding to children with disability within their schools. There is collaboration and a cooperative dialogue between the two departments about how we do those transitions post school. So this is something that is active between us as colleagues. But the work sits, in many ways, with the department to make sure that they are aligned—the transitional program. DHCS have met with all the families that are transitioning out of Black Mountain school in the many months before. We do not wait until December or February for those conversations to happen.

Alexander Maconochie Centre—identity bracelets

MR HANSON: Just to put us out of our collective misery, my question is to the minister for corrections and it relates to the radio frequency identification bracelets that went into the commissioning phase in 2009 at the Alexander Maconochie Centre. It is also worth noting that in December 2009 two prisoners were actually able to walk out of the AMC with their bracelets. At that time, the minister stated to the *Canberra Times* that this was a "teething problem".

Minister, why has it taken you since 2009 to identify such serious problems with the RFID system that you must take the bracelets offline?

MR CORBELL: The decision to take the bracelets temporarily offline for prisoners is based on advice from Corrective Services, who are responsible for the operation of the system. The problem has arisen because of a fault with the batteries in the prisoner bracelets, as I have previously advised in my statement last week. Those batteries need to be replaced. It is a fault on the part of the manufacturer and the supplier and they will be meeting the full costs of rectifying the problem.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Thank you, Mr Speaker. Minister, when will the RFID system be operating at full capacity and trouble-free at the AMC?

MR CORBELL: The RFID system is still in its commissioning phase. It is part of the contract that we have with the technology provider that they need to demonstrate that the technology is working to its full capacity as specified in the contract that we have with them. Until that commissioning phase is complete and the supplier has demonstrated that the technology is working at the level specified, we will continue to remain in the commissioning phase. I am advised that it is necessary to procure the necessary replacement technology from the supplier in the United States and that will take about six to eight weeks to occur.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Minister, what changes have you made to the systems and procedures at the AMC since taking the RFID system off line, to guarantee the safety and security of prisoners and staff?

MR CORBELL: There are no other changes to security arrangements at the AMC. The reason for that is that the RFID system is an optional level of security that sits on top of the very broad range of security measures that are in place. These include, obviously, the physical perimeter and physical controls, gates and otherwise, in the facility as well as electronic surveillance, including pulse detection, the surveillance camera regime, the anti-cowling fencing arrangements and all the other physical forms and electronic forms of security that continue to operate on a day-to-day basis at the AMC to maintain safe custody and a safe environment for all at the facility.

MR SPEAKER: Mr Seselja, another supplementary.

MR SESELJA: Minister, why, more than a year after its introduction, are there still teething problems with the RFID system?

MR CORBELL: The RFID technology is a new technology in Australia, and the ACT is leading the way in trialling a form of technology that does not exist in any other jurisdiction in the country. That requires, obviously, a new level of knowledge being developed within the corrections environment, and I am very pleased that it is the ACT that is trialling this technology and developing it to ensure that it can deliver the types of capabilities that are very useful in a corrections environment.

Narrabundah long-stay caravan park

MR HARGREAVES: My question is to the Chief Minister. Can the Chief Minister outline to the Assembly the government's interim response to the Narrabundah park options paper?

MR STANHOPE: I thank Mr Hargreaves for the question. I am sure, and indeed I know, that all members of the Assembly are aware of some of the history of the Narrabundah long-stay caravan park. It is a caravan park that has been around for 30 years and over that time it has progressively evolved into a genuine community of long-term residents. It is a caravan park, but it has to be said, I think, that not many of the 102 sites are now occupied by a caravan. They are really what might be best described as semi-permanent dwellings of one sort or another.

The park has had a number of owners over that 30 years—initially, of course, the commonwealth, then the ACT government, then for a period Koomarri—when the then minister, Brendan Smyth, I think, quite callously sought to remove any oversight or responsibility for the park from the ACT government's officials—and then the private sector. Of course, we all know the results of that brief period of private sector ownership—an eviction notice, I think, delivered to every single resident of the park, and then the subsequent actions taken by this government to ensure a future for the community and some certainty in relation to their living.

I think that decision—and it was a difficult and complex arrangement that was entered into to save the park and its residents from eviction—was a sign of the strength of this government's commitment. Indeed, the commissioning of the options paper, its content and the government's determination to now work with the residents to implement the outcomes of that particular study and the options are evidence of our continued commitment to the community. The options paper outlines a number of priority actions that need to be pursued and are recommended to be pursued and we will, in concert with the community, do that.

The objectives identified in the options paper are to establish a clearly defined process for identifying and addressing compliance and safety issues, to provide residents with security and certainty regarding the future, to adopt a best endeavour approach to ensure that no existing resident becomes homeless due to any proposed changes, to ensure that speculative commercial behaviour is managed as changes to the park's operations are introduced and to ensure that the park continues to be a source of low cost housing.

The options paper indicates that some dwellings may pose health and safety risks and calls for a process for identifying and addressing those compliance issues. From next week the government, having consulted fully and in detail with residents, most particularly quite extensively over this last year, will engage a contractor to undertake a compliance assessment of every single dwelling in the park, focusing on those issues that go to health and safety. If the assessment identifies concerns with a particular dwelling the government will work with the owner or the occupant to examine options for remedying the situation.

In relation to ownership, it is proposed that the park be retained by the government for at least the foreseeable future. I put in the caveat that the government has no intention of not retaining ownership and custodianship and it will continue to be managed by Housing ACT.

Security of tenure is, and has, I think, always been, one of the most important issues for residents. The government proposes three-year occupancy agreements as the default arrangement, replacing the current month-by-month arrangement. These agreements will be subject to residents meeting a range of conditions, most particularly including those relating to issues identified during the compliance and safety inspections that will be conducted in coming weeks.

In recognition of the fact that the park dwellings are not limited to caravans, and indeed I do not think there are any workable caravans there now, we will—*(Time expired.)*

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: My supplementary is: firstly, Chief Minister, do you have anything to add to the original question I had and could you please detail how the residents of Narrabundah park have been informed of the government's response to the options paper?

MR STANHOPE: The only other issue which I was going to go to and which Mr Hargreaves has invited me to complete was that the government is aware—and I am sure members are aware—that the park dwellings are not limited to caravans to date. Indeed, I am not sure whether there are any workable caravans at all within the park. This is one of the complexities that have developed over 30 years in relation to the way in which this particular park has operated.

In recognition of that reality, the government will amend the lease purpose clause to formalise the site's use as a mobile home park. These are only interim actions. The government's interest initially and at this time is simple. We want a park that is affordable, safe and managed in the interests of the park community.

In relation to the more substantive issue that Mr Hargreaves raises in his supplementary question, the government has worked very closely through our agencies, most particularly LAPS and Housing ACT, to work with each and every one of the residents in relation to these proposals in the government's response.

I have to say that I congratulate most particularly Housing ACT for the excellent job and the consultative and sensitive way in which it has managed the park on behalf of the ACT government and the relationship and rapport that Housing ACT has developed with each of the residents. Housing ACT visits the site every week. Housing ACT has a liaison officer available to deal with all resident issues and they hold monthly combined meetings with residents through a residents committee.

There has been ongoing engagement through the development of the options paper and the issues paper and the development of the government's response. To ensure residents were fully informed a special briefing was provided to the residents committee yesterday, ahead of the announcement. A team of officers from Housing ACT were on site all day. *(Time expired.)*

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, given that the government have been aware of this issue since late November 2005, why do we still not have a long-term solution to security of tenure for these people?

MR STANHOPE: I might just say, Mr Speaker, by way of regression, consistent with a question I was asked yesterday about the response to the Hawke review, there was universal acclaim, acceptance and applause for the development and release of the paper, with one exception—the Liberal Party. I can repeat that in relation to the release of the options paper in relation to the Narrabundah park, except it was not the Liberals that adopted the oppositional position from the outset, it was the Greens.

I must say how disappointed I was with Ms Bresnan, whose first utterance on the issue was to score petty political points, was to put the boot in, was to actually criticise. It was not to actually accept. The one voice standing out from the universal acclamation, the universal welcoming, the universal expression of gratitude and pleasure of the position that the government had taken was Ms Bresnan and the Greens.

I think that Ms Bresnan's question today again illustrates a fundamental ignorance about the complexity of the issues. The ACT government resumed possession of Narrabundah park in 2006. It is enormously complex. Ms Bresnan asked, "Well, why haven't we actually given greater certainty?" We have given certainty, of course, that was lost when Brendan Smyth transferred ownership and operation of the park away from the government. We took it back through a very complex and expensive arrangement. We arranged a land swap. It was enormously expensive.

I think that the issue at the heart of this and the massive misunderstanding, Ms Bresnan, is that this is a caravan park. Ms Bresnan asked, "Why haven't you granted certainty of occupation to residents of the caravan park?" It is because it is a caravan park, Ms Bresnan. It is incredibly complex. It is a caravan park. They own the structure which was meant to be a caravan, but which is not, but they do not own the land. Caravan parks around Australia operate almost essentially on a month-by-month licensing lease rental arrangement. *(Time expired.)*

MR SPEAKER: Ms Bresnan, another supplementary?

MS BRESNAN: Thank you, Mr Speaker. Given the ignorance on this issue, Chief Minister, will the options include pursuing or investigating a secure housing model such as community or cooperative housing, and looking at changes to the Residential Tenancies Act?

MR STANHOPE: Most certainly, and it does. But the first little obstacle that we have to overcome is, of course, the national capital plan. Indeed, Ms Bresnan, in relation to the complexity, why haven't we, over the last couple of years, actually changed the territory plan? Why haven't we changed the national capital plan? It is very difficult for an ACT government, Ms Bresnan—

Ms Bresnan: Five years.

MR STANHOPE: It is very difficult, Ms Bresnan. What do you think about changing the national capital plan, Ms Bresnan? What do you think, and what part of our hesitancy in not having changed the national capital plan to date—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order, Chief Minister.

MR STANHOPE: to actually determine—

MR SPEAKER: Chief Minister.

MR STANHOPE: that this be a residential estate, not a caravan park—

MR SPEAKER: Chief Minister! I do not expect to have to ask you four or five times to get your attention.

Mr Hanson: Under standing order 42, I would ask that you remind the Chief Minister to address his comments through you.

MR SPEAKER: Thank you. Chief Minister, would you like to continue with your answer?

MR STANHOPE: Ms Bresnan, it is incredibly difficult. It is incredibly complex. The national capital plan designates this area as a caravan park. The territory plan gives it the same recognition. It is a caravan park. To actually pursue your position to its logical end, Ms Bresnan, would require that we enter into negotiations with each of the residents in relation to—what—the ownership of the land on which they are residents? What is your understanding of their capacity to buy, for us to convert it to residential from a caravan park, after changing the national capital plan and the territory plan, and then actually offering the blocks for sale at—what?

Mr Coe: What about the solar access?

MR STANHOPE: Yes, issues of solar access; a good point, Mr Coe. But we would then have to go through a process of determining a value for the land, and the capacity for the people, the residents, to buy the land. *(Time expired.)*

MR SPEAKER: Thank you, Chief Minister. Your time has expired.

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

Public service respect, equity and diversity framework
Paper and statement by minister

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

> ACT Public Service—Respect, Equity and Diversity Framework, dated November 2010.

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

Leave granted.

MR STANHOPE: On 22 September, the Assembly passed a motion calling on the government to develop a new ACT public service employment framework for people with disabilities and report back to the Assembly by the last sitting day in February. During the debate on the motion, I informed members that the development of an ACT public service disability employment strategy and supporting action plan was part of a broader review of the ACT public service equity and diversity framework.

I am pleased to table the new ACT public service respect, equity and diversity framework, which provides a model and a guide for all staff. This new framework spells out why a workplace that is respectful, equitable and that values individuals and their differences is at the heart of a positive work culture. It sets out the roles and responsibilities for the employees across the ACT public service. It defines respect, equity and diversity and looks at our workforce data to assist in further refining our employment policies and initiatives. It articulates an action plan to address those challenges and a mechanism for evaluating our progress.

We have nothing to fear and much to gain individually and as a public service from making this document a foundation of how we interact with colleagues and with the community—in short, how we do business. The principles themselves are not difficult to understand. To a jurisdiction that led the nation in legislating for the observance of human rights, the principles are familiar ones. Respect can be defined as valuing and considering others at work, equity as treating everyone at work in a fair manner according to their individual needs, and diversity as valuing individual differences in the workplace.

Putting these principles into practice in our daily working lives can help create a positive work culture, one that allows all of us to contribute and to perform to our full potential. A genuine and wholehearted commitment to these values by everyone who is part of our service will, over time, enable us to build a more diverse and even more skilled workforce in which every worker knows that he or she is valued for the knowledge, ability, background and experience they bring to the job.

The ACT public service is made up of Canberrans from a diverse range of backgrounds, life experiences, educational achievements and professional aspirations. But it is a diversity that is valuable. A workforce that gives voice to different viewpoints in a spirit of respect and that understands different life experiences is one that can more effectively serve its community. If our public service resembles the make-up of our community, surely we are better placed not only to anticipate the needs of that community but also to meet those needs.

In many ways, the ACT public service is already representative of the broader ACT community, but we do know that certain groups are under-represented in our ranks. The workforce analysis undertaken during the development of this framework bears that out and it bears out the need for specific employment strategies for two main groups, Canberrans with disabilities and Aboriginal and Torres Strait Islander Canberrans.

As we have already acknowledged in this Assembly, people with disabilities represent about 16 per cent of the Australian working age population yet constitute only 1.6 per cent of the ACT public service. While the past year has seen a small increase in employment numbers for people with a disability, we must do more. It is likely that our own measure of the number of existing employees with a disability is on the low side because it only counts those who self-identify as living with a disability, yet that ought not give us any comfort. It is highly likely that some choose not to disclose a disability, and for some that choice is made because from past experience they know that to reveal a disability is to become vulnerable, to potentially expose oneself to discrimination or to bullying or to ridicule.

Much as we might like to imagine that reactions like these could not exist in a 21st century workplace, we know better. It is one of the key reasons we need a respect, equity and diversity framework. We want to eliminate not just the discrimination but also the fear of it, once and for all.

One of the actions we commit to as part of this framework is a diversity census. This will give us a clearer idea of the make-up of our workforce and help reduce the incidence of under-reporting. We are not seeking this information for its own sake. We hope that by giving employees the confidence to disclose their differences, to assert their circumstances, we can ensure that our employment practices meet their individual needs. That is something to which I am committed. Employment opportunities in our own public service for Canberrans with disabilities must and will increase. Work is well underway to develop an ACT public service employment strategy for people with disabilities, which is a viable action under the respect, equity and diversity framework.

My department is working with stakeholders such as Disability ACT and the ACT Disability Advisory Council to develop targets for improving the employment opportunities we are holding out to Canberrans with disabilities. I will announce these targets and the actions that will help us achieve them in the near future. Simply put, what is measured is value.

I am also committed to making the ACT public service a career for many more Aboriginal and Torres Strait Islander Canberrans. We are already signatories to a commonwealth agreement that sets a target of 1.2 per cent of the ACT public service. I very much regard this as a minimum. My expectation and those of the community are greater. Again, the government will be announcing the ACT public service target for employment for Aboriginal and Torres Strait Islander Canberrans, and the actions that will help achieve them, in the near future. And, as with people with a disability, it is not of course just about numbers or about feeling good about ourselves; we want and need the expertise and insights that Aboriginal and Torres Strait islanders can provide in order to improve government policies and services. We are already working extremely productively with the elected body to go beyond the minimum target demanded by the commonwealth. We want to chart a path of continuous improvement.

I would like to thank members for supporting the amendments to the Public Sector Management Act to allow for the establishment of identified positions. This will boost employment opportunities in the public service for both Canberrans with disabilities and Aboriginal and Torres Strait Islanders. I have advised all chief executives that I expect them to use this power to increase the number of identified positions over time to ensure that they are all filled and to see that they do not disappear in organisational restructures.

Of course, attracting applicants is just the start; we also need to ensure that those we recruit receive the necessary training and support that will turn a satisfying job into a long-term rewarding career. To this end, I announce that $50,000 from funding dedicated to building and maintaining the ACT public service will be devoted to 20 fully funded training places for Aboriginal and Torres Strait Islanders and people with disabilities. Places reserved in the future leaders program, public sector management program and first time managers training program have been keenly accepted by these cohorts.

I am pleased that, in both the areas that I have just identified, good work is being done. We have embarked on our third intake of young Canberrans from the Aboriginal and Torres Strait Islander traineeship program, which is managed by the Department of Disability, Housing and Community Services but which involves agencies across the breadth of the service. It is a program that lives and breathes the principles of respect, equity and diversity. The lives of 24 young men and women have already been given a boost from the program and these 24 are now becoming role models for other young Aboriginal and Torres Strait Islanders.

Similarly, in relation to Canberrans with disabilities, we have already begun to explore mechanisms for boosting employment opportunities. On International Day of

People with Disability, I had the privilege of having morning tea with the nine Canberrans who are settling into specially created ACT public service administrative traineeships for people with an intellectual disability. I say these programs are emblematic of the principles enshrined in the framework tabled today, and they are. It is one thing for a minister or a chief executive to decree that a position will exist for a traineeship to be filled; but without the wholehearted and full-hearted participation of supervising colleagues, the opportunity held out would be rhetorical rather than real.

In particular, I thank the supervisors who have shown a willingness to be a part of these programs. In taking on the responsibility of supervising a trainee, they do send a powerful message within their workplace and beyond. They also demonstrate in the most practical way that the opportunity of creating a truly diverse, respectful and equitable workplace must be seized by each of us, for it certainly will not happen without us. As a large employer, and I hope as a model employer, the ACT public service has a responsibility to this community and I want to see programs like the one I have mentioned multiplied across the ACT public service.

Implementing the framework will be a challenge. It will require us to change over the months. The Commissioner for Public Administration will continue to work with stakeholders to finalise the employment strategies. These employment strategies, targets and action plans are inextricably linked to the realisation of the respect, equity and diversity framework, a framework that will have a significant impact for some individuals and ultimately a systemic change across a whole workforce.

Papers

Mr Stanhope, pursuant to the resolution of the Assembly of 20 October 2010, presented the following paper:

> ACT Government events and festivals—Loxton Report—Government response.

Mr Stanhope presented, on behalf of **Ms Gallagher**, the following paper:

> ACT Asbestos Management Review—2010, dated 1 September 2010.

Mr Corbell presented the following paper:

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

Mr Barr, pursuant to the resolution of the Assembly of 27 October 2010 regarding the provision of a swimming pool in Gungahlin, presented the following paper:

> Gungahlin Leisure Centre Feasibility Study—Interim report, dated February 2011.

Supplementary answer to question without notice
Bimberi Youth Justice Centre—human rights breaches

MS BURCH: Yesterday, Ms Hunter asked me a question without notice about the Human Rights Commission and the use of restraints. I understand that referred to an

incident back in February 2010, and there were letters exchanged between the human rights commissioner and the department on that and we have certainly improved our practice. It was mentioned in a report to me around a number of things around April 2010 and also within that same briefing it was seen that the commissioner was satisfied with our response.

Childcare
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, Ms Hunter, Ms Le Couteur, 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 Doszpot be submitted to the Assembly, namely:

> Childcare in the ACT.

MR DOSZPOT (Brindabella) (3.01): Thank you, Mr Assistant Speaker, for the opportunity to speak on this matter of public importance—childcare in the ACT. This is a relevant topic. Often times, the severity of the acute need for childcare is not fully appreciated unless you are one of the many thousands that rely on the availability and stability of childcare services, In fact, for many families, the loss of childcare services is no different from losing reliable daily transportation. I would add that any increase in childcare costs is no different from having to pay more for electricity or water.

In the present society that we live in, the constant reality here is that any disruption or shortage of childcare services leads to a disruption in the daily lives of our families as they desperately find themselves being forced to juggle between home and work obligations. In my capacity as the shadow minister for disability, I am all too aware of the important need to have a reliable carer service available.

Without such services being available, many a two-income houseold are forced into becoming a one-income family that has to live off a single pay cheque. This predicament is further exacerbated for one-income families needing childcare support. The concern that some of these families might have—that their lives might have to change due to this—is a pertinent and growing concern within our community. Another illustration of this growing concern in the community relates to childcare support in school holidays where, with both parents working, one parent has to seek leave for up to 12 weeks each year to cope with these occasions. It is not our role in this Assembly to tell people how to live. That said, we must be keenly aware of the vicious cycle effects of these costs to families and the overall loss of productivity in our workforce.

For many years now, we in the ACT have had the highest median cost of centre-based long day care, at $345 per week, not to mention the highest median cost of family day care, at $315 per week. This is higher than the Australian average by $60 per week and $45 per week respectively. According to the recent report on government services, in 2009-10 there were approximately 11,245 children aged under five and 5,469

children aged between six and 12 years who attended Australian government approved childcare services in the ACT. This represents 40.5 per cent of children under five and 18.8 per cent of children between the ages of six and 12.

That said, this makes up approximately only half of all childcare in the ACT. Much of the remainder is taken up through informal arrangements, which may include grandparents, other relatives, friends and the like. It is common knowledge now that expecting mothers have had to put their unborn child on a waiting list at some childcare centres. As the *Canberra Times* reported, the demand for childcare places is so strong that parents-to-be are charged a fee for the privilege of having their unborn child considered for a place.

Yet with all this—the current state of play in the childcare sector and the vital role it plays in our community and economy—government support is wanting. For example, in last year's budget announcement it was noted that, in real terms, total recurrent expenditure had dropped from $5 million in 2004-05 to $4 million in 2008-09. Whilst taking into consideration net capital expenditure, this amounts to $5.5 million in 2004-05, decreasing to $4.5 million in 2008-09.

At a time when the concern is with the cost and availability of childcare places, the national quality agenda framework has made addressing acute childcare needs even harder. With initiatives that require every centre to have an early childhood teacher and a lowering of the educator-to-child ratio from five to four, these will have considerable pressures on local childcare providers.

It is already common knowledge that we currently have a skills shortage in this city. Requirements like the educator-to-child ratio, given the current state of play and lack of government leadership on the matter, would invariably do nothing more than decrease the available number of childcare places. As Ms Gwynn Bridge, the President of the Australian Childcare Alliance, noted, some centres may choose not to put on an extra staff member and instead cut places.

In the present environment, operating a childcare service is not easy. We see that in 2010 there have been approximately 71 instances of notifiable instruments under the Children and Young People (Childcare Service Licence) Temporary Standards Exemption, with reasons for exemptions ranging from issues regarding leave, but also more urgent issues like recruitment and qualifications. This is up from the previous figures in 2009, which were at 51 exemptions.

The point that I am making here is that we are all in support of ensuring that all families have access to quality childcare. Parents should have peace of mind that their child is being cared for and has a right to quality childcare that is safe and encourages their early development. That said, the national agenda is unrealistic in implementation and funding. Truth be said, most childcare centres are already operating at a high standard and, where standards are an issue, there are provisions and processes in place through the National Childcare Accreditation Council with the ACT government taking action to address these issues.

With possibly fewer childcare places available and higher operating costs, parents yet again will have to bear the burden of this. In a survey conducted by Childcare

Alliance Australia it was found that 74 per cent of parents would have difficulties in covering additional childcare costs of $13 to $22 a day. As we are aware, Mrs Dunne has taken proactive steps in looking into this issue further and has been directly engaged with many concerned parents and childcare professionals in this city. I commend her for her diligence in this matter.

It is quite instructive to note the following sampling of comments that have been made by concerned Canberra childcare providers. One is: "It is quite difficult to find good relief staff, which is a problem now, and will be a larger problem once the changes are in place." Another comment is: "We are going to have to cut places in our nursery, which makes it hard." And then there is: "We are nervous because we have been having difficulties with finding a qualified preschool teacher." It goes on: "Whilst the proposed changes are welcomed, we are going to have to increase our fees substantially to meet the proposed changes." The final comment is: "We don't want to burden parents by increasing fees, but we will have no choice."

We believe that there is a serious lack of consultation with the childcare sector regarding the national agenda. There is growing sentiment among parents and the childcare sector that Minister Burch has done little by way of defending the parents and childcare centres in this city. The Canberra Liberals naturally are concerned with the proposed changing landscape of the childcare sector and its impact on the accessibility and affordability of quality childcare services. To do this right, you will need to listen to and engage with parents and childcare professionals.

There seems to be a recent Labor practice to add 1980s business fads like "quality" in its recent initiatives, which seems more like a rhetorical foil. The national quality agenda, with the present government's blessing, seems to be no different. Yet scratch the surface and what you see is a looming crisis that has the veritable capacity to drive a wedge between working parents and their children. There is urgency in considering how these initiatives are truly family friendly. I thank you for giving a platform for this topic as today's matter of public importance.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.10): I thank Mr Doszpot for bringing this matter of public importance to the Assembly today because it gives me an opportunity to update the Assembly on the investment that this government, and indeed the federal Labor government, have made in the area of childcare.

The ACT government believes strongly that quality early childhood education and childcare do make a difference. They make a difference to our children's development in those formative years. And they make a difference to families by allowing parents to return to work and contribute to the family budget. Put simply, quality childcare is the foundation for a brighter future.

According to research by the commonwealth Treasury, quality, affordability and accessibility are all factors that promote workforce participation. That is why, in partnership with the federal government, the ACT government has invested more than ever before to help parents meet the cost of childcare, make access easier for parents and ensure all childcare centres meet basic quality standards.

The figures demonstrate that childcare is a priority for this government. The report on government services released in January shows that the ACT government has one of the highest levels of investment per child in children's services in 2009-10. We are building new centres in areas where they are needed most. We are building a new and expanded home for Gumnut Place and Alkira childcare centres. We are building a new space for 25 babies at Baringa childcare centre in Spence.

Last week the Chief Minister opened a new childcare centre at Harrison on land released by the ACT government. We are planning new childcare centres in areas of demand at Holt and Holder. And over the past two years, the ACT government has invested no less than $2.4 million in other childcare centre capital upgrades. These investments go directly to providing more accessible, quality childcare places in areas of demand, reducing costs for families.

Childcare affordability in the ACT is comparable to that in other capital cities around Australia. According to the DEEWR *Child care update* released last week, a person with an income of $75,000 per year spends seven per cent of their disposable income on childcare compared with the 13 per cent they were spending in 2004.

The ACT government is acutely mindful of the importance of the cost of living for Canberrans, and we know that childcare is one of several expenses facing families and households. The federal government increased the childcare rebate from 30 to 50 per cent in July 2008, and childcare costs for families in Canberra fell immediately by 22 per cent according to the ABS stats and 9.9 per cent to date.

These figures show that the conscious efforts of the ACT and federal governments are reducing the real cost of childcare. Under the federal Labor government, the real cost of childcare—that is, the out-of-pocket cost for families—has decreased. This is not something that the Canberra Liberals will tell you, and it is not something that fits into their somewhat scaremongering campaign, but the figures do not lie: childcare has become more affordable under Labor.

From July this year, the rebate will be paid fortnightly rather than quarterly, putting money into the hands of parents when they actually pay the childcare fees. Last week we found that 2,000 families in the ACT are not claiming their entitlements. That is 2,000 families who are not accessing childcare benefits and/or the childcare rebate. I am encouraging families to check the MyChild website for information about how they can access that very significant level of dollars for support.

The government has been working hard to ensure that childcare centres in the ACT are accessible. Long-day care places have increased by over 1,100 places and there are now over 16,800 children using care in the territory. The government has a strong commitment to increase places and equip parents with greater choice about where they send their children.

We have a strong record about going forward. In March I intend to table a bill to establish a ratings system against the new quality standards. Parents will be able to view the quality rating of each childcare centre on the MyChild website together with information about the fees and information about vacancies.

If those opposite were serious about making childcare choices easier, they will support the bill when it comes forward in March. Rather, we have a "Sunday times" policy, yet again, by Mrs Dunne. The one-liner proposed the establishment of a centralised waiting list for the allocation of childcare places. Let us be clear: the ACT government does not support a system which removes from families the choice about where they send their children. But it is not only us who reject a centralised waiting list. So does the sector. Not one person within the sector that I have spoken to—

Mrs Dunne: The Chief Minister does.

MS BURCH: No, I believe you have got that wrong. You have got that wrong, Mrs Dunne. You can laugh all the way down the corridor. No-one that I have spoken to thinks this is a good idea.

Mr Seselja: Don't you speak to the Chief Minister?

MS BURCH: You should check. You should check the media release.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne! Ms Burch!

MS BURCH: We are quite clear on this one.

MR ASSISTANT SPEAKER: Ms Burch, would you please resume your seat. Stop the clock. There is too much row going on. For those members opposite who are having a bit of fun across the chamber, you have your turn coming up if you wish to take it. I ask that you hear Ms Burch in silence.

MS BURCH: Thank you. So there is a challenge. I challenge and urge Mrs Dunne to table today her centralised waiting list policy. I hope it is a little bit more than the one-liner she put out through the *Canberra Times*. I challenge and urge Mrs Dunne to table the policy that outlines the detail of how it would work—how the childcare places would be allocated and how it will reduce waiting lists for families. And, of course, she must table the costings that they have done. I also ask her to table the consultative processes—the consultation and the letters of support that she has that underpin the dollars and the cents of her one-line policy. I suspect that she will not be able to do that, but I ask her to do it.

Parents in the ACT want to be confident that their children are in reliable hands. Here in the ACT we have an excellent childcare system and we are working with the sector to further strengthen it. Families want affordability in childcare. As I have indicated, with the increase in the rebate, ACT families are paying less than they were two years ago.

We know that families choose centres for a variety of reasons. The centre of choice could be close to home, near the child's sibling's primary school or on the way to work. The ACT government has been proactive in helping families to access childcare and to inform them to help them make the right decisions about childcare.

In December last year the government released a brochure, *Choosing childcare in the ACT*, which was put together in collaboration with the childcare sector. Again, I go to Mrs Dunne and ask what collaboration with the sector supports her single waiting list. *Choosing childcare in the ACT* contains information to help parents choose the right centre for their child and has been distributed broadly. Combined with parentlink information and the MyChild website, this government is making sure that parents have better access to childcare than ever before.

Childcare centres should not be places where you just drop the children for the day. They should be places of learning. They should be places for our children to be safe and well looked after no matter where they are. We are introducing new standards for childcare services to make sure that this occurs in every centre in every suburb in every city in this country. There are already services operating at the standard of these new regulations, and their fees are not much different from those of other services.

I would just point out that recently I visited a centre that 100 per cent complies with the new standards. This is a community-based service managed by parents. The parents set the fees; the staff there are paid above-award wages and the parents choose to go there. This centre is an exemplar of quality childcare that we have here in the ACT—something that those opposite fail to recognise. There are already services operating, as I have said. All of our services currently meet the over-two ratio for childcare centres.

Changes in staff requirements will be introduced over a number of years to give services time to adjust. Therefore, there should be no sudden increase in the cost to families. They continue to use figures; I do not know where they collect them from, but certainly the work that has been done with the impact statement on the reforms indicate that our fee increases—

Mr Doszpot interjecting—

MR ASSISTANT SPEAKER: Mr Doszpot, if you must speak to yourself, please do it telepathically.

MS BURCH: will be less than $3 a week in the beginning and up to under $12 a week in 2014. Earlier this week I sent letters to all childcare providers in the ACT and family-based centres, union representatives and government officials inviting them to join me at a children's services roundtable to continue the ongoing discussions and talk about how we can support centres to make the transition as smooth as possible. This is just one part of the extensive process that the government is undertaking on the national quality framework for early education and care—consultation that demonstrates that this government is committed to quality, affordable, accessible childcare in the ACT.

Those opposite are doing the local childcare sector a disservice with their continuing fear and concern campaign. They are not offering any ideas or more policies, other than that one-liner. Mrs Dunne, will you bring your costings and your details about how that works, how families can be assured—

MR ASSISTANT SPEAKER: Mrs Burch, would you put your remarks through the chair, please?

MS BURCH: Thank you, Mr Assistant Speaker. Through you, I urge Mrs Dunne to bring the policy and the costing detail of that to this chamber so that we can be informed and enlightened about how that should be progressed. Those opposite are doing a disservice to the women of the ACT who want to re-enter the workforce after having a child, who want to look for flexibility, choice and peace of mind in childcare. It is not surprising that they fail to come through with any substantive policy. This government is working with the federal government, the childcare sector and families to deliver genuine reform when it comes to the childcare sector.

Just by way of some information about what this government does to support childcare, let me mention the fact that we have brought over a thousand childcare places online over recent times. And in February we will have 118 new places come online, with an additional 60 places that will come online in Barton. That is 180 new places that will come online within the very near future.

Also, DHCS owns buildings that are occupied by 43 childcare centres operated by community groups. That represents 35 per cent of long-day care centre providers in the ACT who are being supported through maintained and upgraded DHCS buildings. Again, that is something that those opposite do not choose to pay much mind to. And that is in addition to the buildings that DET has with its early childhood centres and the buildings that may be owned and managed through TAMS. We upgrade these facilities each and every year through a planned and active program.

We work with the community sector to make sure that childcare is managed but, as I say, we have 2,000 families that are not accessing their entitlements. I think the effort in many ways should be not only about supporting those in childcare centres but about supporting families, the 2,000 families here in the ACT that are not accessing their entitlements. This is something that I am very keen to support. There are families that may be able to access over $7,500. I am sure that many families here in the ACT would welcome an addition of over $7,500 to their family budget.

Finally, on the point that Mr Doszpot made about waiting lists and fees being charged to go on the waiting list, I have asked about that, and 85 per cent of services do not charge a waiting list administrative fee. In relation to those that do charge, I think the range is between $20 and $50. That is a matter for those services. What we do as a government is provide ongoing support. We demonstrate that by providing and maintaining the physical infrastructure for 35 per cent of our long-day care.

I welcome the introduction of the quality reforms and I seriously hope that all those in this Assembly will recognise the benefits of quality education for our children and will support the bill when it is introduced in March.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.25): Childcare is an important issue for many families in our community. We did of course discuss this very same matter in an MPI in August last year and no doubt it will

continue to be a significant issue for years to come. High quality and affordable childcare enables much greater workforce participation for women, especially for those aged between 25 and 44 years. Australia does not fare well in female workforce participation in that age bracket.

In 2005 an OECD report found Australia ranked 23rd; 2008 data ranked Australia below Canada, Sweden the UK and the US. Fortunately, the ACT public service fares very well. In 2008, the ACT government service reported a pay equity gap of $14,000, that is, $3,000 less than the national average, which is positive, but of course there is still work to be done.

Much is said about family-friendly policies but in reality it is hard policy that requires a concerted response across portfolio areas and cultural change within workplaces, especially those outside the public sector.

In order to value women's participation, we need to value childcare workers, of whom the vast majority are women. It was only in 2006 that childcare workers were recognised as professionals, as part of a pay equity case. The Greens recognise childcare as more than babysitting. Our policies promote it as an essential part of early childhood development. We support pay increases in the profession that recognise the skill in education and care of workers in the childcare sector and will make childcare work an attractive and well-recognised career choice. This will encourage more people into the childcare workforce and in turn provide the childcare places that the community is demanding.

Under the modern award, the minimum rate of pay for a support worker is $15.34 per hour. The highest level worker, under a director, earns $25.42 an hour after working for two years at that level. The Greens are very supportive of the upskilling and training required under the new minimum qualification requirements of a level III certificate that are coming into force in 2014. The Greens will be taking a particular interest in and will monitor how the training transition is progressing. We believe this is a very positive move forward for the sector and a vital thing to be happening for those children in the childcare centres. We want the best environment for them.

Another issue of note and concern is staff retention within childcare. The latest data available is unfortunately from 2006, although I understand a new survey is currently underway. In this data, the staff turnover rate for the ACT is 47 per cent, the second largest in the country and considerably ahead of the national average of 32 per cent turnover. We hope that the upskilling taking place under the new national minimum requirements will ease this turnover rate. We will continue to check on the ACT's progress, considering that 30 to 45 per cent of childcare workers are untrained and 70 per cent of centres in the ACT do not meet compliance for the under-2s ratio of one worker to four children.

The Greens believe that, as a community, we all have an obligation to lift the profile of the childcare profession. We all must acknowledge that childcare is not babysitting but rather an investment in the wellbeing of our children, the very first and often enduring effects of early education.

I do understand the issue of cost. In fact, I raised this issue in the MPI the other day on the cost of living. I began paying for childcare 18 years ago and I am still paying for some childcare. I do understand the impact it has on family budgets. That is why I was very concerned to see in the *Canberra Times*, as I said in the MPI the other day, that many parents—and that is, as Ms Burch has stated, 2,000 parents—are not accessing a non-means-tested rebate of 50 per cent; that is, $15 million worth of out-of- pocket expenses rebate is not being claimed. I understand the intersection with national policy but ask that the minister also communicate with her federal colleague Ms Ellis and ask that an awareness and information campaign commence in the near future to ensure that parents are aware that they can access that rebate.

Regardless of national funding, Minister Burch and her department certainly have a role to play in this area and I think that Ms Burch just outlined in her speech that she was going to take an active role. I would encourage her to do that because that is a heck of a lot of Canberra families who really should be accessing that rebate and that, in turn, would assist to take some pressure off their family budget.

The Greens believe that childcare must be a community resource rather than a for-profit industry. Current funding arrangements are based almost entirely on parent affordability. And this has huge impacts for groups such as sole parents, where paid work is often marginal. The Greens support calls made by the industry to establish a fair wage structure for childcare professionals, subsidising workers' wages, with a mindset of keeping fees equitable for parents.

We acknowledge that funding is a federal government responsibility but the Greens urge all MLAs to acknowledge that quality childcare with appropriate worker remuneration is very important to the health and wellbeing of our children, enhances the participation rate in the workforce of women in their childbearing years and will help to attract and retain qualified staff.

I acknowledge that the ACT does have a high rate of community-managed not-for-profit centres, at 80 per cent, but I do not agree with the view that the setting of fees is a commercial arrangement and there is no place for the government to enter and to be part of this. Clearly, the collapse of ABC Learning and the subsequent $22 million bail-out is a terrible example of commercial greed and incompetence by a number of players. At the end of the day, the most important people, children and their families, suffer.

As a parent of one child who has after-school care at the moment and children who have been in long-day care and after-school care over many years, I am actively aware of this issue and I find it unacceptable that the notoriously underfunded community sector is forced to really run sometimes on very lean budgets. And I have known over the years of the amount of fundraising that childcare centres have to engage in. Of course, once you get to school age you find that some of that fundraising keeps going, but I really do believe that we need to make sure that this important part of the sector, that is, community-based and run childcare, is appropriately supported and resourced.

From my own experience too—I think that Mr Doszpot mentioned parents who had to pay fees to be on waiting lists and so forth—I just share that that was the case

18 years ago or 19 years ago when I was first pregnant and looking around for childcare. At that time there were, again, some real issues around access to childcare.

My first child ended up in two childcare centres. I was going back to work full time and having to go to two different childcare centres on different days, with different routines and so forth, and it was very stressful for a first-time parent to be having to do that. So I do believe that we need to ensure that we are going to be able to meet demand, that we are going to assure quality of these services because parents going back to work need some comfort that their children are being well looked after and that they are going to be getting that quality care that we would all expect.

That is why we also do support this change in standards, this enhancement of standards. It is going to be quite a bit of a transition period. I would urge the minister to be doing whatever she can to ensure that childcare centres can get on board by 2014 because I am a little concerned about the number of exemptions that seem to be floating around at the moment.

We need to get the ratios right, we need to get the skills of the workforce right and we also, as I said, need to acknowledge the important role that childcare workers make. We need to acknowledge that this is a profession and that they should be respected and valued for the wonderful work that they do in our community every day, looking after babies and children and allowing parents to be able to return to and participate in the workforce.

MRS DUNNE (Ginninderra) (3.35): I thank Mr Doszpot for bringing forward this matter today. I am pleased to speak on the topic of childcare in the ACT, which is an issue that has for many years been close to my heart. As a mother of five, I have had children in childcare at various times over the past—

Ms Hunter: Few years.

MRS DUNNE: Large number of years, yes, more than 20. And the impact of finding appropriate childcare has a big impact on families, as too does the cost. In my experience, I was extraordinarily blessed to find people in childcare—and I was an avid user of family day care—to find carers who were an integral part of our family and who are still loved and appreciated by the children that were cared for many years after they had given up family day care. I think that in many ways family day care is often considered the poor relative in public policy terms and the needs and the provision of service by family day care are somewhat undervalued in the debate here, where a lot of what we talk about is long-day care.

When we talk about the provision of childcare, we have to remember that, when the minister quotes the figures that she did, she is only talking about 50 per cent of the children who are actually in care. For every child, roughly speaking, who is in formal, government-approved, long-day care centres or family day care, there is another child out there being looked after more informally by a grandparent, aunt, older sibling, whatever, and there is a whole area that is untouched by government policy in the area of childcare.

I think every parent would agree that they want the best available for their children and expect that, when they leave their children in care, they can be confident their child is safe, is clean and is in a nurturing environment that will enhance their child's development.

Ms Burch and Ms Hunter are correct when they say that this is not just about childminding. But I think that there are many parents and policy makers who are a little concerned that childcare centres, especially long-day care centres, are being forced into a place where they become extensions of school, that they become places of learning more than they are places where children get to be children, where infants get to be infants, where toddlers get to be toddlers, and that there is an increased emphasis on preparing children for the school experience. I am not sure that the whole of the community is on board with that as a notion just yet. When we talk to parents, there are parents who are concerned about the emphasis on early learning rather than letting kids be kids.

There seems to be a bit of rhetoric coming from the minister. She wants to be able to characterise the Canberra Liberals as being opposed to the aims of the national quality agenda. I want to put on the record that the Canberra Liberals agree that the aims of the national quality agenda are reasonable. However, we have considerable concerns about the implementation process, and the associated costs are of serious concern to the Canberra Liberals.

Looking at the proposed structures, it is clear that the fees will rise further as a result of the high costs associated with the costs of running childcare centres under the new regime. Ms Burch wants to downplay it and always refers back to a report which I think she has not read, because if she had read it she would not be so keen to do so, the Access Economics report which is very limited in its scope and is a bit out of date by now. The experiences of people in the sector as they move towards the implementation of the national quality agenda would cast some doubt on some of the rationale in the Access Economics report.

The costs are of concern to my colleagues at the state and federal level and all the Liberal and coalition members responsible for childcare are working closely together to ensure that the voices of parents—parents in particular who seem to be quite unheard in this area—and those others in the sector are heard across the ACT and across the country as we move towards the implementation of a quality agenda.

Of concern to me is the outcome of higher child-to-staff ratios and the requirements of higher qualified staff. This in turn will create higher overhead costs which will inevitably be passed on to parents.

It is most interesting—and my office has been conducting extensive analysis through a survey across the sector in the ACT—that the common themes that emerge when you talk to childcare centre directors are these: centres will have to increase their fees, which are already the highest in the country, adding to the already high cost pressures on family. Some centres will have to cut childcare numbers to meet the new standards, which will be a burden on already long waiting lists in the ACT. Many childcare

centres are expressing concerns about recruiting and maintaining university-educated teachers when a qualified teacher can teach in a school, with higher pay and better conditions, and the government in the ACT does not appear to be addressing this issue.

Mr Doszpot quoted just a very small number of the comments that we have collected from the over 100 childcare centres that we have surveyed or are in the process of surveying. One of them said: "It is quite difficult to find good relief staff, which is a problem now and will be a larger problem once the changes are in place. We are going to have to cut places in our nursery, which will make things hard."

We have asked over and over again: can the minister rule out that there will be a reduction in places in the ACT? And she cannot rule it out. She does not actually understand how this will be implemented in the ACT. But this is a minister who does not even understand much at all.

The ACT lacks skilled workers in the sector. Providers are finding it difficult now. And this is quite clear, with 71 exemptions granted last year. As Mr Doszpot said, that is up from the 50-odd last year. One director expressed fears at the extended time that she had been taking and the difficulty she had been experiencing in finding a qualified person for the preschool room. She had spent substantial sums of money on recruitment and so far had not been able to fill this place. This concern for the future represents a very large percentage of all the results that we have seen so far.

Fears have been expressed about older workers in the industry who have years of experience, some of them as relief workers, and I would like to point to the winding back already announced by the Hon Kate Ellis in December 2010, when she agreed that she would relax the qualification requirements for workers who had been in the industry for more than 15 years. This was in response to campaigning by childcare bodies and my federal colleague the shadow minister for childcare and early childhood learning, Sussan Ley, and this was a classic response to a typical policy-on-the-run approach by Labor governments at the state and federal levels.

What we saw was that no-one had actually played it through to the end to see what the implications would be for people who had been in the sector for a long time and who had not had much experience of further study and the risk that we had of driving people who were excellent childcare providers, with lots of experience, out of the industry because they did not have a piece of paper and did not have the inclination to go and get it.

The Australian Childcare Alliance undertook their own research and it showed that 74 per cent of parents surveyed would have difficulty in meeting additional costs associated with the quality framework. I have concerns that this in turn will force parents out of the workforce or, worse, force parents to seek less professional childcare elsewhere. Parents are already doing it tough and I expect this will only increase with the financial pressure brought about by these changes.

I support quality childcare but it must remain affordable and accessible to all families in the ACT. I fear that if these concerns are not addressed this will result in negative ramifications for the sector. The government needs to listen to the sector and the

parents and take the time to consider the implications of these changes. I am listening, my state and federal colleagues are listening, to the sector and parents across the country. What we are hearing is a whole range of concerns in relation to the implementation of the quality framework. *(Time expired.)*

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.45): I thank Mr Doszpot for raising the matter this afternoon. I cannot claim to be a mother of five but I think I can share a commitment that all members in this place have to ensure the best possible start in life for all young Canberrans.

That is at the core of what this government is about and why we develop and deliver policy in the childcare area and in early learning based on the latest and most respected research. That is why we invest heavily in this area through the ACT budget. I note with a sense of sadness that we do so pretty much without the support of the Canberra Liberals.

Across the world there is increasing recognition of the importance of investing in early childhood education. Research across the medical, behavioural and social sciences shows that the early years are critical to setting the foundation for learning, behaviour and health outcomes throughout school and, indeed, beyond in later life.

According to the experts, the early period of brain development is critical to wellbeing, not just in physical and mental health but also in literacy and numeracy. Brain research shows us that from birth to five years children already have most of their physical brain capacity and that significant learning occurs during these early years.

For young children, relationships and strong attachments to caregivers and educators provide the context for all learning. As such, the value of early childhood education programs is undisputed. The short-term benefits include improved cognitive functioning, better school readiness and, critically, social skills. Longitudinal studies have demonstrated the positive effects on school completion, further education participation, employment, earnings and general social wellbeing.

Some economic research indicates that each dollar invested in early childhood can save up to $7 later in public expenditure because of the better health and social outcomes that this investment delivers. Across the Australian Capital Territory and, indeed, within the government, there is clear acknowledgement that education begins at birth. That is why we work hard to ensure that the relationship between all sectors working with children in the ACT is strong but that, importantly, it is constantly reviewed for improvement.

Additionally, as my colleague Ms Burch has outlined, we are working through the Council of Australian Governments process to provide an even more comprehensive range of services, including childcare, early intervention and preschool. The relationship between all the sectors working with young children in the territory is critical in order to meet the needs of children and families. Quite simply, you cannot have excellence in education without care or excellence in care without education. For children, it is the same experience.

Through the Department of Education and Training there are a number of programs which support children and young families. For example, nearly 4,200 children attended preschool in the ACT last year. Preschool programs operating within ACT public schools seek the active participation of families to contribute to their child's education and development. The ACT is working in partnership with the commonwealth to deliver 15 hours of preschool to our public preschools by 2013.

We recognise the role that culturally appropriate programs and family participation can play in improving outcomes for Aboriginal and Torres Strait Islander children. Such programs are delivered through Koori preschool programs for children from birth to five years of age. These programs provide students and their families with a sound foundation upon which to build a solid education.

Possibly the most tangible example of the ACT government's commitment to early childhood education is our four early childhood schools. The close relationship of childcare and education is clearly evident at these schools. Childcare providers and the Department of Education and Training work together to meet the learning and development needs of children aged up to eight years. Engaging families is central to this new model. I think the success of these schools is reflected in the fact they have become such a valued part of the communities that they serve.

The ACT government are determined to cater for every child and to ensure that every child can reach his or her full potential. That is why we run and fund with partners a range of programs which cater for children who have special needs, and particularly those in the two to six-year age bracket who are at risk of, or who have, a developmental delay or disability.

The government are committed to life-long learning. We are committed to ensuring that at whatever stage in life people are at, they can access education and the education that they need to build their skills for the most productive and happy life possible. This means providing excellent education to ACT children from the very beginning of life. There is no doubt that childcare and early education are vital to achieving this. The government have a proud record in this area and a very sound policy framework to continue to deliver benefits to young Canberrans.

It is in that context that I must just make a few alterations in respect of Mrs Dunne's presentation. It is very easy for oppositions to listen, and good on them; so they should. We all should listen. But what I did not hear in the 10-minute presentation was any particular alternative policy approach.

The idea that there is a cost-free reform in this area I think is a fantasy. Look at the detail in the regulatory impact statement. Look at the detailed implementation programs and the number of years that jurisdictions of both political persuasions have been involved. There are state Liberal governments that are and have been involved in this work. Look at the detail of that and the efforts of governments, early childhood education experts and those who have been working for a long time in the childcare sector. They all acknowledge that there are costs associated with this reform. Nonetheless, even Mrs Dunne acknowledges the importance of the reform.

I suppose what I would like to hear from the Liberal opposition in respect of the challenges that there are is this: if they do believe that you can achieve this in a cost-free way, please come forward with this idea. I would love to hear that. If the issue becomes what is the appropriate balance between the users of the service and consolidated revenue in terms of funding such improvements to childcare, again, if the Liberal Party have a different position on that and wish to put on the record their view that taxpayers should meet more of the costs associated with this reform, then let Mrs Dunne say that. But we are not really hearing an alternative position. It is very easy to sit on the sidelines—

Mrs Dunne interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order!

MR BARR: and to suggest that those who are attempting to implement an important policy reform are not doing it the right way. It is easier to criticise, Mr Assistant Speaker, than it is—

Mrs Dunne interjecting—

MR ASSISTANT SPEAKER: Mrs Dunne, please, you have had your chance to speak.

Mrs Dunne interjecting—

MR ASSISTANT SPEAKER: Mr Barr, please resume your seat. Stop the clock. Mrs Dunne, I have asked you politely. Now I will ask you impolitely. Desist.

MR BARR: Thank you, Mr Assistant Speaker. It is easy to carp and criticise from the sidelines, and Mrs Dunne is one of the better exponents of that in this place. But the challenge in this policy reform, if there is agreement—I am sure I heard Mrs Dunne say that this agenda is important—is an issue for the Liberal Party around who should bear the cost. In reality, it is either the users of the service or the taxpaying public more broadly. If the Liberal Party have a view that the taxpayer more generally should pay more of the costs associated with this reform, let them say so.

The federal government, of course, have increased the rebates available and have quite generously subsidised some of the costs associated with these changes. That is, in my view, as it should be—that the balance is right. But if Mrs Dunne has an alternative view and the Liberal Party have a position that that in fact is not the way to go, then again, let them come on the record and say exactly how they would fund such a change.

I think there was some further comment—I am about to run out of time—about consultation. It is important to note that the minister will be conducting a roundtable in April this year to continue engagement with the sector, and that is important. *(Time expired.)*

MR ASSISTANT SPEAKER: This discussion is concluded.

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2010

Debate resumed.

MR SESELJA (Molonglo—Leader of the Opposition) (3.55): The Liberal Party will not be supporting this bill. It is worth going into the core reasons why we do not support this scheme and this legislation. There are two primary reasons. They are issues that I have been on the record for raising for a long time, but they are worth reiterating. They are the questions of inequity, the increase in the cost of living for ordinary Canberra families that is associated with this scheme, and issues of efficiency. This is one of the most expensive ways imaginable to reduce greenhouse gas emissions.

In fact, since we last debated these issues I think there has been a growing chorus in relation to the inefficiency and the inequity of some of these schemes. The voices have come from across the political spectrum. Many of them are absolutely committed environmentalists and many have a more natural economic focus, but across the board we have been seeing it. There has been a lot of analysis in our newspapers. There has been analysis from academics about these type of schemes.

Back in November last year we had Andrew Macintosh from the Australian National University. Andrew Macintosh is an environmental law and policy expert and is the associate director of the ANU Centre for Climate Law and Policy. Andrew Macintosh was reported on 12 November as saying:

> I don't see there's a lot of public benefit of residential PV programs. I'm not saying that no funds should go to solar PV research. I think that's incredibly important and I'd like to see a lot more money devoted to solar PV research.
>
> I just think the residential PV sector is not where we should be concentrating our efforts.

In fact, he went on and said that Canberra's rooftop solar rebate program should be wound back and closed. So that is Andrew Macintosh's view. We have seen analysis from a number of our newspapers. We had Lenore Taylor and Mark Davis looking at a range of climate reduction or greenhouse gas reduction schemes on 15 February—so just this week. Lenore Taylor is not known as a climate sceptic in any way. She was looking at the efficiency of various schemes that have been conducted by the commonwealth, and that included previous commonwealth governments.

Interestingly, the tenor of the article was the massive expense of some of these schemes. The average for these emissions reduction schemes that were analysed was $168 for each tonne of carbon dioxide abated. So we see $168 per tonne being deemed to be expensive, and it is. It is much more expensive than a lot of other ways of cutting emissions. Yet we have got a scheme here in the ACT that is much more expensive than that again. It is worth going through and looking at the various options because you do not have to actually look too far to find far more efficient ways of cutting greenhouse gas emissions.

We take the view that in our community there is a tolerance amongst significant parts—though certainly not all parts of our community—to do their bit, to pay a little bit more. But people want to see that when they do their bit it actually makes a difference and that it is actually effective. They have only got so much money. They are already paying a lot, whether it be for electricity, for rent, for all of their household expenses, and, when they are asked to pay more, many find it a burden. Some are prepared to pay more, but they want to know that that money is being spent well and that it is actually making a difference. When people see that the scheme that this government wants to rely on cuts emissions at around the $400 per tonne mark, they rightly ask the question: why should I have to pay more for such an inefficient scheme?

Let us compare amounts per tonne. Large scale wind that we can purchase through green energy can be around $60 per tonne. It is quite effective in terms of cutting emissions. We can switch from coal to gas, and we can purchase that as well. There are forestry offsets and other offsets—there is a range of offsets—and fully accredited offsets can be somewhere in the range of $11 to $20 per tonne. We have got the mooted carbon price which is being pushed at a federal level and we are talking, certainly initially, about somewhere between $20 and $40 per tonne. Those figures put into stark focus just how expensive this scheme is. That is why I think there is a growing chorus against these schemes, saying we should focus on effective and efficient schemes and not be choosing, as this government has, the most inefficient schemes.

As I said earlier, the taxpayers, members of the public, are asked to foot the bill for a lot of things. They are asked to pay a lot in tax. In their day-to-day lives they have a lot of cost pressures. Electricity is going up for a range of reasons. But, when they have a government that decides that it will impose a cost burden of an extra $200 a year on their electricity bill, many of them get very annoyed. But even those who are prepared to pay something extra want to know that it is worth while. This is a scheme that is inefficient and expensive. It is inequitable because it places such a significant burden on low and middle income earners to subsidise others.

I wanted to touch on that because in this expanded scheme we are debating today it will not just be households who can afford solar panels who will be subsidised by low and middle income earners; it will also be big business. This is a scheme where families across the ACT, whether they be low income, middle income or other families—families in Amaroo, Chifley, Conder, Gordon, Kambah or Kaleen—will be forced, through their electricity bill, to pay an extra couple of hundred dollars a year to subsidise big corporations' electricity bills.

That is what is happening here. So we have got the Westfields and the Woolies of the world, the big corporations, who will put the solar panels on their roofs, and the mums and dads, many of whom cannot afford it, many of whom are struggling, will be footing the bill. What kind of a policy is that? What kind of a policy is it that says to those families, "We think it's reasonable that you pay more for your electricity so that Westfield can save a little bit on this"? Where is the equity in that? There is no equity in that. That is why we have had correspondence from ACTCOSS raising concerns about these things.

There are many people who will feel the effects of this. The subsidies, or the rebates, will never keep up, so the low income earners who may be eligible for a rebate will get some of that additional cost back. But many others who struggle will get none of it back. They will pay that extra money. Simon Corbell says: "It's not much. It's only a few bucks a week. They should be prepared to do their bit." As I said earlier, many might be prepared to do their bit—many who are doing okay or reasonably well might be prepared to do their bit—but they want to know that it is effective. They want to know that it is actually doing something for the environment, and when the government chooses the most inefficient and ineffective scheme it leaves a bad taste in people's mouths, and rightly so.

We hear often about the effect on employment, on jobs. We hear that it is good for jobs. Of course, there has been analysis done of that. We saw the New South Wales scheme before it was significantly downgraded. That is another thing that has happened recently. Other governments are realising that this is simply too expensive. They are realising that it is actually too expensive and they are scaling it back. They are moving away from these schemes.

The National Generators Forum, in examining the New South Wales scheme, which of course was similar to the ACT scheme before it was scaled back, looked at the issue of jobs. It said that the cost of creating jobs under the scheme was in the order of $130,000 to $700,000 per year for each new job. That is an extraordinary amount. If this is about jobs then it is an extraordinarily expensive way to create a small number of jobs. If it is about the environment, it is an extremely ineffective way to cut emissions. You do not need to look far now to see all of the options.

People can buy green energy. We see, in fact, retailers saying that for maybe a dollar a week or so 25 per cent of your energy can come from renewable sources. That would seem to me to be a much more efficient and effective way. So, if it is a job creation scheme, it is an extraordinarily expensive job creation scheme. If it is an environmental scheme, it is an extraordinarily ineffective environmental scheme. If it is a wealth distribution scheme, it is taking the money from poor people and giving it to big corporations. It is a reverse Robin Hood scheme. Instead of taking money from large corporations and distributing it to poor people, it is taking it from poor people and giving it to large corporations.

The government, the Labor Party, and the Greens need to explain to us why they believe that we should pursue inefficient schemes, ineffective schemes and inequitable schemes. This one is all of those things. They need to explain to the families in Tuggeranong, Gungahlin, Belconnen, Weston Creek and right across Canberra why they should have to pay an extra $200 a year so that large corporations can save on their electricity. We need to get serious about our environmental policy. It needs to be more than simply feeling good or pretending to do something. That is what this scheme is about. We see the growing chorus who say that we should not bother with these types of schemes.

We cannot support this bill. We cannot support legislation which is so inequitable and so ineffective. We need to turn our minds to developing policies which actually get

the job done—not policies which simply place an unreasonable burden on Canberra families for very little environmental benefit. We will support those types of policies. We will not support this legislation.

MR RATTENBURY (Molonglo) (4.10): The ACT Greens will be supporting this bill today because the bill does a number of important things. It seeks to expand the feed-in tariff scheme to apply to larger renewable energy generators up to 200 kilowatts. It seeks to put a scheme cap on the new definitions of micro and medium scale generation of 15 megawatts. That is an area where we have some concerns, and I will be coming back to that and tabling an amendment which I have already circulated. The bill also opens the eligibility of the scheme to more people, in particular to incorporated associations, cooperatives, and the owners and lessees of premises. It really opens this scheme up to a wider audience that can take advantage of this and invest their own money for the public good.

The Greens support the extension of this scheme, and we do so in the face of some strong criticism of this incentive model for renewable energy, much of which Mr Seselja has just gone over. But we believe it is important that we start the transition to renewable energy generation.

We fully acknowledge that the development of solar generators in the ACT will only be one part of how this jurisdiction meets its 40 per cent greenhouse target. It is only one pathway to transitioning our energy dependency from fossil fuel based sources to clean, green renewable energy, but it is an important step. Current federal policy on structural support for renewable energy is limited to the mandatory renewable energy target, which, by its very nature, drives the commercialisation of least-cost technologies. We are, of course, still waiting for a carbon price to be introduced and, while it may be with us in the next 12 months or so, it will have a similar effect of driving the uptake of least-cost technologies.

That is all good and well, but two problems come to mind. Firstly, the ACT will find it difficult to build generation capacity that is least cost, as we have limited suitable sites for wind developments. Secondly, at a broader level, it means that we are not bringing on line the range of technologies that we are going to need to develop a portfolio response to climate change. It is going to take a suite of actions that will enable us to eventually stop using coal-fired power from New South Wales. Energy efficiency measures in our homes and businesses, electrification of our transport system, our consumption of renewable energy produced interstate, building our own generation capacity and the development of a smart grid to manage it all make up the suite of measures that we are going to need, and this bill is just one part.

The next feed-in tariff expansion foreshadowed by the government for later in the year starts to build real capacity of renewable energy in the territory. I have said before that we need to stop treating renewable energy as if it is a worthy niche in the energy debate. We need to start taking it seriously and rolling out technologies that are with us here and now. These are technologies that are operating effectively overseas and, while the technology will continue to develop and improve over the next decades, we have no excuse not to get on with it.

I still hear as a criticism of feed-in tariffs that renewable energy is expensive. Some renewable energies are more expensive than others; that is undoubtedly true. Perhaps this is more a criticism of certain technologies than it is of feed-in tariffs. However, we must always step back and look at the big picture—we are relying on a dirty fossil fuel source that has never had the environmental cost factored into its consumption. A carbon tax will be the first attempt in this country to factor in the externalities of coal. I am not optimistic that it will be high enough to factor in all the costs or create a level playing field for the investment into renewable energy that we need to see.

I would like to talk a little more for a moment about the costs of electricity, because another criticism of the feed-in tariff is that people will be paid for the energy they generate at a rate that is much higher than the current price of electricity and for a period of 20 years. However, it is interesting to think about that scenario from some different perspectives. Firstly, the predictions are that the price of electricity will continue to rise, even over the next five years. The head of AGL made a presentation last year where he quoted figures indicating that Australian electricity prices may well double in the next five years, not primarily because of green energy policies, mind you, but because of significant rises in generation costs—essentially fuel costs—and distribution costs.

That is a doubling of electricity prices in the next five years. If you start to think about what that means, that begs some interesting questions and puts the current cost of renewable energy generation into perspective, particularly if you go through the next five years. The current price of electricity is somewhere between 12c and 16c a kilowatt hour, depending on what tariff you get and what size buyer you are. That is the retail price. If we take a doubling, we can use 30c in five years time as a round number. Just imagine that that is the scenario.

The current price we are paying for the feed-in tariff is 45c a kilowatt hour. Based on the changing prices and the strength of the Australian dollar, I can imagine that, if the minister uses the legislation for its intended purpose, that price might come down quite a bit in the next five years. If we take the wind back, it went from 50c to 45c. If you take 5c a year for the next three years, you are also back at 30c a kilowatt hour. Suddenly you are seeing price parity in, say, three to five years.

The feed-in tariff contract price is for the next 20 years. So that price is going to stay at 30c a kilowatt hour while the price of coal-generated electricity continues to rise. Suddenly, if you are able to look beyond the end of your nose and think a little bit about the long term, you start to envisage a scenario where people are going to be going: "Oh, my God! That feed-in tariff contract we signed is a bargain." It is an interesting scenario. There is no formal modelling on this; it is starting to think about what future scenarios might be. It will be interesting to come back in 10 or 15 years and see where the debate is at.

The truth is we do not know what will happen and how the energy market landscape will look in five years. What we do know is that we have to stop using coal-fired power. The sooner we wean ourselves off it the better, and the faster we start the commercialisation of new technologies the better off we are going to be. We will

build our experience and capacity in renewable energy generation, and the sooner and the faster we do that the better off we are all going to be.

Feed-in tariffs seek to spread the cost of renewable energy generation across the whole community while providing an incentive to those who make private investment into renewable energy infrastructure. The intent is, in effect, to provide a small financial incentive to encourage investment in solar or other renewable infrastructure. This is one of the parts of a feed-in tariff model that does not get a lot of debate for those who want to critique it. What we are actually saying is that, as a community, we value clean, green electricity and we are prepared to pay a premium for that.

We are also saying to individuals, collectives, incorporated associations, bodies corporate or business owners that, if they are prepared to put their own capital on the line up-front to help derive that public good, we will help as a whole community to deliver that. We are actually leveraging additional private investment that government could and will never make. It is important to think about that as we look at the cost for various people.

One of the other criticisms of the current scheme that this bill seeks to address is that some people cannot afford to invest in putting panels on their roof as they perhaps do not have the up-front capital or the roof space, or the permission of an owner if they are renting. This bill opens up the definition of eligibility to include community groups and incorporated associations as well as lessees, making it much clearer that the scheme can be accessed more broadly. In creating the provision for community cooperatives in particular, it will facilitate the opportunity for those with less capital or who are in unsuitable premises to invest and participate in the feed-in tariff scheme.

This is a welcome addition to the scheme, and I know there are people out there who are already preparing to take advantage of the changes. I have met people who are saying: "How soon will this legislation pass? I'm starting to get together a bunch of people. I'm holding a meeting and we're really keen to get going." They are doing their research, they are searching out sites, they are doing their due diligence and they are getting ready for the Assembly to pass this legislation.

Feed-in tariffs have also come in for some flak as some consider that, because they have a flat rate impact on consumer bills, they impact on those who can afford them the least—that is, if I am a pensioner, my feed-in tariff contribution is the same as if I were on $100,000 a year, $200,000 a year, whatever the case may be. It is true that low income families are much more impacted by rising utility prices than others in our community. There are a range of reasons that I have talked about here in this place before for that, including the difficulty they have in changing their energy consumption, spending time at home during the day and therefore needing to heat the house all day and not being able to easily fund the energy efficiency improvements that will make their houses warmer in winter or cooler in summer. These are all factors that can impact disproportionately on lower income families, depending on the scenario.

The Greens are of the view that we must pursue climate change measures while we protect the interests of those most affected. But this does not mean that the climate

policy should not be pursued. We cannot simply say it is one or the other. It means that we need to review regularly our support to those most disadvantaged and that we must offer both energy efficiency improvements and direct support to cover electricity bills. This support must keep pace with the rises in energy costs. We know that the average household energy bill rose by around 50 per cent over a five-year period up to 2010 while the government rebate to support low income families rose by only three per cent in the corresponding period. I acknowledge that the government increased this amount by $20 in the last budget, but that has certainly not restored the rebate to the level it was, nor will it ensure that it keeps pace with rising costs.

The Greens have also called on the government to meet their commitment in the ALP-Greens parliamentary agreement to double the funding to retrofit public housing in the ACT so that we can raise the standard to at least three stars for those houses. That does not seem too much to ask really; to live in a house that is able to be kept warm, a house where the heat from the heating does not go straight out through the ceiling. These are fairly basic requirements both for our quality of life and for tackling rising energy bills.

Picking up on some of the points that Mr Seselja made, we simply cannot do nothing. We cannot say it is either/or. We cannot say that we are only going to pursue climate change measures or we are only going to keep electricity prices down. There are going to be factors that play in both directions. We have to keep moving forward with a constant eye to equity and efficiency. These are the challenges in producing change while being mindful of the consequences that can come to bear.

I would like to come to some of the specifics on the bill, having discussed the broader issues of the feed-in tariff and the underlying factors in it. In terms of setting the rate for larger installations—bear in mind that that is part of what this bill does; it opens the door for installations from 30 kilowatts to 200 kilowatts, systems that are more efficient, and will deliver better value for money for this feed-in tariff scheme in the ACT—the bill indicates that the premium rate for the medium scale generation will be set at around 75 per cent, although, of course, the legislation provides for the minister to set the rate differently.

I would like to flag that the feedback we have received indicates that 75 per cent may not be the right rate and that larger systems have different financing and project costs that affect their pricing. I know that the intention is for the ICRC to investigate what this rate should be set at, and I again urge that the policy outcome is that the return on investment is set at a reasonable level for all scales of systems. It may be that the government has to put in some further rate delineation to account for this—that is, establish some further band widths of installed capacity size so as to ensure the return on investment is comparable on installation sizes.

Unfortunately the ACT will continue to be affected by federal support in this area, so small system prices will be affected by the decreasing value of the REC multiplier and larger systems will be affected by the 100-kilowatt cut-off for receiving the RECs up-front, which can affect financing systems over 100 kilowatts more difficult. So getting the rates right may be a little complex, and I encourage the minister to be flexible in his approach when he makes his determination on this. We need to be

mindful of the fact that, because of the RECs impact, for example, we could end up with no systems 100 kilowatts being installed or 299-kilowatt systems being installed to essentially "game" the system. We need to be mindful of the overarching impact of the various federal policies that come into play.

Having spoken about a number of aspects of the bill, I would like to come to our amendment. I think it warrants discussion at the in-principle stage, and I will not need to then repeat my arguments later. Our concern is with the government capping micro systems at 15 megawatts. The Greens do not necessarily oppose the government's policy objective in seeking to contain the micro system. We understand it is more efficient to do the larger scale systems, that we have instigated a significant amount of installation in the ACT, and that it has had a positive impact in establishing a good, strong solar installation industry in Canberra.

That said, we need to ensure that the small solar businesses in Canberra are not adversely affected by changes to the scheme that create unnecessary upheaval. We are concerned that the mechanism the government is using is one of a cap. The cap on the micro generation schemes at 15 megawatts we believe will have too sudden an impact on the industry. We believe there is a better way to do it. The amendment I am putting forward seeks to look for that better public policy outcome.

Certainly business has expressed some concern to us about the cap on the micro scheme. We have spoken to a number of long-term operators in the ACT and they have unanimously expressed a preference for a gradual winding back of the tariff rate rather than a cap. That is what we are arguing for with this amendment. Our view is that once word gets around that a cap is in place people will start to rush the system. They will know that there is a finite limit and they will want to get in early. We have already seen it. The first ad appeared in Saturday's *Canberra Times* saying, "Get in now before the scheme runs out." We have not even passed the legislation yet. So there will be a rush.

The solar installers, all of these small businesses, will be rushed off their feet. They will be installing as fast as they humanly can. More operators might come into the ACT to meet the short-term demand. Then we will hit the 15-megawatt cap. Bang! That will be the end of it. People will then suddenly stop investing. The orders will dry up and those small businesses that have taken on extra staff, expanded their businesses and been running at capacity to try and keep up with the demand will hit the wall. It is the classic boom-bust thing that has been such a travesty in the way renewable energy policy has been conducted in Australia for as long as I can remember.

We believe the existing legislation already gives the minister the tools to turn down the demand and to contain the system without creating that wall. The way the minister can do this is by the adjustment of the premium tariff. As we know, it can be adjusted annually. It was done last year, and we believe it will probably need to be adjusted again this year. The strength of the Australian dollar and the changing nature of the market suggest the current tariff is too high. The ICRC will examine this in detail. I am not seeking to pre-empt the findings, but anybody who has taken a look at this has the sense the tariff needs to be wound back to match the situation.

What we do not want to see is what happened in New South Wales where the government bumbled along for ages with their scheme and then suddenly overnight said, "That's it, we're dropping the price by two-thirds," and we saw the scheme come to a screeching halt. What we want is gradual, sustainable management of this system where the government winds the price down over time, just as the legislative model envisages, and avoids the boom-bust cycle that has so detrimentally impacted on the industry over many years. It is no way to build a strong and sustainable industry to say: "Here's a wall. Bad luck when you get to it."

One could argue that medium sized generators should not be capped either and that the same tariff reduction mechanism could be used there as well. However, I am more relaxed about a cap that the industry knows about in advance rather than one where we are halfway through. Under the micro scheme in the ACT seven megawatts have already been installed, and the next seven to eight megawatts are likely to be sucked up in around 18 or perhaps 24 months at the outside at the rate we are currently installing. I do not believe that is enough notice for a host of businesses that have made plans over a much longer time frame. The minister will say when he stands up, I am sure, that they have got warning, they know it is going to be two years away. But we have spoken to people who have taken out five-year leases on warehouses at Fyshwick in anticipation of having ongoing businesses. These are the sorts of scenarios that we are trying to avoid. We believe we can do it in a more measured way. We may come back to this discussion during the detail stage.

In summary, the Greens support this bill. We acknowledge it is a step forward. We welcome the opening up of the scheme to the larger, more efficient installations. We believe this will start to drive the next phase of the industry in the ACT. It is a good step forward for the ACT to build up a solid capacity. I believe we are insulating the city against future energy price rises, and in the long term people are going to be thanking the members in this chamber who supported a feed-in tariff scheme at this time for our foresight.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.30), in reply: I would like to thank Mr Rattenbury and the Greens for their support of this bill.

The Labor government is proud to be introducing legislation that will, for the first time in Australia, establish a feed-in tariff for medium-scale renewable energy generation. To date around Australia, feed-in tariffs have focused on encouraging the deployment of solar renewable energy generation at the household level. For the first time today, we make the leap in creating a scheme that will provide for medium-scale generation and make it accessible for a feed-in tariff for deployment of renewable energy generation on large roof tops, factories, warehouses and large office buildings. It is an important reform and one that will help implement Labor's commitment to making Canberra the solar capital of Australia.

I note the Liberal Party's opposition to this bill and I note that over the years there have been a lot of contradictions coming from the Liberal Party in relation to feed-in

tariffs. I would like to quote some comments that I think reinforce why the government believes that this feed-in tariff and the expansion of the feed-in tariff to larger scale generation are so important. The first quote I will read is this:

> The feed-in tariff will be an important tool in addressing the issues in relation to turning the ACT economy into a greener economy.

I agree—absolutely. That is what one of these measures is all about—making the ACT economy a greener economy and creating jobs in the sustainable, renewable energy sector. It is, I think, delicious, Madam Assistant Speaker, that today I can agree with that quote—a quote that comes from the former shadow minister for the environment, Mrs Vicki Dunne. In 2008, that is what Mrs Dunne said:

> The feed-in tariff will be an important tool in addressing the issues in relation to turning the ACT economy into a greener economy.

I agree with Mrs Dunne; this is an important reform. And indeed Mrs Dunne agrees with me that this is an important reform; in that same speech in 2008 she said:

> … we have the feed-in tariff—and the importance of the feed-in tariff cannot be understated—we have the potential to really make a difference.

Again I agree with Mrs Dunne—absolutely. We have a real opportunity to make a difference, and that is what this bill is all about—moving the potential of the feed-in tariff beyond the microgeneration category and creating the opportunity for large-scale renewable energy generation. Indeed, it is larger scale renewable energy generation where the real potential of the feed-in tariff sits, because we know that larger scale renewable energy generation is more efficient, is more effective and gets us the gains we need when it comes to abatement that can come about from renewable energy generation.

I would like to read another quote:

> " … the big impact you're going to get is if you have the capacity for large-scale generation." The concern that I, as the shadow minister, had was that there were limitations that would prohibit or constrain large-scale generation in the feed-in tariff scheme.

Once again, I agree absolutely with the speaker on that issue. And, interestingly—Madam Assistant Speaker, I am sure you have worked it out by now—the speaker was of course Mrs Vicki Dunne, in a speech on 11 December 2008 when she criticised the government for not allowing larger scale renewable energy generation in the feed-in tariff scheme. She referred to:

> … the Liberal opposition's concern that even before this scheme sees the light of day the Stanhope government wants to wind it back.

Here was the Liberal Party in 2008 saying that the scheme should be open to larger scale generation and that the scheme is important in creating jobs in the ACT economy. What do they do today—two short but depressing years later for the Liberal

Party? They vote against legislation that does exactly that. They vote against legislation that creates jobs—green jobs in a green economy. They vote against legislation that Mrs Dunne said should be open to larger scale generation.

The hypocrisy of the Liberal Party! They have been caught out. They have been caught out saying one thing and doing another—saying they believe in creating a sustainable economic activity and saying they believe that larger scale renewable energy generation should be driven by a feed-in tariff and then opposing measures that do exactly that.

This legislation is important legislation. The legislation provides an opportunity for us to build on the outstanding success of the feed-in tariff to date. From the starting base of 521 installations in March 2009 there are now solar arrays on over 3,750 ACT households and community group and business premises, representing more than seven megawatts of clean energy generating capacity.

Arrays have been installed in all Canberra suburbs and by households of all income types. An analysis undertaken of the figures provided to the ICRC indicates that suburbs in the lowest quartile of average household income had the same number or a higher number of renewable energy generations as suburbs in the highest quartile of average household income. The spread of generators across the territory is uniform; lower income households, higher income households and average income households are taking advantage of the feed-in tariff to make their contribution towards climate change measures and abating greenhouse emissions—but also to hedge against rising utility costs and protect their household budgets. Lower income households and higher income households—all of those suburbs, all of those income types—are taking advantage of this scheme.

Of course, there are jobs, as Mrs Dunne said in 2008. This is an important tool in creating jobs.

Mr Seselja: What did the ICRC say about that?

MR CORBELL: What did Mrs Dunne say, Mr Seselja? What did Mrs Dunne say? Mrs Dunne said:

> The feed-in tariff will be an important tool in addressing the issues in relation to turning the ACT economy into a greener economy.

I agree, and the figures demonstrate that that is exactly the case. Since the scheme commenced, we have seen the number of businesses grow from four to 35. We have seen 150 full-time staff employed and another 120 subcontractors on the job. The expansion of this scheme into the medium-scale generation category will build on that success. It will create more economic opportunities for those businesses, more incentive for the investment to occur and more renewable energy generation in our city.

Mr Seselja has said some things about cost. Cost is an important consideration, and one which the government always has at the forefront of its mind. But the measures

being implemented in this bill today do not add any further cost burden on Canberrans than the cost burden already factored into the Australian Energy Regulator's determination when the scheme first commenced in 2009—not a single cent more, as a result of that Australian Energy Regulator determination.

The current cost to households is about 20c per household per week. That is anticipated to rise, under the current allocations as proposed in this bill, to a maximum cost per household of an extra $1 per household per week—less than the price of a takeaway cup of coffee per week per household. Is there a price increase? Yes. Is it a reasonable increase to drive economic activity in renewable generation? Is it a reasonable increase to help make the shift towards renewable energy and help reduce our greenhouse gas emissions? Yes, it is. Yes, it is; and it is a cost that we believe Canberrans support because they want to see a city that creates green jobs for their kids and their economic futures. They want to create a greener economy. They want to create the type of green economy that Mrs Dunne felt so proud of. They want to create the green economy and they see the feed-in tariff as an important tool in addressing that.

We know that the Liberal Party are divided on this issue. We have got Mrs Dunne in 2008 saying:

> The feed-in tariff will be an important tool in addressing the issues in relation to turning the ACT economy into a greener economy.

Mr Seselja—

Mr Smyth: Good try, Simon. You know he is desperate when he is quoting the Liberal Party—

MR CORBELL: Obviously Mr Seselja and Mr Smyth do not like that criticism. Maybe they do not agree with Mrs Dunne. It would be interesting to hear what Mrs Dunne has to say now. Does she support her leader on this or does she stand by what she said in this chamber in 2008? That is the challenge now for the Liberal Party. Do they stand by the comments of their then shadow minister in 2008 or has she been overruled? Has the position changed?

Let us talk about some other issues about cost. Again, I draw members' attention to the Liberal Party's position on this issue of cost and the cost of abatement per tonne that Mr Seselja speaks so much about. What did the Liberal Party say in 2008 on this issue? What did they say about the cost of abatement then? They certainly recognised that the cost of abatement was higher compared to other measures, and the government agrees that it is. But we still see renewable energy generation as a very important part of the mix in helping to reduce our greenhouse gas emissions.

Back in 2008 the Liberal Party said very clearly that, whilst there was a cost, and the cost per abatement was higher than other measures, "We go into this with our eyes open." That is what Mrs Dunne said in 2008:

> … we go into this with our eyes open …

She said, "We support the bill and we go into this with our eyes open." Maybe the Liberal Party have shut their eyes now. Maybe they now resile from those comments and their previous support for this legislation as espoused by Mrs Dunne in 2008. It just shows the hypocrisy and the failure of leadership on the part of the Liberal Party when it comes to the implementation of this very important piece of legislation.

In the final time available to me today, I will briefly address the issues raised by Mr Rattenbury in relation to his amendment. The amendment proposed by Mr Rattenbury will not be supported by the government. The reason for that is that we are confident at this time, based on advice and the research that we have undertaken, that the existing measures in the scheme as devised and in place in current legislation and in this amending bill give the government the tools it needs to manage the uptake of renewable energy generation in the microgeneration category.

The ability of the minister, as proposed in this bill, to move allocations within the overall scheme cap gives the necessary flexibility needed to avoid any sudden shocks or closures of particular categories. That, combined with the regular price review mechanism that is advised to me by the ICRC, will also provide a certain level of surety. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Coe	Mr Smyth
Ms Bresnan	Ms Le Couteur	Mr Doszpot	
Ms Burch	Mr Rattenbury	Mr Seselja	
Mr Corbell	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Detail stage

Bill, by leave, taken as a whole.

MR RATTENBURY (Molonglo) (4.49): I move amendment No 1 circulated in my name *[see schedule 1 at page 341]*.

I did speak at some length before about the rationale behind this amendment and I would just like to add a few additional comments. This amendment specifically seeks to remove the legislated provision for a 15-megawatt cap. As I highlighted before, the Greens have a great concern that this is going to provide a boom-bust moment where there will be a rush, then the industry will hit the wall and we will see a collapse of orders and, therefore, a significantly detrimental impact on small business operators in the ACT.

We do believe it is possible to create a more orderly transition through the existing mechanism in the legislation by adjusting the price, the premium tariff, that is available to people who install a smaller system, and that that can be used to turn down access to the system in an orderly way.

This amendment I think actually addresses that policy desire and it also provides a safety valve in the sense that it enables the minister to set the cap at a future time if necessary. I think that is a useful backup. As we sat down to try and draft this amendment and think about how to reflect that policy desire, this mechanism came out. I believe it offers the ideal opportunity, which is to use the existing mechanism in the legislation whilst acknowledging that, if for some reason that does not work and my argument is proved to be wrong, the minister can set a cap at a later point in time if absolutely necessary.

So I commend this amendment to the Assembly as a sensible way of meeting the policy objective without providing that potential for a bust moment some time down the track in 18 or 24 months time. As we saw from Saturday's *Canberra Times*, some of the small business operators are already starting to anticipate demand, and to some extent already starting to generate it by saying: "Quick. Get in now before it's too late." I think the momentum in that sort of sense, that mentality, can only grow, and, as I have described it, I think we are going to see a very frantic 12, 18, 24 months and then the potential for a very dramatic stop when that point is reached.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.52): The government will not be supporting Mr Rattenbury's amendment. Whilst I understand Mr Rattenbury's concerns about this issue, and we have had some useful conversations about it, there does seem to me a bit of a contradiction in the Greens' position because the Greens are saying they oppose a cap for the micro category but they are prepared to support a cap for the medium generator category.

Obviously, if the concern is valid for one, it is going to be valid for the other. So there is a bit of a contradiction there in that they are concerned that a cap might lead to a boom-bust in micro but they are not expressing the same concern about the medium generator category. That does not seem to be consistent from my perspective. Nevertheless, with the concerns that the Greens have, whilst relevant in the context of what has occurred in some other jurisdictions, you cannot compare the arrangements here in the ACT with those in New South Wales. In New South Wales, the premium price was set at an abnormally high level. It was set at a level that was clearly unsustainable from day one, and there had to be a dramatic wind back of that. But, that said, the wind back in New South Wales was far too severe and led to the bust. So it was the dramatic change in the premium price in New South Wales that drove the boom-bust cycle there.

Here in the ACT, with the regular yearly price review mechanism, where the minister must determine the premium price following a process of advice from the Independent Competition and Regulatory Commission, we have not seen that same cycle perpetuated to date. We have seen already a scaling back of the price as the affordability and the efficiency of small scale PV has improved. That, combined with

the strength of the Australian dollar, I think will compel the ICRC to have further regard to the premium price in its advice to me later this year. So I think the mechanism of that review helps prevent the issue that Mr Rattenbury raises.

I would also say that the provisions in the bill that permit the minister to allocate elements of different categories within the overall scheme cap—for example, moves a level of megawatts from the medium category to the micro category—also provides an important pressure release valve should that be necessary. I am not suggesting that it will be, but it does have that capacity.

Further, I make the point that we do have a close monitoring occurring of what is going on in the industry. We have the regular reporting to the ICRC on the level of take-up, the level of demand, and that has remained pretty constant since the scheme commenced. We see about a megawatt installed every quarter. That is something that we will continue to monitor and will use that reporting methodology.

So for all of those reasons we will not support Mr Rattenbury's amendment. I note his concerns; it is an issue we will be keeping a close eye on. But the mechanisms to date, we believe, are satisfactory to respond to those issues as we move forward.

The bill, with these provisions, will provide us with real capacity to continue to see sustained activity in the micro category and it will also mean we will see an uptake obviously in medium generation. That is the other reason caps are important. The cap is designed to send a signal, particularly for micro, that we want to see more activity in larger scale renewable energy generation. We want to send a signal to the industry and to consumers that investment in micro will not be an open-ended arrangement where you will get a FIT payment.

We want to see investment move to larger scale generation, because that is where the more efficient generation is; that is where the real opportunities are to make Canberra the solar capital of Australia, to get the best level of abatement from the level of investment we are putting in, and that is why the cap on the micro category is also important.

So for all those reasons the government will not support Mr Rattenbury's amendment, but we will continue to watch closely performance in the market and use the tools available to us as necessary to address any issues of concern.

Question put:

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

The Assembly voted—

Ayes 4		Noes 9	
Ms Bresnan	Mr Rattenbury	Mr Barr	Mr Hargreaves
Ms Hunter		Ms Burch	Mr Seselja
Ms Le Couteur		Mr Coe	Mr Smyth
		Mr Corbell	Mr Stanhope
		Mr Doszpot	

Question so resolved in the negative.

Bill, as a whole, agreed to.

Question put:

> That this bill be agreed to.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Coe	Mr Smyth
Ms Bresnan	Ms Le Couteur	Mr Doszpot	
Ms Burch	Mr Rattenbury	Mr Seselja	
Mr Corbell	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Adjournment

Motion (by **Mr Corbell**) proposed:

> That the Assembly do now adjourn.

TransACT Rocks Movember team

MR SESELJA (Molonglo—Leader of the Opposition) (5.01): I ran out of time last year to pay tribute to some of the great work that was done by the TransACT Rocks Movember team in raising money as part of Movember. I did mention one of the fundraisers that I attended a while ago and paid tribute to some of the people. The final results were in later last year and I just wanted to get on record that the TransACT Rocks Movember team raised the highest total of anyone in the world, a total of $134,000. This was the highest amount raised world wide by a team of 10 or under, which is an extraordinary effort. So I would like to pay tribute to every one of them.

I also acknowledge RiotACT, which I am getting a couple of quotes from. TransACT CEO Ivan Slavich, who was the team captain, was responsible for raising $65,000 of the team's final tally, making his apparently first-ever mo the highest earning hairy lip in the world. And it was a bad mo. I will put that on the record. I will quote from what Ivan Slavich had to say:

> This incredible result really demonstrates the generosity of Canberra people and its business sector. Thanks to their support, our generous sponsors, the commitment of the team and TransACT staff, we have been able to raise significant funds for the Movember cause and done much to increase awareness of men's health issues.

It was a sensational effort. Ivan, I think, was being modest. I would like to pay tribute to Ivan and his team who did such a fantastic job. The TransACT Rocks Movember team included TransACT general manager, Retail, David Parkes; Hellenic Club of Canberra President, Theo Dimarhos; Rock Development director, John Efkarpidis; King O'Malley's managing director, Peter Barclay; and Sybil's Closet owner, Danielle Neale, who participated by letting her leg hair grow.

I would like to pay tribute to the entire team and to all of the organisers of Movember. It is a fantastic cause. It grows every year. But I think, as Canberrans, we should be very proud that a team based in the ACT has managed to get the highest amount in the world and that Ivan Slavich, as one of our own, has been able to get the highest individual score. Well done.

Tabling of documents

MR SMYTH (Brindabella) (5.04): I am disappointed that the Chief Minister has left because the Chief Minister needs to hear what I have to say. We have just had the third incident this week where the government has tabled documents without providing to all members at the time of tabling adequate numbers of copies of those documents being circulated, as has been the practice in this place since 1989.

The first incident was, of course, the Hawke review. And I have to congratulate the Speaker on writing to the government to say we want copies for all members and that those copies should be distributed. I understand the Greens members of this place have got their copies but, of course, the Liberal Party have not. This is a deliberate tactic, clearly, of the government and it is a tactic that I think undermines the basic obligation that all members be allowed to do their job in this place by having receipt of information.

We also have the case where the Minister for Planning tabled a draft variation on a disc. It is impossible to pick up a disc and flick through it or read it and respond on the spot in this place.

This afternoon, in response to a motion of the Assembly from last year which called on the government to table by February a response to the findings of the Loxton report on a plan for new attractions in the ACT and a plan for the accommodation industry in the ACT, the Chief Minister tabled the government's response—and I will not comment on the content because there is none—without warning to anyone. I have asked the Speaker and the Speaker informs me it was not on his list of papers to be tabled. It is certainly not listed on the draft program that is circulated every Monday afternoon post cabinet. And it really is a huge deviation from the practices that we have in this place.

People might say: "It is just a document. Get your own copy later on." But there are established principles here. This relates to the ability of members to respond on the spot to what the government says. Indeed, when the minister tabled it, there was just some sort of mumbling, "I have got another document," and it was thrown on the table. I hope I am not revealing something I should not but the Speaker said to me he was not aware it was being tabled because he was moving out of the Speaker's seat.

If this is a deliberate tactic of the government then it will not work. And if it takes a motion of the Assembly to ensure that, when a document is tabled by a minister after question time, 30 copies need to be deposited with the tabling office, as has been the practice in this place since the start, then I will personally move the motion on the next day of sitting of the Assembly.

If we go back to *House of Representatives Practice*, the practice is quite clear. It says:

> Documents presented at the time provided in the order of business are generally presented together according to a previously circulated list.

The list is in place so that members know what is coming. *House of Representatives Practice* goes on to say:

> A schedule of documents to be presented is made available to the Manager of Opposition Business by 12 noon on the day of presentation, and circulated to Members in the Chamber at the first opportunity. Following Question Time a Minister presents the documents as listed, and the documents so listed are recorded in the Votes and Proceedings and Hansard.

Our practice, for as long as I can remember, has been that post cabinet a document goes around telling everybody what is coming, including the bills and the papers for the rest of the week, so that people can get organised and so that we do not have to go through the shenanigans that we are going through this week.

We have a responsibility, as members, to be able to respond. We have established practices to ensure that that happens. What we see now is, three times in a week, the very first sitting week of the year, something that, just looking at it, is petty. And it is pathetic for a chief minister to act in this way and to allow his government to act in this way.

I cannot recall a single instance of this sort of behaviour in the 15-odd years that I have been here. I am sure, Mr Hargreaves, you cannot. If someone wants to correct me and say that I am wrong, I am quite happy to be proven wrong. But this is not the way that it is done. What it does is it stops scrutiny. It stops the opportunity for people to respond. It actually stops us asking the minister that the report be noted so that we can have a debate.

From the man who stands up for human rights, everybody on the crossbench and in the opposition has been denied the right, three times now this week, to respond adequately to a government document. He is becoming the human rights tyrant; it is a human right for him but for no-one else. And once you start denying access to knowledge, you start denying people their basic right: the right to have an opinion and the right to respond. We have been elected by the people of our electorates to have opinions, to have an opportunity to respond on their behalf on these matters. This week's practice needs to change. *(Time expired.)*

Canberra Grammar School
Cerebral Palsy Alliance
Canberra Girls Grammar School
The Adventurers
The Dinner Party

MR DOSZPOT (Brindabella) (5.09): This week was quite a busy week; last week was even busier. On Tuesday, 8 February I had the pleasure of attending the Canberra Grammar School's commissioning of its new principal, Dr Justin Garrick. He was installed as head of the Canberra Grammar School in a very inspiring ceremony, conducted by the Rt Reverend Stuart Robinson, Bishop of Canberra and Goulburn. Other members of the school community who took part in the ceremony included Mrs Jane L'Estrange; Mr Vincent Attanasio; Mr Mark Baker, the chairman of the board; and the director of music, Craig Woodland. The chaplain of the school also participated, the Reverend Christopher Welsh.

From there, in my capacity as shadow minister for disability, I attended the media launch to celebrate the Spastic Centre's name change to the Cerebral Palsy Alliance. I congratulate Geraldine Walters and the board of the Cerebral Palsy Alliance on the success of the name change and the powerful television campaign that highlights, through the experience of families, the realities of cerebral palsy and the urgent requirement to fund continuing research programs. Every 15 hours an Australian child is born with cerebral palsy. The organisation is appealing for donations, which can be made by phoning 1300 136 140 or on their website, www.CerebralPalsy.org.au.

On Thursday, 10 February I was invited to another one of our independent schools, Canberra Girls Grammar School, to take part in the commissioning of their principal, Mrs Anne Coutts, and that service was also officiated at by the Rt Reverend Stuart Robinson, the Bishop of Canberra and Goulburn. Once again, it was a very uplifting ceremony, and we wish both principals, Canberra Girls Grammar's Mrs Anne Coutts and Dr Justin Garrick of Canberra Grammar School, all the best in their new positions.

From there, on Friday, in my capacity as shadow minister for multicultural affairs, I had the pleasure of attending, at the invitation of the Ambassador and Head of Delegation of the European Union of Australia, His Excellency Mr David Daly, and Mrs Aideen Daly, in conjunction with the Ambassador of Hungary, His Excellency Gabor Csaba and Mrs Edit Csaba, the screening of the feature film *The Adventurers*, which is a Hungarian film coincidentally, which helped to teach me a little about Hungary. It was subtitled so that I could make sure I understood everything that I thought I understood. That film launched the windows on Europe 2011 film festival as part of the Multicultural Festival.

Talking about films, I also attended the screening of a film that was produced totally in Canberra, *The Dinner Party*. It was produced by Brendan Sloane. The local writer and director was Scott Murden. I believe that three of the major actors in the film live near Kaleen. It was a very well-produced film and, indeed, it took a lot of work on the part of the producer of the film, Brendan Sloane, to actually get the film shown in Canberra. But, in the end, due to assistance from the National Film and Sound Archive, the film premiered a couple of weeks ago in Canberra.

There was a lot of positive critical reaction to this film. Without giving anything away, it is a brilliant psychological thriller. I certainly commend it to all of our colleagues to go and see. The film has now been picked up by the Dendy Cinema, which is extremely useful from the point of view of promoting the film nationally and perhaps internationally. The film will be shown at the Dendy Cinema on two nights, 6.45 pm sessions both nights, Monday, 21 February and Wednesday, 23 February.

I commend everyone connected with the film for their very significant contribution to helping the Canberra film industry achieve another first. So my congratulations to Brendan Sloane and writer-director Scott Murden.

Covenant College

MR COE (Ginninderra) (5.14): It is a pleasure to bring to the Assembly's attention the community at Covenant College in Tuggeranong. Whilst it is, of course, some distance from my electoral of Ginninderra, I had the pleasure of visiting the school last Thursday, where I participated in a breakfast focusing on leadership. The breakfast was organised by the college's chaplain, Reverend Greg Brien, and was an opportunity to engage with years 9 and 10 students on the subject of leadership.

Covenant College is a Christian school in Tuggeranong. I know that my colleagues Brendan and Steve have taken a keen interest in the college's activities. Covenant College was founded in 1991, after many years of planning, beginning in Yarralumla with only one teacher and 25 primary school kids. The school moved to its present site in Gordon in 1993, and the secondary school commenced at the same time.

The college has grown considerably since its foundation, with 145 students now enrolled. Tomorrow, 18 February, will be a special day for Covenant College, as the college community gathers to celebrate 20 years at its annual foundation day. The administration, management and leadership of independent schools is by no means easy. The schools are reliant upon staff, parents, friends and students to carry their share of the load to ensure the ongoing viability and success of the schools.

Unlike public schools, which benefit to a greater extent from the stability, resources and administrative support of a government department, independent schools are self-reliant when it comes to administration and corporate knowledge. However, it is this self-determination, alongside active family involvement, which has helped bring about the ongoing success of the school.

As a small school, Covenant is dependent upon a small number of people to carry the heavy load of running the school. The staff of the college, led by the principal, Don Surtees, and bursar, Tim James, are dedicated to providing a high standard of education to all the students who attend.

The college is governed by the council and the college executive. The council is chaired by Jeff Buckpitt. Other members of the council are the secretary, Richard James, treasurer, Andrew Biggs, Rob Clements, Jo-Anne Elliot, David Houghton and Barry James.

As I noted in a speech last March, there is a misconception about private schooling that only children of wealthy people attend private schools. Regardless of the family's income, the decision to send a child to a non-government school requires sacrifice. Covenant College is a good example of a private school which seeks to provide an excellent standard of education at a modest cost.

I commend all in the Covenant College community and wish them all the best for their celebration of 20 years since their foundation. I look forward to working alongside members for Brindabella, Steve Doszpot, who is also the shadow minister for education, and Brendan Smyth, in addition to the other members of this place to support the college community.

Question resolved in the affirmative.

The Assembly adjourned at 5.17 pm until Tuesday, 8 March 2011, at 10 am.

Schedule of amendments

Schedule 1

Electricity Feed-In (Renewable Energy Premium) Amendment Bill 2010

Amendment moved by Mr Rattenbury

1
Clause 4
Proposed new section 5E(1)(d)
Page 4, line 20—

omit proposed new section 5E (1) (d), substitute

(d) if the generator is a micro renewable energy generator and the Minister determines a total capacity for all micro renewable energy generators connected to the electricity distributor's network under subsection (3)—the generator is connected to the network before the determined total capacity is reached; and

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Answers to questions

Domestic Animal Services—dogs (Question No 1222)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 18 November 2010:

(1) In relation to each year since 2007, by month and date, (a) how many days has the dog shelter had restricted access due to risks related to parvovirus, (b) how many dogs have been temperament tested before (i) being re-homed or (ii) euthanised, (c) what has been the re-homing rate for dogs impounded at the dog shelter, (d) how many dogs have been impounded at the dog shelter, (e) how many dogs were (i) vaccinated and (ii) euthanised, (f) what were the dogs vaccinated against and (g) who administered the (i) vaccination and (ii) euthanisation and (h) at what cost was the (i) vaccination and (ii) euthanisation.

(2) Does the Domestic Animal Services (DAS) have a policy for the grooming, washing, walking, feeding and other treatment of animals available for public viewing at the dog shelter.

(3) When did DAS announced the dog shelter would close on Wednesdays and what was the rationale for this decision.

(4) Is a record kept of treatment, feeding, washing and walking for each animal impounded; if so, at what intervals does the record keeping occur and how long are records kept.

Mr Stanhope: The answer to the member's question is as follows:

1. (a) A check of records at Domestic Animal Services (DAS) reveals that records relating to detections of parvo virus have been kept since 28 October 2009.

   Total days of restricted access due to parvo virus since 28 October 2009 - 121 days. During the same period, 387 days have elapsed, so the restricted access occupied 31% of the available days that the shelter was operating.

1. (b) (i) Temperament testing of dogs is done both formally and informally at DAS, prior to animals being rescued or sold. Statistics for animals rescued and sold from July 2007 are as follows:

2007	**2008**	**2009**	**2010**
264	529	516	354

Statistics are not available prior to July 2007.

1. (b) (ii) Records of dogs that have been temperament tested and then euthanased have only been kept since January 2010. An inspection of these records reveals a total of 64 dogs.

1. (c) The re-homing rates for saleable dogs impounded at the facility are recorded in financial years. These rates are as follows:

- 2007-08 94%
- 2008-09 96%
- 2009-10 95%

1. (d) Impoundment statistics are as follows:

2007	**2008**	**2009**	**2010**
1064	2369	1943	1467

Statistics are not available prior to July 2007.

1. (e) (i) Generally, all dogs sold to the public or acquired by Rescue Services are vaccinated as a matter of practice. Due to the incidence of parvo virus at the pound, all dogs entering the facility have been C3 vaccinated. The available statistics for vaccinations are as follows:

2007	**2008**	**2009**	**2010**
264	529	516	539

Statistics are not available prior to July 2007.

1. (e) (ii) Euthanasing stats are as follows:

2007	**2008**	**2009**	**2010**
98	208	220	221

Statistics are not available prior to July 2007.

1. (f) Two types of vaccinations are administered at DAS. Since 13 September 2010 all dogs entering the facility are C3 vaccinated. This vaccination prevents the animals contracting canine distemper, canine hepatitis, canine parvo virus and canine cough (2 strains), once it becomes effective. Dogs taken by Rescue Services and dogs being sold privately have the vaccination upgraded to C5, to prevent the animals contracting the other two strains of canine cough.

1. (g) (i) All vaccinations are administered by a qualified veterinary surgeon.

1. (g) (ii) All euthanasing of dogs at the facility is performed by a qualified veterinary surgeon.

1. (h) (i) The cost of vaccination and euthanasia by the contrary veterinary surgeon are combined and the records kept are according to financial years. These records are as follows:

- 2006-07 $32,565
- 2007-08 $41,217
- 2008-09 $47,720
- 2009-10 $40,854

1. (h) (ii) See 1 (h) (i).

2. DAS has policies for kennel maintenance, which includes daily cleaning of the kennels, feeding of the animals and treatment/medication of the dogs. There is also policy for

the exercising of the animals. Animals that are brought into the shelter in a dirty and unkempt state are washed and groomed for health reasons as a matter of practice.

3. The change in opening hours became effective in January 2010. The rationale for the change in hours was to use Wednesdays for training and development of DAS staff, for example first aid training, animals care, dog training and to allow Rangers to follow up investigations.

4. All dogs entering the facility are fed on a daily basis. If a dog requires treatment or veterinary care, an appropriate entry is made on the relevant impound sheet. These impound sheets are kept for seven years. No records are kept for the washing of dogs, as this is not a regular practice at DAS. Due to the high rotation of occupants of the kennels at the facility, a record of exercise is kept on a white board attached to the door of each kennel. This information is removed from the board when a dog is ex-pounded and a written or electronic copy of this information is not kept.

Courts—legal costs (Question No 1227)

Mrs Dunne asked the Attorney-General, upon notice, on 18 November 2010:

(1) How many, (a) defendants, (b) applicants, (c) respondents and (d) appellants appeared without legal representation in (i) criminal and (ii) civil matters in the ACT (A) Court of Appeal, (B) Supreme Court, (C) Magistrates Court and (B) Civil and Administrative Tribunal, as appropriate, for (I) 2007-08, (II) 2008-09 and (III) 2009-10.

(2) In each of the categories referred to in part (1), what was the proportion of each of (a) penalties, (b) damages and (c) costs awarded between represented and non-represented persons for (i) 2007-08, (ii) 2008-09 and (iii) 2009-10.

(3) What taxation concessions are available to corporations and natural individuals for legal expenses.

(4) What was the total amount of (a) civil damages awarded and (b) fines imposed by ACT Courts and Tribunals, as appropriate, for (i) 2007-08, (ii) 2008-09 and (iii) 2009-2010.

(5) What was the total amount of costs awarded in ACT Courts and Tribunals, as appropriate, for (a) criminal and (b) civil matters for (i) 2007-08, (ii) 2008-09 and (iii) 2009-2010.

(6) What was the total expenditure paid to (a) solicitors and (b) barristers by ACT Government departments, agencies, statutory authorities, and territory-owned corporations for (i) 2007-08, (ii) 2008-09 and (iii) 2009-2010.

(7) What processes are utilised by ACT Government departments, agencies, statutory authorities and territory-owned corporations to allocate work to the private legal sector.

(8) What protections are in place for, and what assistance is provided to, (a) the mentally ill, (b) persons from non-English speaking backgrounds and (c) indigenous persons who appear before ACT Courts and Tribunals, as appropriate.

(9) What were the average clearance times for (a) criminal matters, (b) contested civil matters, (c) costs assessments and (d) protection order applications as between the ACT (i) Court of Appeal, (ii) Supreme Court, (iii) Magistrates Court and (iv) Civil and Administrative Tribunal, as appropriate, for (A) 2007-08, (B) 2008-09 and (C) 2009-2010.

(10) For each category referred to in part (9), how did those clearance times compare with similar courts and tribunals in (a) Queensland, (b) NSW, (c) Victoria, (d) Northern Territory and (e) Tasmania.

(11) What are the qualifications requirements for Registrars and Deputy Registrars in the ACT Magistrates Court.

(12) What are the powers of Registrars and Deputy Registrars in the ACT Magistrates Court.

(13) How are Registrars and Deputy Registrars in the ACT Magistrates Court appointed.

(14) What are the duties and responsibilities of Registrars and Deputy Registrars in the ACT Magistrates Court.

Mr Corbell: The answer to the member's question is as follows:

The answer to question:
(1) The Court does not record this data for all the categories requested.

For those areas of the Court where this data is captured (in this case Magistrates Court, Civil) considerable resources that would be involved in providing the detailed information required to answer the Members question. I am not prepared to authorise this.

(2) Please refer to the answer at Question (1).

(3) Taxation matters of this kind fall under Commonwealth not ACT legislation.

(4) (a) ACT Law Courts and Tribunal records details of civil damages awarded, but the case management system used by the Court is not currently programmed to provide a report at the level of detail required to answer the question. It would take considerable resources to produce a report of this nature. I am not prepared to authorise this.

(b) Fines imposed

Source	**Total 2009-2010**	**Total 2008-2009**	**Total 2007-2008**
Total outstanding fines at 30 June 2010	$1,375,436.00	$1,495,112.00	$1,517,026.00
Total number of fines	**8005**	**8411**	**7664**

(5) Please refer to the answer at Question (1).

(6) This information is contained within the Annual Reports of all departments, agencies, statutory authorities and territory-owned corporations.

(7) All legal services are provided to ACT Government agencies by the ACT Government Solicitor unless, with the agreement of the Chief Solicitor, it is determined that another law firm should be engaged.

(8) (a) Mentally ill persons charged with criminal offences in the ACT are protected by the provisions in Part 13 of the *Crimes Act 1900*. Under rule 275 of the *Court Procedure rules 2006* a person with a mental disability cannot start, defend or carry on proceedings without having a litigation guardian appointed. If a party to a civil proceeding in the Magistrates Court or Supreme Court becomes a person with a mental disability during a proceeding rule 231 of the *Court Procedure rules 2006* requires the leave of the court to be obtained before any further steps may be taken in the proceedings. The court does not provide any special assistance to persons with a mental disability but as with any court user will provide appropriate assistance to ensure that the person may exercise his or her rights in the courts.

(b) Under the *Evidence Act 1971* a person from a non-English speaking background is entitled to have an interpreter assist him or her in proceedings if he or she unable to communicate effectively in English. The Evidence Act provides that in criminal matters the cost of the interpreter is borne by the prosecution and in non-criminal matters the person requiring the assistance of the interpreter is liable for the cost of the interpreter. The Evidence Act defines a proceeding as a matter or inquiry, whether civil or criminal, heard or conducted by a court in which evidence is, or may be, received' and 'court' includes a tribunal. The court will engage an interpreter to assist a non-English speaker in dealings with the court where necessary. The court is currently developing a policy on the engagement of interpreters by the court.

(c) There are no additional protections in place for an indigenous person appearing before ACT Courts. The Magistrates Court has however established the Galambany Circle sentencing Court for the purpose of assisting in the sentencing of indigenous offenders. Indigenous offenders must consent to having their matter go before the circle sentencing court. As with persons who have a mental disability the court does not provide any special assistance to indigenous people accessing court services but will apply appropriate assistance to ensure that the person may exercise his or her rights in the courts.

(9) The Court does record this data, but the case management system used by the Court is not currently programmed to provide the level of detail required in report format. I am not prepared to authorise the considerable use of resources that would be involved to provide the data in the form requested. The clearance rate in the Magistrates Court for criminal matters was 102.7% and for civil matters was 109.4%. In the Supreme Court the clearance rate for non-appeal criminal matters was 84.6% and for non-appeal civil matters was 107.5%. In the Court of Appeal the clearance rate for criminal matters was 68.6% and for civil matters it was 116.7%.

(10) Average clearance time for matters is not available from other jurisdictions. The ACT and other jurisdictions report publicly through ROGS on clearance rate for all matters but do not report on average clearance times. In comparison to the Australian average the ACT's clearance rate of 105.1% for all matters compares favourably to the Australian average of 96.6%.

The clearance rate is a simple, easily understood and useful index of productivity. It indicates whether a court is keeping up with its workload.

The clearance rate is the number of finalisations in the reporting period divided by the number of lodgements in the same period, multiplied by 100 (to convert to a percentage).

However, clearance times would identify how long a case takes to finalise from the date of lodgment until settlement.

(11) There are no formal qualification requirements for the position of Registrar although historically the position has been held by a person entitled to admission to practice as a legal practitioner by the ACT Supreme Court and is classified as an Executive level position.

There are also no formal qualification requirements for the position of Deputy Registrar. Deputy Registrars range in qualification anywhere from AS03 level to Legal 2 level within the organisation. In some cases they are legally qualified and have been admitted to practice as a legal practitioner by the ACT Supreme Court.

(12) The powers of the Registrar (and Deputy Registrar) are prescribed by the *Magistrates Court Act*, the Court Procedures Rules 2006 and other territory legislation which sets out these powers.

(13) The Registrar of the Court is appointed by the Attorney General, as the responsible Minister, in accordance with section 9 (1) of the *Magistrates Court Act*. Deputy Registrars are appointed by the Registrar in accordance with section 9 (2). Deputy Registrars of the Court are appointed as and when the business of the Court dictates. Deputy Registrars have the same powers as the Registrar except where the applicable legislation says otherwise.

(14) The duties and responsibilities of the Registrar of the ACT Magistrates Court have been agreed by the Head of Jurisdiction and the Chief Executive of the Department. The Registrar of the ACT Magistrates Court, in the exercise of his delegated judicial functions, is accountable directly to the Chief Magistrate and Magistrates.

Where other Court staff exercise delegated judicial authority as deputy registrars, their accountability is directly to the Registrar and where any Court staff member requires legal advice in the conduct of their duties they receive that advice from the Registrar. The Registrar is also responsible for the oversight of the content of training and development of staff in the exercise of their delegated judicial functions

- The Registrar also provides advice and briefings for the Attorney General and Chief Executive on matters relevant to the exercise of delegated judicial functions e.g. Ministerials relating to decisions of the Courts, policy considerations impacting on judicial functions, etc.

Disability, Housing and Community Services, Department—activities (Question No 1235)

Mrs Dunne asked the Minister for Disability, Housing and Community Services, 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.

Ms Burch: The answer to the member's question is as follows:

Part answer to the Member's question is collated in a table at **Attachment A**.
The Member is advised the requested information is not centrally located, therefore the response has been limited to those items that were considered to be 'high-level' rather than covering every program, event, publication, policy or public announcement for the Department of Disability, Housing and Community Services.

After careful consideration of the question, and advice provided by my Department, I have determined the information sought is not in an easily retrievable form, and to collect and assemble the information sought solely for the purpose of answering the question in full would be a major task, requiring a considerable diversion of resources. In this instance, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

(A copy of the attachment is available at the Chamber Support).

Government—ministerial staffing support (Question Nos 1241, 1244 and 1247)

Mr Seselja asked the Chief Minister, the Minister for Business and Economic Development and the Minister for Arts and Heritage, 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).

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department provides a Departmental Liaison Officer (0.5 FTE) to facilitate departmental communication with the Minister's office. The annual salary cost is approximately $52,500.

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.

CMD's Chief Financial Officer also provides CFO support for the Executive budget. As a small proportion of the wider CFO role, this is not separately costed.

The department has on occasion been called on to provide temporary receptionist support for the Chief Minister's office in the event of unscheduled or other leave. This is not costed as it is infrequent and short term. This arrangement is also distinct from arrangements where public servants take leave without pay to take up ministerial LAMS Act positions.

(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 all Ministers' Offices at the Legislative Assembly and 14 car parking bays in the Canberra Nara Centre.

(7) The amount of Fringe Benefits Tax payable, on an annual basis, for these car parks is approximately $18,000.

Government—ministerial staffing support (Question No 1242)

Mr Seselja asked the Minister for Planning, upon notice, on 7 December 2010 *(redirected to the Acting Minister for Planning)*:

(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).

Mr Stanhope: The answer to the member's question is as follows:

In relation to the ACT Planning and Land Authority:

(1) One Department Liaison Officer (0.9 FTE) in the Minister's office

ACTPLA's Government Services unit is responsible for a range of functions including coordinating matters relating to Cabinet, Ministerial, Assembly and administrative law functions. The unit provides support to the Minister's office, however it is not possible to identify the resources specifically dedicated to that role.

(2) The annual salary cost of the ACTPLA DLO is $92,265. See response to (1) in relation to other support costs.

(3) ACTPLA provides support to the Minister through its Executive and management team in the normal course of business in supporting the government of the day.

(4) This figure cannot be easily quantified.

(5) See response to (3) above.

(6) (a) This question will be responded to by the Chief Minister
(b) Nil.

(7) (a) This question will be responded to by the Chief Minister
(b) Nil.

Government—ministerial staffing support (Question Nos 1243, 1246, 1259, 1260 and 1261)

Mr Seselja asked the Minister for Disability, Housing and Community Services, the Minister for Women, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Ageing and the Minister for Multicultural Affairs, upon notice, on 7 December 2010 *(Question No 1246 redirected to the Minister for Disability, Housing and Community Services)*:

(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 Burch: The answer to the member's question is as follows:

(1) DHCS provides two SOGC departmental liaison officers.

(2) $246,123.

(3) The Minister is provided with support that is implicit in, 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.

(4) See answer to Question (3).

(5) See answer to (1) and (3) above.

(6) (a) The response in relation to the ACT Executive is answered by the Chief Minister (b) The Department does not have any car parks allocated to, or reserved for, the Minister or the Minister's office.

(7) Nil.

Government—ministerial staffing support (Question No 1245)

Mr Seselja asked the Minister for Land and Property Services, 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).

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Land and Property Services (LAPS) shares a Departmental Liaison Officer (0.5 FTE) to facilitate departmental communication with the Minister's Office.

(2) The annual salary cost is approximately $52,500.

(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.

(4) See answer to Question (3).

(5) See answer to Question (3).

(6) (a) The response in relation to the ACT Executive is answered by the Chief Minister. Response to Question on Notice 1241 refers.

(b) Nil.

(7) See answer to 6(a).

Government—ministerial staffing support (Question No 1249)

Mr Seselja asked the Minister for Health, 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: I am advised that the answer to the member's question is as follows:

(1) The Department provides a Departmental Liaison Officer (1 FTE) to facilitate departmental communication with the Minister's office. The annual salary cost is approximately $90,000.

(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.

(4) See answer to Question (3).

(5) See answer to Question (3).

(6) (a) Not applicable to ACT Health see the Chief Ministers' Departments response
(b) Not applicable.

(7) Not applicable to ACT Health.

Government—ministerial staffing support (Question No 1250)

Mr Seselja asked the Minister for Industrial Relations, 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 Chief Minister's Department provides a Departmental Liaison Officer (0.5 FTE) to facilitate departmental communication with the Minister for Industrial Relations office. The annual salary cost is approximately $52,500.

(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) The Chief Minister has provided a response for the ACT Executive - response to Question on Notice 1241.

(7) The Chief Minister has provided a response for the ACT Executive - response to Question on Notice 1241.

Government—ministerial staffing support (Question Nos 1251 and 1254)

Mr Seselja asked the Attorney-General and the Minister for Police and Emergency Services, 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).

Mr Corbell: The answer to the member's question is as follows:

(1) Between them, the Department and ACT Policing provide two Departmental Liaison Officers (2 FTE) to facilitate the departmental communication with the office of the Attorney General and Minister for Police and Emergency Services.

(2) The annual salary cost is $236,596.00. This cost reflects the salary cost in accordance with the current Collective Agreement and does not include superannuation or other employee entitlements.

(3) The Minister is provided with support from across the portfolio that is implicit in, and consistent with, the Westminster system of parliamentary democracy in which the public service supports the government of the day.

(4) The cost of this support is reflected in wider departmental costs set out in the Budget Papers.

(5) See answer to Question (3).

(6) The response in relation to ACT Executive is answered by the Chief Minister.

(7) See answer to Question (6).

Government—ministerial staffing support (Question Nos 1252 and 1253)

Mr Seselja asked the Minister for Environment, Climate Change and Water and the Minister for Energy, 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).

Mr Corbell: The answer to the member's question is as follows:

(1) The Department provides a Departmental Liaison Officer (1.0 FTE) to facilitate departmental communication with the Minister's Office. The Annual salary cost is approximately $111,500.

(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.

(4) See answer to question (3)

(5) See answer to question (3)

(6) The Department has not allocated any parking bays to the Minister's Office. There are no parking bays allocated to the Minister or the Minister's Office at the Department's home location.

(7) The Department has no Fringe Benefits Tax payable.

Government—ministerial staffing support (Question No 1255)

Mr Seselja asked the Minister for Education and Training, 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).

Mr Barr: The answer to the member's question is as follows:

1) The Department of Education and Training provides a Departmental Liaison Officer (1.0 FTE) to facilitate departmental communication with the Minister's office. The

annual salary cost is approximately $104 000. One office manager position (AS02) funded jointly by the Department of Education and Training and the Canberra Institute of Technology, provides administrative support to the office of the Minister for Education and Training. The annual salary cost is approximately $45 500.

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.

4) See answer to Question (3).

5) The Department provides the Minister with access to an iPad.

6)
a) There are 11 car parking bays allocated to all Minister's offices at the Legislative Assembly and 14 car parking bays in the Canberra Nara Centre.
b) Nil.

7) The amount of Fringe Benefits Tax payable, on an annual basis, for these car parks is approximately $15, 600.

Government—ministerial staffing support (Question No 1256)

Mr Seselja asked the Minister for Transport, 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).

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Territory and Municipal Services provides a .25FTE Departmental Liaison Officer for the Transport portfolio to facilitate departmental communication with the Minister's office.

(2) The annual salary cost is approximately $24,760.

(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.

(4) See answer to Question (3).

(5) See answer to Question (3).

(6) (a) As this is a responsibility of the Chief Minister, please refer to the response to Question on Notice 1241.

(b) None.

(7) As this is a responsibility of the Chief Minister, please refer to the response to Question on Notice 1241.

Government—ministerial staffing support (Question No 1257)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, 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).

Mr Barr: The answer to the member's question is as follows:

(1) A Departmental Liaison Officer (.75 FTE), jointly funded by Australian Capital Tourism and Sport and Recreation, is provided to facilitate departmental communication with the Minister's office.

(2) The annual salary cost is approximately $104,900.

(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.

(4) See answer to Question (3).

(5) See answer to Question (3).

(6) (a) As this is a responsibility of the Chief Minister, please refer to the response to Question on Notice 1241.

(b) None.

(7) As this is a responsibility of the Chief Minister, please refer to the response to Question on Notice 1241.

Government—ministerial staffing support (Question No 1258)

Mr Seselja asked the Minister for Gaming and Racing, 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).

Mr Barr: The answer to the member's question is as follows:

(1) Treasury provides one Departmental Liaison Officer (1 FTE) for both the Minister for Gaming and Racing and the Treasurer.

(2) $111,485

(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) (a) The response in relation to ACT Executive is answered by the Chief Minister.
(b) Nil

(7) The response in relation to ACT Executive is answered by the Chief Minister.

Government—ministerial staffing support (Question No 1262)

Mr Seselja asked the Minister for Territory and Municipal Services, 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).

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department provides one full-time Departmental Liaison Officer for Territory and Municipal Services to facilitate departmental communication with the Minister's office.

(2) The annual salary cost is approximately $111,485.

(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.

(4) See answer to Question (3).

(5) See answer to Question (3).

(6) (a) As this is a responsibility of the Chief Minister, please refer to the response to Question on Notice 1241.

(b) None.

(7) As this is a responsibility of the Chief Minister, please refer to the response to Question on Notice 1241.

Government—employee car parking (Question Nos 1263, 1266, 1269 and 1272)

Mr Seselja asked the Chief Minister, the Minister for Business and Economic Development, the Minister for Arts and Heritage and the Minister for Industrial Relations, upon notice, on 7 December 2010 *(Question No 1272 redirected to the Chief Minister)*:

(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 Stanhope: The answer to the member's question is as follows:

(1) In the 2009-10 FBT year, $19,454 Fringe Benefits Tax was paid for car parking in the portfolios of the Chief Minister, the Minister for Business and Economic Development, the Minister for the Arts and Heritage and the Minister for Industrial Relations.

(2) The amount in Question (1) applies to 30 car parks for employees.

Government—employee car parking (Question No 1264)

Mr Seselja asked the Minister for Planning, upon notice, on 7 December 2010 *(redirected to the Acting Minister for Planning)*:

(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 Stanhope: The answer to the member's question is as follows:

(1) Nil.

(2) Not applicable.

Government—employee car parking (Question Nos 1265, 1268, 1281, 1282 and 1283)

Mr Seselja asked the Minister for Disability, Housing and Community Services, the Minister for Women, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Ageing and the Minister for Multicultural Affairs, upon notice, on 7 December 2010 *(Question No 1268 redirected to the Minister for Disability, Housing and Community Services)*:

(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.

Ms Burch: The answer to the member's question is as follows:

(1) The Department and Housing ACT submit separate FBT returns annually. Housing ACT does not pay any FBT on car parking benefits as the commercial operators in the area are charging below the car parking threshold used to determine FBT liabilities. The Department paid $11,940 in FBT relating to car parking benefits for the 2009/2010 FBT year.

(2) The Department had 13 car parking spaces allocated to 13 employees during the 2009/2010 FBT year.

Government—employee car parking (Question No 1267)

Mr Seselja asked the Minister for Land and Property Services, 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 Stanhope: The answer to the member's question is as follows:

(1) Nil.

(2) N/A.

Government—employee car parking (Question No 1270)

Mr Seselja asked the Treasurer, 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.

Ms Gallagher: The answer to the member's question is as follows:

(1) Fringe Benefits Tax paid for the tax year 2009-10 for car parking for employees:

Department of Treasury $ 16,633

(2) Number of car parks and employees the amount referred to in part (1) applies to:

	Number of car parks	Number of employees
Department of Treasury	17	17

Government—employee car parking (Question No 1271)

Mr Seselja asked the Minister for Health, 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.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) In the 2009/10 FBT year, ACT Health paid $8191.02 fringe benefit tax for employees car parking.

(2) The amount referred to in part (1) refers to (a) five parking spaces and (b) five employees.

Government—employee car parking (Question No 1273)

Mr Seselja asked the Attorney-General, 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 provided car parking fringe benefits of $46,180.36 during 2009-10 for its employees.

(2) The benefits provided as indicated in (1) above including:

a. 43 car parking spaces; and
b. 51 staff members receiving this benefit.

Government—employee car parking (Question No 1276)

Mr Seselja asked the Minister for Police and Emergency Services, 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) There was no car parking fringe benefit provided to employees during 2009-10.

(2) N/A. Please refer to answer (1) above.

Government—employee car parking (Question No 1277)

Mr Seselja asked the Minister for Education and Training, upon notice, on 7 December 2010 *(redirected to the Acting Minister for Education and Training)*:

(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 Stanhope: The answer to the member's question is as follows:

1) Nil.
2) N/A.

Government—employee car parking (Question No 1278)

Mr Seselja asked the Minister for Transport, 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 Stanhope: The answer to the member's question is as follows:

As this data is not easily disaggregated, the response for the Transport portfolio is accounted for in the response to Question on Notice No. 1284, which provides the relevant information for the whole of the Department of Territory and Municipal Services.

Government—employee car parking (Question No 1279)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, 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 Barr: The answer to the member's question is as follows:

(1) In the 2009-10 FBT year Australian Capital Tourism paid $2,554 Fringe Benefits Tax for car parking.

(2) The amount in Question (1) refers to 3 car parks for employees

The response for the Sport and Recreation portfolio is accounted for in the response to Question on Notice No. 1284, which provides information for the whole of the Department of Territory and Municipal Services.

Government—employee car parking (Question No 1280)

Mr Seselja asked the Minister for Gaming and Racing, 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 Barr: The answer to the member's question is as follows:

(1) The ACT Gambling and Racing Commission paid $1,474 in Fringe Benefits Tax for 2009-10 for car parking for employees.

(2) The amount referred to in part (1) applies to one car park for one employee.

Government—employee car parking (Question No 1284)

Mr Seselja asked the Minister for Territory and Municipal Services, 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 Stanhope: The answer to the member's question is as follows:

(1) According to information held by Shared Services, the Department of Territory and Municipal Services' Fringe Benefits Tax for car parking for employees in 2009-10 was calculated at $7,063.37.*

(2) (a) 16

(b) 16

* Please note that the figures quoted above are for **all** staff in the Department of Territory and Municipal Services, including those in Sport and Recreation Services and in Transport and Infrastructure.

Finance—capital budget initiatives (Question No 1285)

Mr Seselja asked the Minister for the Environment, Climate Change and Water, upon notice, on 7 December 2010:

For each of the capital budget initiatives published in the 2010-11 Budget for the Department of the Environment, Climate Change, Energy and Water, (a) how is the initiative progressing to date, (b) what are the key milestones for each initiative, (c) have all milestones up to this point been met on time; if not, what is the reason for each delay, (d) how many staff have been employed to date in order to implement each initiative, (e) what contractors will be engaged and how is the engagement of contractors progressing, (f) which contractors have been engaged to date and (g) if the initiative is a feasibility study, when will the study be complete and will it be publicly released.

Mr Corbell: The answer to the member's question is as follows:

Valley Ponds, Gungahlin

(a) The preliminary sketch plan (PSP) has been completed, government agency comments received, and the final sketch plan (FSP) commenced.

(b) Key milestones

- August 2010 - contract for design awarded;
- November 2010 - PSP submitted;
- December 2010 - government agency comments on PSP received and FSP commenced;
- February 2011 - development application (DA) lodged and tenders for design called;
- April 2011 - DA approved; and
- May 2011 - contract for construction awarded. Construction commences.

(c) Milestones to date have been met.

(d) None.

(e) Cardno Young has been engaged to undertake design. Construction will be publicly tendered.

(f) Design Reports will be available to the public as part of the DA submission.

North Weston / Molonglo Stormwater Harvesting Scheme

(a) Preliminary sketch plan (PSP) close to completion.

(b) Key milestones

- January 2011 - tenders for a FSP called;
- March 2011 - award FSP;
- June 2011 - FSP report complete and government agency consultation;
- July 2011 - DA lodged. Public call for construction tenders; and
- October 2011 - contract for construction awarded. Construction commences.

(c) Design complexities during PSP are now resolved.

(d) None.

(e) Open tenders will be called early 2011 for FSP design. Construction will be publicly tendered.

(f) Cardno Young has undertaken PSP design.

(g) Design reports will be available to the public as part of the DA submission.

Finance—capital budget initiatives (Question No 1286)

Mr Seselja asked the Minister for Planning, upon notice, on 7 December 2010 *(redirected to the Acting Minister for Planning)*:

For each of the capital budget initiatives published in the 2010-11 Budget for the ACT Planning and Land Authority, (a) how is the initiative progressing to date, (b) what are the key milestones for each initiative, (c) have all milestones up to this point been met on time; if not, what is the reason for each delay, (d) how many staff have been employed to date in order to implement each initiative, (e) what contractors will be engaged and how is the engagement of contractors progressing, (f) which contractors have been engaged to date and (g) if the initiative is a feasibility study, when will the study be complete and will it be publicly released.

Mr Stanhope: The answer to the member's question is as follows:

(1) (a) Eight new capital budget initiatives were published in the 2010-11 Budget for the ACT Planning and Land Authority. Progress on each project is as follows:

i) Lawson South - Relocation of Power Line Forward Design: Tenders called and assessed. Award contract in January 2011.

ii) The Lawson South - Water Quality Control Pond forward design project is being implemented by LDA as a component of the Lawson South estate development.

iii) Molonglo - Future Stormwater Management Feasibility Study: This project is progressing but will be subject to Government decision on options.

iv) Molonglo - East - West Arterial Road and Extension of John Gorton Drive to Molonglo River Feasibility Study: This project cannot commence until the completion of the Molonglo Strategic Assessment and the Planning and Design Framework that are currently underway.

v) Gungahlin - Town Centre Roads Feasibility Study: Tenders called and assessed. Contract awarded December 2010.

vi) Scrivener Dam Upgrade Feasibility Study: This project has been put on hold pending decision on the dam upgrade requirement.

vii) Woden Valley - Stormwater Retardation Basins Feasibility Study: Contract awarded October 2010 and study proceeding.

viii) Symonston - Arterial Road Feasibility Study: Tenders called November 2010 and being assessed.

(b) A summary table outlining the milestone status of the projects at 31 December 2010 is shown in **Table 1** below:

Table 1

ACT Planning and Land Authority's 2010-2011 Capital Initiatives' Milestones at 31 December 2010

	Functional Brief Lodged	Call Tenders	Consultant Engaged	PSP/Draft Report Completed	Final design/ Final report Completed	DA Lodged
New Capital Works						
Forward Design						
Lawson South - Relocation of Power Line	Yes	Yes	No	No	No	No
Lawson South - Water Quality Control Pond	By LDA	By LDA	By LDA	By LDA	By LDA	By LDA
Feasibility Study						
Molonglo - Future Stormwater Management	Yes	Yes	Yes	No	No	NA
Molonglo - East-West Arterial Road and Extension of John Gorton Drive to Molonglo River	No	No	No	No	No	NA
Gungahlin - Town Centre Roads	Yes	Yes	Yes	No	No	NA
Scrivener Dam Upgrade	No	No	No	No	No	NA

	Functional Brief Lodged	Call Tenders	Consultant Engaged	PSP/Draft Report Completed	Final design/ Final report Completed	DA Lodged
Woden Valley - Stormwater Retardation Basins	Yes	Yes	Yes	No	No	NA
Symonston - Arterial Road	Yes	Yes	No	No	No	NA

(c) All milestones at 31 December 2010 have been met on time with the exception of:

i) Lawson South - Relocation of Power Line Forward Design: Tendering process was delayed.

ii) Molonglo - Future Stormwater Management Feasibility Study: This project is progressing but will be subject to Government decision on options.

iii) Molonglo - East - West Arterial Road and Extension of John Gorton Drive to Molonglo River Feasibility Study: This project cannot commence until the completion of the Molonglo Strategic Assessment and the Planning and Design Framework that are currently underway.

iv) Scrivener Dam Upgrade Feasibility Study: This project has been put on hold pending a decision on the dam upgrade requirement.

(d) Seven staff have been employed, to facilitate the implementation of this program, in addition to a range of other responsibilities.

(e) There is no construction component in the ACTPLA program. Employment of design and study consultants is as per the responses to 1 (a) and (b) above.

(f) As per response to 1 (b) above.

(g) A summary table outlining the completion date of the feasibility studies is shown in **Table 2** below. The feasibility study reports will not be publicly released.

Table 2

ACT Planning and Land Authority's 2010-2011 Feasibility Study Completion Dates

	Feasibility Study Completion Date
New Capital Works	
Feasibility Study	
Molonglo - Future Stormwater Management	December 2011
Molonglo - East-West Arterial Road and Extension of John Gorton Drive to Molonglo River	October 2011
Gungahlin - Town Centre Roads	June 2011
Scrivener Dam Upgrade	NA
Woden Valley - Stormwater Retardation Basins	September 2011
Symonston - Arterial Road	March 2012

Drugs—cannabis seizures (Question No 1288)

Mr Hanson asked the Minister for Police and Emergency Services, upon notice, on 7 December 2010:

(1) Given that the ACT Criminal Justice Statistical Profile for the September 2010 quarter shows that the number of drug seizures during that quarter halved, compared to the June 2010 quarter, were there any strategies or specific actions taken during this time to explain this large change in the number of seizures.

(2) Given that the change appears to be largely driven by a 65% decrease in cannabis seizures during this time, is there a specific reason behind the decrease in cannabis seizures.

Mr Corbell: The answer to the member's question is as follows:

(1) Caution should be used when interpreting ACT drug seizure statistics based on a single quarter's results. Before ACT Policing can report on a drug type or weight from a particular seizure, that seizure must first be forensically examined and identified at the ACT Government and Analytical Laboratory before a certificate is issued to ACT Police.

There is invariably a time lag between the time drugs are seized and the receipt of results of analysis performed by ACT Government and Analytical Laboratory. Drug seizure statistics can fluctuate from quarter to quarter, depending on the laboratory's workload, priorities, and resources.

(2) The anomalous statistics for the September quarter appears to be due to the administration and conduct of analysis as opposed to trend changes in operational activities or drug consumption.

Schools—student suspensions (Question No 1289)

Ms Hunter asked the Minister for Education and Training, upon notice, on 9 December 2010:

(1) Can the Minister provide the figures on the number of students in ACT schools suspended for (a) one day, (b) two to five days, (c) five to 15 days and (d) 15 days or longer for the period (i) 1 April to 30 November 2009 and (ii) 1 April to 30 November 2010.

(2) Can the Minister advise, in the case of any suspensions in 2009 and 2010 of five days or longer, if the Department of Education and Training was advised of the suspensions.

(3) How many of the students suspended and/or their parents/carers were engaged with the Suspension Support Team between 1 April and 30 November 2010.

(4) What support was given to those students who were not referred to the Suspension Support Team during that period.

(5) How many students and parents/carers did not take up the offer to attend the Suspension Support Team pilot during that period.

Mr Barr: The answer to the member's question is as follows:

1) The number of students suspended in ACT Public Schools from 1 April to 30 November in 2009 and 2010 is as follows:

a) One day: 2009 - 698 students, 2010 - 542 students
b) Two to five days: 2009 - 642 students, 2010 - 601 students
c) Five to 15 days: 2009 -127 students, 2010 - 127 students
d) 15 days or longer: 2009 - 0 students, 2010-3 students

Please note that the same student may appear in more than one category as periods of suspension groupings requested overlap.

2) The Department was advised of suspensions of five days or longer in 2009 and 2010.

3) Between 1 April and 30 November 2010:
a) 17 Student actively engaged with the Suspension Support Team
b) 23 Parents/Carers actively engaged with the Suspension Support Team

4) Support provided to students who were not referred to the Suspension Support Team involved developing a plan in the suspension re-entry meeting to support the student engage in schooling. The plan is based on individual student need and can include referral to counselling, identifying a staff mentor, development of an individual learning plan to address learning difficulties, restructuring a student's learning program, a behaviour monitoring contract, referral to a community agency e.g. respite care, and referral to a small group to work on social skills or anger management.

5) Between 1 April and 30 November 2010:
a) 12 students who were referred to the Suspension Support Team did not actively engage.
b) 6 parents/carers who were referred to the Suspension Support Team did not actively engage.

ACTION bus service—Adshel bus shelters (Question No 1290)

Ms Bresnan asked the Minister for Transport, upon notice, on 9 December 2010:

(1) Is there a timeframe for the universal rollout of Adshel bus shelters at all bus stops in the ACT.

(2) If the rollout of Adshel bus shelters will not extend to all bus stops in Canberra, does the Government have a plan to construct shelters at bus stops that will not receive Adshel shelters.

Mr Stanhope: The answer to the member's question is as follows:

(1) The rollout of approximately 240 shelters included in the Adshel contract is expected to be completed by the end of 2013.

(2) There are other capital works programs in place to deliver additional bus shelters, including the Transport Planning "Bus Shelters" Project.

Deane's Buslines—patrons (Question No 1291)

Ms Bresnan asked the Minister for Transport, upon notice, on 9 December 2010:

(1) Why are Deane's Buslines unable to pick up ACT patrons along their routes from Queanbeyan to the ACT, particularly where equivalent ACTION services are not available.

(2) What consideration has the ACT given to allowing Deane's Buslines to transport ACT patrons.

Mr Stanhope: The answer to the member's question is as follows:

(1) Deane's Buslines, (a NSW based company), operates a number of services which involve picking up ACT passengers. In particular, Deane's holds a service contract with the Territory for the provision of bus services between Queanbeyan and the ACT. The service contract is a non-financial contract with no cost to the Government and allows Deane's to provide the following regular route services, 7 days a week:

- Queanbeyan to the City and return via Harman, Fyshwick, Kingston, Manuka, Barton, Russell;
- Queanbeyan to Woden and return via Harman, DFO, Fyshwick, Narrabundah, John James Hospital and Canberra Hospital.

Deane's have approval to drop off passengers along these routes each weekday and approval to both pick up and drop off ACT passengers along these routes on weekends.

Deane's also provide an Airliner shuttle service between the Canberra Airport, Brindabella Park, Brand Depot and the City interchange. This service also operates 7 days a week.

Historically, service contracts have been granted to accredited bus operators provided that the services do not duplicate or compete with scheduled route services provided by ACTION or any other existing operator.

The ACT Government is not aware of any current approaches from Deane's or ACT patrons, seeking approval of a new Deane's service to either address gaps in ACTION services or replace ACTION services.

Should an approach be made by Deane's or any other bus company, consideration would need to be given to the interaction and implications of any proposed new service with services provided by existing service providers.

(2) Proposals by Deane's for the provision of services, where ACTION services are not available, have been considered and approved by the Road Transport Authority, as the regulator of public passenger services. Details of those services are included in the response to question (1). As noted above, the ACT Government is not aware of any current approaches by Deane's requesting approval to offer additional services to ACT patrons.

The Department of Territory and Municipal Services (TAMS) has established a Public Transport Working Group to examine issues relating to cross border transport, including the possibility of providing a seamless bus service, with tickets between Deane's and ACTION being transferable.

Matters that will require resolution include the significant difference in fare pricing between Deane's (a commercial venture) and ACTION (which is heavily subsidised by the ACT Government).

ACTION bus service—cancellations (Question No 1292)

Ms Bresnan asked the Minister for Transport, upon notice, on 9 December 2010:

Can the Minister provide data on the number of late and cancelled bus services broken down by (a) route number, (b) day of the week the service was late/cancelled and (c) number of complaints received about the late/cancelled service.

Mr Stanhope: The answer to the member's question is as follows:

I am not prepared to authorise the use of the department's resources on this question, without a specific date range.

Transport—oil price projections (Question No 1293)

Ms Bresnan asked the Minister for Transport, upon notice, on 9 December 2010:

(1) What is the projected average oil price in the worst-case scenario, for example, highest oil price, in developing projections for public transport demand.

(2) What is the source of the Government's oil price projections.

(3) What contingency plans are in place if demand for public transport is substantially higher than projected.

(4) To what extent are improvements to road networks designed to improve average speed for cars considered when developing projected demand for equivalent public transport routes.

Mr Stanhope: The answer to the member's question is as follows:

(1) TAMS undertook oil price scenarios in the projections for public transport demand as part of the study of ACT Strategic Public Transport Network Plan. The study analysed a reference case scenario of $2.50 per litre and high fuel cost scenario of $5 per litre.

(2) No definitive source was used for these projections. The scenarios were derived using guidance on general transport scenario testing contained in the Austroads Guide to Project Evaluation and its working papers.

(3) The design of transport infrastructure includes consideration for the future operation of high capacity public transport modes in key corridors.

(4) *The ACT Strategic Public Transport Network Plan* (Plan) identifies improvements required to the public transport network based on achieving the Government's legislated Sustainable Transport Plan mode share target (at least a doubling of public transport patronage to 16% of work trips by 2026). Public transport routes are designed using transport modelling that takes into account planned future improvements to the road network.

Health—carers
(Question No 1294)

Ms Bresnan asked the Minister for Health, upon notice, on 9 December 2010:

(1) Is the document entitled *Rights and Responsibilities of Consumers, Carers and Service Providers* provided at http://www.health.act.gov.au/c/health?a=dlpubpoldoc&document=129 the latest version of this document.

(2) Given that the document states that "Carers and advocates have a right to comprehensive information, education, training and support to facilitate the understanding, advocacy and care of those consumers for whom they care", how are each of these items provided as a matter of course to the primary carer of a person that is being treated by Mental Health ACT.

(3) What steps are taken to try and teach the primary carer how to best care for the person with the mental illness, when Mental Health ACT engages a new client that is suffering a mental illness.

(4) Does Mental Health ACT ever provide carer assessments as is undertaken in the United Kingdom; if so, what (a) triggers a carer's assessment, (b) is involved and (c) services, as a result, could be provided to the carer.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) This is the most current version of the document.

(2) Clinicians are supplied with an-information checklist which has been developed. Clinicians are expected to check off what information is provided to the client/carer to ensure that all relevant information is supplied. The checklist comprised a core section with general information regarding the Mental Health Sector and a tailored section that outlines more specific details of the identified team the consumer is receiving care from.

(3) Comprehensive information is also provided to carers through the process of clinical management where a carer is identified. Education, training and support is provided through the Carers ACT Mental Health Representation Program. MHACT representatives also attend Carers Support Program Meetings run through Carers ACT. Family meetings are held in the Psychiatric Services Unit in preparation for discharge

The information checklist is conducted with the client and where appropriate the carer and relevant educational material is supplied. Contact details for other agencies with additional support functions i.e. Carers ACT is also included.

(4) MHACT has been using the Independent Assessment of Carer's Needs which was implemented at the beginning of 2009. The assessment was originally used in the UK. Since then the assessment has been reviewed and adapted to the local settings which included carer input. The document is now called the Independent Assessment of Family/Carer Needs. Training has been provided to staff regarding its use.

a) Triggers for undertaking an assessment include the presence and active involvement of a carer, carer willingness to undertake the assessment and evidence of issues of concern.

b) The assessment looks at the willingness to care, ability to care, resources to provide care and issues which may affect their capacity to provide care.

c) The plan is developed to address needs for the carer eg. Support for the carer, respite, support to the consumer.

Health—breastfeeding (Question No 1295)

Ms Bresnan asked the Minister for Health, upon notice, on 9 December 2010:

(1) Is the Pregnancy to Parenting Series the main antenatal class provided to first time parents by ACT Health.

(2) Given that on the ACT Health website, at **http://www.health.act.gov.au/c/health?a=da&did=10185876&pid=1184304239**, it states that sessions 4 and 5 of the series include discussion on early breastfeeding, baby care and self care and support in the early postnatal period, what time period does ACT Health consider to be the early postnatal period.

(3) Can the Minister provide further information about what is covered under self care and support.

(4) Has ACT Health received any feedback that this, or similar courses, should provide more information and discussion about what difficulties first time parents are likely to encounter post birth and strategies for tackling those problems; if so, is ACT Health considering covering those issues through its antenatal classes.

(5) Are decisions about what content is covered in the antenatal classes based on any recent research or best practise guidelines; if yes, what is the research or best practise guidelines that are being used, for example, the Toward Parenthood Program that has

been developed by the Parent-Infant Research Institute, available at **http://www.piri.org.au/Towards_Parenthood.php**.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The "Pregnancy to Parenting Program" is the main antenatal class for first time parents accessing care through the antenatal clinic at the Canberra Hospital. There are antenatal classes for first time parents who are receiving care through the Canberra Midwifery Program at the Canberra Hospital which are prescriptive to a birth centre and early discharge. Calvary Health Care provides antenatal education to first time parents through their public maternity unit.

(2) The early postnatal period from an acute perspective is the first two weeks. The internationally recognised postnatal period is six weeks. The "Pregnancy to Parenting Program" is designed to provide education on early breastfeeding, baby care, self care and support in the first two weeks of the early postnatal period. On discharge from hospital all mothers are offered referral to the Maternal and Child Health (MACH) services. MACH services offer ongoing infant and early child health monitoring and surveillance, adaptation to parenting and parenting education and support. It is important to have connected women to their community partners (MACH) to support them past the first two weeks and ongoing beyond the six week period.

(3) The topics discussed under self care include rest for the mother and father, good nutrition, perineal care, comfortable clothing and adaptation to parenting. During this session Postnatal Depression is discussed, the third day "blues", changes to family life and support services in the community such as MACH, Postnatal & Antenatal Depression Support & Information (PANDSI) and the Australian Breastfeeding Association (ABA). A program developed in collaboration with Relationships Australia and the Child and Family Centres, called "And Baby Makes Three" is also offered as an excellent course for new parents. This program aims to assist couples to maintain intimacy and romance, positively prepare for and meet the changes with a new baby, support one another through interrupted sleep and changes to household routine and draw on the attributes that are intrinsic to a relationship. This program discusses similar topics to that offered by the Towards Parenthood Program but is locally based.

(4) All first time parents who access the Pregnancy to Parenting Program are able to provide feedback through an evaluation at the end of the sessions and again at a reunion gathering after the birth of their babies. Based on this feedback received, the antenatal education is reviewed to meet the needs of the community. Many first time parents often comment at the reunion that they wished they had focused more on session four and five than the labour and birth series, however are aware that their main focus is related to the birth in the antenatal period. Many first time parents also feedback the positive outcome of accessing MACH services early to deal with their adaptation to parenting and some attend the New Parent Groups in the community through the MACH services.

(5) All the information provided in the antenatal education sessions are based on evidenced based best practice. There is no one set of antenatal guidelines accessed, however the Antenatal Education Department at Canberra Hospital refers to the National Institute for Health and Clinical Excellence (NICE) Guidelines on best practice pregnancy and birth care and the Childbirth Education Association of Australia to develop this program. The coordinator of the Antenatal Education Program at Canberra Hospital holds an Advanced Diploma in Adult Education.

Health—suicides
(Question No 1296)

Ms Bresnan asked the Minister for Health, upon notice, on 9 December 2010:

(1) Given that the Coroner's Court only examines the final moments in a person's life, is there any other forum that is provided by the ACT Government that examines (a) every suicide that occurs in the ACT, (b) the path to each suicide and (c) if anything could have been done differently or better to prevent each suicide.

(2) How does ACT Health use the results of those investigations to try and prevent future suicides.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The ACT Government does not provide another forum that examines every suicide that occurs in the ACT.

The Coroner's Court does more than "only examine the final moments of a person's life" and does examine the "path to each suicide". The detail of this examination will vary according to the individual circumstances.

The Australian Federal Police (AFP) investigates all suicides in the ACT and it is standard practice of the AFP to provide a brief on the investigation to the Coroner. The Coroner, then makes the determination if the investigation will progress to a full Inquest, sometimes this determination is based on the Coroner's decision or at the request of the family.

It is open for the Coroner to call upon expert advice and also to make recommendations about ACT Government services arising out of the coronial investigations into a suicide, including what could have been done differently or better.

All suicides and serious attempted suicides by mental health consumers, who are clients of Mental Health ACT, are reviewed through the Mental Health ACT Clinical Review Committee, which in turn makes recommendations to the Mental Health Risk Management Committee to address required system changes to prevent an incident reoccurring. Recommendations are placed in the Mental Health Recommendations Register, allocated an action officer and are reviewed three monthly until completion.

(2) ACT Health treats Coronial recommendations very seriously within its' clinical governance structures. Coronial recommendations are used to inform improvements to service quality, the progress of which is routinely monitored and reported to the Executive.

Courts—Coroner's Court
(Question No 1297)

Ms Bresnan asked the Attorney-General, upon notice, on 9 December 2010:

(1) Given that on page 61 of the Department of Justice and Community Services 2009-10 annual report it shows an improvement over the last three financial years in the court

finalisation statistics for the Coroner's Court, have there been changes made to how the Court operates that have contributed to this trend.

(2) Have court listing practices changed for the Coroner's Court over the last three financial years; if so, what are the changes and have they influenced the rate of court finalisations.

(3) Have case management practices changed for the Coroner's Court over the last three financial years; if so, what are the changes and have they influenced the rate of court finalisations.

(4) What is the status of the review of the *Coroners Act 1997* for which submissions closed in December 2008.

(5) What are the ACT Government's next steps in the review of the Act and what are the timeframes for those steps.

Mr Corbell: The answer to the member's question is as follows:

(1) Changes have occurred over the last four years so that Magistrates who are appointed as Coroners now deal with more matters in chambers. This practice has led to a reduction in the number of hearings required and a related reduction in the time taken for matters to be finalised.

(2) See the answer to question 1.

(3) Coroners now manage their cases directly and will hold a directions hearing to narrow the issues before a hearing if a hearing is required. This practice aids in reducing the time to finalisation of a matter.

(4) The review is nearing completion. A long and detailed consultation phase for this project has been completed. The consultation involved a series of discussions with interested parties on their submissions (and with some who had not made submissions), and included judicial officers, practitioners, departmental officers, community representatives and families.

(5) As a result of the consultation there are 16 proposals for change and stakeholders have recently been asked for their comments on the intended changes. Most of the changes will be administrative, but there will be some important amendments to the Coroners Act. The Government proposes to introduce legislation in the autumn sittings.

Planning—Block 20 Section 23, Hume (Question No 1298)

Ms Bresnan asked the Minister for Planning, upon notice, on 9 December 2010 *(redirected to the Acting Minister for Planning)*:

In relation to Block 20 Section 23, Hume, for the amendments to reduce stack heights for the proposal that were approved by ACT Planning and Land Authority (ACTPLA) on 1 July 2010, what modelling and safety checks were conducted by the proponents of the proposed development and were these reviewed by ACTPLA to determine if they were appropriate.

Mr Stanhope: The answer to the member's question is as follows:

ACTPLA has not received an amendment to reduce the stack heights for the proposal on Block 20 Section 23 Hume.

The conditions of approval in the Notice of Decision dated 6 March 2009 required details of the stacks and a detailed visual assessment of the stacks to be prepared to the satisfaction of the National Capital Authority (NCA). This was required to satisfy the NCA that any elements of the stack heights above 30 metres would be acceptable in relation to visual amenity.

The proponent provided a visual assessment with in principle support from the NCA for a stack height of 35m, which is consistent with the notice of decision. The proponent stated in the report that the results of modelling for air quality and plume dispersion meets the required standards at a stack height of 35m.

The submission to satisfy the conditions of approval did not contain any changes to the stack heights so the previous studies on air quality remained relevant.

Disabled persons—services (Question No 1299)

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) How many audits of disability service providers has the ACT Government conducted in 2010.

(2) Who was audited.

(3) What were the results of those audits.

(4) Can the Minister provide copies of those audits.

(5) Is the funding of disability service providers contingent on certain service standards being met and what specifically are those standards.

(6) Can the Minister provide a copy of the template for the funding agreements.

(7) What process is followed if it is found that a disability service provider is not meeting the standards that are required as per their funding agreement.

(8) Has the ACT Government ever defunded a disability service provider because it has been found that they have not been meeting the standards that are required as per their funding agreement; if so, how many have been defunded and when has this occurred.

(9) What contingency plans does the ACT Government have in place for the defunding of a disability service provider and their clients needing to be catered for elsewhere.

Ms Burch: The answer to the member's question is as follows:

1) In 2010, audits of 15 disability service providers commenced. The audits will be completed in early 2011.

2) The audit includes:
Focus ACT, Hartley Lifecare, CatholicCare Canberra and Goulburn, Sharing Places, Community Connections, Tandem, Carers ACT, Shaw Possibilities, L'arche Genesaret, National Brain Injury Foundation, Technical Aid for the Disabled, Baptist Community Services, Inanna, Pegasus Riding for the Disability and Daryl's Den.

3) The audits are due for completion by the end of February 2011.

4) Yes.

5) Yes, the standards are outlined at Schedule 2 Item 6 of the template Service Funding Agreement which is at Attachment A.

6) The template Service Funding Agreement is at Attachment A.

7) Refer to Clauses 10 and 11 in the Service Funding Agreement.

8) Yes, For You and Me was de-funded in 2005.

9) Contingency planning, risk management and communication strategies for the response to services user are developed on a case-by-case basis. The Department's response would depend on the nature of service being provided and the number and circumstances of the people assisted by the service.

In some circumstances it might be appropriate for the Department to investigate the ability of other community providers to support the existing services users as an interim measure. In other circumstances it may be appropriate for the Disability ACT to take on the service provision as an interim measure.

(A copy of the attachment is available at the Chamber Support Office).

Disability services—children (Question No 1300)

Ms Bresnan asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) Given that when a young person with severe disabilities who requires full time supervision finishes school support for the parents is effectively reduced from 30 hours a week to 12 hours per week, how can a carer who was in full-time employment while their child was attending school be able to work once their child leaves school given this level of support.

(2) How much funding is provided, per week, by the ACT Government and the Commonwealth Government to parents of students with severe or profound disabilities who need constant (24 hours a day) supervision for their adult child when they leave school.

(3) What support is provided if there is a two parent household in comparison to a one parent household and is the same level of support provided in both cases.

(4) Why doesn't the ACT Government provide the same level of support as the NSW Government, for example, at least 24 hours support per week for young people with moderate disabilities who are school leavers and 30 hours per week of support for young people with severe disabilities that are school leavers.

(5) How many students are expected will leave Black Mountain School in each of the next five years.

(6) What provisions does the ACT Government make to offer tertiary education options for students who leave Black Mountain School and what is the current uptake of these options.

(7) Will the Government report on the uptake of the options referred to in part (6) by these specific students in future.

Ms Burch: The answer to the member's question is as follows:

(1) Completing secondary schooling is a major transition point for all young people and their family. For most families this is a time where adjustments are made to the families routines.

The ACT Government believes that each young person should be free to pursue their own individual and unique vocational pathway after they leave school, regardless of the complexity of their disabilities.

There have been a number of instances where people with high and complex disabilities have nonetheless gone on to find paid employment, to establish small businesses, or to pursue creative or artistic vocations.

The purpose of the ACT Governments funding for school leavers is to assist these young people to pursue their individual vocational goals. It is not intended to be a replacement for school, or to merely offer supervision while their parents are at work.

In 2010, the minimum committed funding was $17,280 per annum per person, which is the equivalent of 12 hours of support per week with a community access service. Where needed, some individuals are also allocated additional funding for life skills training services of up to $10, 560 per annum (the equivalent of 5 hours per week).

However, Disability ACT works with each individual and their family in determining their support needs. In this process staff consider the full circumstances of the family as well as that of the young person.

Where the young person requires additional support during the day while their family are at work, Disability ACT staff assist the family to link to other activities during the day, including community sporting, social, and recreation activities, volunteering, or where required to funded services such as respite, or Home and Community Care (HACC) services.

In circumstances where these supports have been insufficient, and the gap in supervised support has represented a significant hardship for the family, Disability

ACT has allocated additional funded support to that individual either on a short term or ongoing basis.

In a recent review of post school supports conducted by Disability ACT of 23 young people with high and complex support needs who had left school in 2008 and 2009, twenty families indicated that they were satisfied with the mix of supports that they had created around their family member. Disability ACT is currently working with the three families who were not satisfied to improve their support arrangements.

(2) The Australian Government provides the following funding to carers of people with disabilities (including parents):

- A Carer Payment for people providing constant care provides a basic rate of $658.40 per fortnight for a single person, or $496.30 each for a couple; or

- A Carer Allowance to people providing daily care and attention to a person with a disability provides $110.00 per fortnight and a Disability

  Assistance Payment of $1,000 per person with a disability per annum.

Funding is also provided to the **young person** leaving school.

Depending on individual circumstances the Australian Government may provide:

- a disability support pension which provides a maximum allowance of $498.70 per fortnight depending on the persons age, marital status, dependants, assets and income; and

- A mobility allowance of between $86.00 and $116.20 per person.

For young people who leave school and require ongoing assistance Disability ACT offers:

- A minimum of $17,280 per annum which is the equivalent of 12 hours per week of support with a community access service. In addition the young person may be allocated funding for life skills training services of up to $10,560 per annum (the equivalent of 5 hours per week).

(3) As indicated in Q2 (above), The Australian Government's maximum allocated pensions and allowances are adjusted in accordance with the family's circumstances, income, and assets.

Disability ACT's minimum funding commitment of $17,280 per annum is provided to school leavers regardless of the young person's living circumstances. However as indicated above Disability ACT works with each person and their family to determine their support allocation, and may allocate additional funded support where needed.

(4) The ACT allocates funding each year in accordance with available resources and consideration of all the competing needs within our community.

(5) The projected number of Black Mountain Students graduating in the next five years is as follows:

2011	16
2012	14
2013	24
2014	20
2015	18

(6) The provision for further education and training options at Black Mountain School is the same for all students with disabilities in the ACT and are included in their Individual Learning Plan. Black Mountain School is a school for students with severe to profound disability. For some students who attend Black Mountain School, a further education, training or employment pathway is followed. Of the 17 graduates in 2010, five students are undertaking a vocational pathway with some employment. Twelve students are following a recreation and leisure pathway supported by their individually negotiated disability support package.

(7) The Department of Education and Training has plans to conduct a destinations survey to determine the further education and training options undertaken by graduating students with a disability.

Municipal services—stormwater drains (Question No 1301)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 9 December 2010:

(1) How many complaints have been received relating to damage and/or blockages in stormwater drains in the ACT due to heavy rain and storms, by month, from July 2009 to date.

(2) Of the complaints outlined in part (1), how many (a) have been and (b) are still waiting to be repaired and/or cleared.

(3) What programs are in place to monitor the maintenance and upgrade of storm water drains in the ACT.

(4) What is the budget for the programs, referred to in part (3) for the 2010-11 financial year and what are the details of this program, including the number of stormwater drains in need of maintenance and/or upgrade.

Mr Stanhope: The answer to the member's question is as follows:

(1) Number of complaints/defects relating to stormwater maintenance from July 2009 to date:

Period	Total
Jul-09	72
Aug-09	101
Sep-09	145
Oct-09	98
Nov-09	100
Dec-09	63

Jan-10	121
Feb-10	337
Mar-10	144
Apr-10	128
May-10	126
Jun-10	146
Jul-10	107
Aug-10	122
Sep-10	204
Oct-10	230
Nov-10	232
Dec-10	407
Grand Total	2883

(2) Of the above 2883 registered defects, 2585 have been repaired and 298 jobs are still in progress.

(3) There are capital upgrade and capital works programs to upgrade the stormwater network in 2010/11. There is also a comprehensive maintenance program that gives priority to responding to reported problems that threaten safety or property. The program also provides for routine cleaning and inspection of elements of the network.

(4) The budget for the stormwater capital upgrade program is $3.46M and the budget for the Page/Fyshwick capital works project is $3.00M.

The 2010/11 budget for the stormwater maintenance program is $4.3M. Current maintenance issues in progress are detailed at (2) above.

Municipal services—mowing contracts (Question No 1302)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 9 December 2010:

(1) How many contractors have been engaged by the Department of Territory and Municipal Services to undertake mowing duties across the Territory for (a) June 2008 to June 2009, (b) July 2009 to June 2010 and (c) July 2010 to date.

(2) What are the details of the contracts outlined in part (1), including (a) duration of contracts, (b) individual value of contracts and (c) total cost expended on each contract.

(3) What was the total cost of advertising and public notices related to the delays in the mowing program for Spring/Summer 2010.

Mr Stanhope: The answer to the member's question is as follows:

1 (a) Seven contractors with multiple staff and equipment were engaged by TAMS between June 2008 and June 2009.

1(b) Seven contractors with multiple staff and equipment were engaged by TAMS between June 2009 and June 2010.

1 (c) Eight contractors with multiple staff and equipment have been engaged by TAMS since July 2010 and are carrying out extra mowing work compared to previous two years. Additionally, eight contracted labour hire staff and three extra hired mowers have been engaged in the latter part of 2010, as well as TAMS staff working overtime to assist with the mowing program.

2(a) Contracts have either one year's duration with extension options or three year's duration with extension options.

2(b) This information is Commercial in Confidence as the work is allocated on a price per mow for each job lot. It is not a lump sum price per contract.

2(c) This information is Commercial in Confidence as the work is allocated on a price per mow for each job lot. It is not a lump sum price per contract.

3. $2,189.00

Housing—rental
(Question No 1304)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) What is the total amount of rental arrears outstanding from all social housing tenancies.

(2) What is being done to minimise the amount of rental arrears owed to Housing ACT.

(3) What is the expected timeframe for recovery of current rental arrears.

(4) How much of the total rental arrears is expected to result in bad debt write-off.

(5) What is the total amount of bad debt write-off for (a) 2009-10 and (b) 2010 to date.

Ms Burch: The answer to the member's question is as follows:

(1) As at 13 December 2010 the total debt from all social housing tenancies is $1,333,001. 13% of this is attributed to Havelock Housing Association ($173,476) and a further 9% is attributed to other community housing providers and disability housing ($119,764). Housing ACT has collected in excess of 99% of all rent charged for a number of years.

(2) Housing ACT has an accountability indicator target that 90% of tenants in arrears of $500 or more to be on a repayment agreement. In the last Housing ACT report to the Legislative Assembly in September 2010 88% of tenants were on repayment agreements.

(3) The recovery of arrears is achieved as quickly as possible. Tenants are generally required to contribute a maximum of 30% of income towards rent and arrears.

(4) The annual bad debt write-off of rental arrears is expected to be between $400,000 to $500,000 which is about 0.5% of the rental revenue budget for 2010-11.

(5) (a) $463,148.66.

(b) There has been no bad debt to date for 2010.

Housing ACT—property sales (Question No 1306)

Mr Coe asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) How many Housing ACT properties have been sold under the Shared Equity Scheme since May 2010, by month.

(2) What is the total value of properties identified in part (1).

(3) How many new properties have been purchased to replace those sold under the Shared Equity Scheme and what was the purchase price of each of these properties.

Ms Burch: The answer to the member's question is as follows:

1. There were a total of 7 properties sold under the sale to tenant shared equity scheme to 30 November 2010.

September 2010:	2 properties
October 2010:	2 properties
November 2010:	3 properties

2. | | |
   |---|---|
   | September 2010: | $720,000 |
   | October 2010: | $1,207,000 |
   | November 2010: | $1,181,000 |

3. No properties have as yet been purchased, however the funds have been quarantined and will be used for purchases in the 2010-11 financial year.

Government—advertising (Question Nos 1307, 1310, 1313 and 1316)

Mr Seselja asked the Chief Minister, the Minister for Business and Economic Development, the Minister for Arts and Heritage and the Minister for Industrial Relations, upon notice, on 8 December 2010 *(Question No 1316 redirected to the Chief Minister)*:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Stanhope: The answer to the member's question is as follows:

(1, 2, 4, 5 & 6) Details at **Attachment A**.

(A copy of the attachment is available at the Chamber Support Office).

(3) Expenditure represents approximately 60% of the Department's advertising budget.

Government—advertising (Question No 1308)

Mr Seselja asked the Minister for Planning, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Barr: The answer to the member's question is as follows:

(1) The ACT Planning and Land Authority undertakes advertising:

(a) In relation to matters for public consultation and notification which include:
- notification of development applications
- notices of intention to close parts of public roads
- consultation on draft variations
- notification and commencement of technical amendments
- proposed changes to planning rules such as for environment impact statements
- information and consultation on major planning projects such as the Molonglo Valley, East Lake and the Eastern Broadacre planning study
- notification of lands acquisition pre-acquisition; and,

(b) In connection with staff recruitment activities.

(2) From 1 July 2010 to 30 November 2010 costs were approximately:

(a) For public consultation and notification, $55,000 ; and,

(b) For staff recruitment, $21,000.

(3) There is no specific advertising budget. Advertising costs are incurred as an element of the costs of defined activities.

(4) ACTPLA advertising is largely placed in local newspapers, the Canberra Times and Chronicles.

(a) In relation to public consultation and notification, development applications and statutory notifications are advertised in the public notices section of the Canberra Times as a statutory requirement Consultations are advertised in the ACT Government Community Noticeboard and, as appropriate, the Chronicles.

ACTPLA has also placed advertisements in *Building and Renovating ACT 2010-11*.

(b) Recruitment advertising is also generally limited to the *ACT Government Gazette* (and more recently the *ACT Government Jobs Website*), as well as the *Canberra Times*. However, specific vacancies may be more widely advertised including, for example, through major national newspapers, online job search websites including *Seek.com*, and professional and trade-related organisations such as local government websites, the website of the Planning Institute of Australia, and similar.

(5) (a) In general public consultation and notification advertising reflects statutory requirements. Advertising in the ACT Government Community Noticeboard is used because it is a central, publicly recognised site for advertising of community consultations. The *Building and Renovating* advertising is corporate sponsorship of an ACT publication that enables access to editorial content for ACTPLA.

(b) Decisions relating to advertising of particular job vacancies are based on judgements as to likely availability of the skill sets required, known recruitment difficulties, the nature and seniority of the position, and other similar factors.

(6) (a) As the largest proportion of ACTPLA's advertising relates to statutory notification and consultation the effectiveness is measured through the submissions received in response to DA notification and other statutory publications (Territory Plan variation, certain technical amendments). The effectiveness of advertising that relates to major planning projects can also be measured in terms of submission received and/or comments made through the media and in letters to MLAs.

(b) The effectiveness of recruitment advertising is measured on the basis of the number and quality of applicants received for a particular position. Responses are heavily affected by other factors including wider economic issues, labour market volatility, as well as more Canberra-specific challenges such as the extent to which the Australian Public Service is actively recruiting or otherwise. In general advertising recruitment is broadly effective, but this can vary considerably over time.

It is relevant to note that analysis of recruitment advertising conducted by Shared Services, including data around the way in which applicants first learned of a job vacancy, has assisted current recruitment advertising decisions by enabling a more informed and focused approach.

Government—advertising (Question Nos 1309, 1312, 1325, 1326 and 1327)

Mr Seselja asked the Minister for Disability, Housing and Community Services, the Minister for Women, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Ageing and the Minister for Multicultural Affairs, upon notice, on 8 December 2010 *(Question No 1312 redirected to the Minister for Disability, Housing and Community Services)*:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Ms Burch: The answer to the member's question is as follows:

(1) Advertising undertaken in the 2010-11 financial year to date has been general in nature, consisting mainly of public notices advertising grants and service initiatives.

(2) The cost of advertising referred to in part (1) is $29,000.

(3) Thos Department spends a small proportion of its overall budget each year on advertising and public notices to communicate grant rounds and service initiatives.

(4) The majority of this advertising has been placed in local newspapers and print publications.

(5) These forms of advertising are the most effective channels for public notices and service information.

(6) The audience for Departmental information know to look either online or in the local print media for service and grant information. Organisations are also contacted directly with this information.

Government—advertising (Question No 1311)

Mr Seselja asked the Minister for Land and Property Services, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Land and Property Services (LAPS) and the Land Development Agency (LDA) have undertaken a number of advertising in 2010-11 such as tender, expression of interest, community consultation, jobs and land sales.

The purpose of the advertising is to promote land sales and community events and to engage community on future development and also for employment and tenders.

(2) $125,277.26 (exclusive of GST) has been spent on advertising for 2010-11 as at 30 November 2010.

(3) This represents approximately 30 per cent of advertising budget.

(4) Newspaper, television, radio, website, e-mails, letter drop-offs, signs, brochures, newsletters, gazette, information sessions and events have been used.

(5) The form of advertising is chosen to attract the target audience and to meet the Government procurement requirements.

(6) The advertising is considered to be effective as it has provided information to the community and industry to allow them to participate in our activities.

Government—advertising (Question No 1314)

Mr Seselja asked the Treasurer, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Ms Gallagher: The answer to the member's question is as follows:

Please refer Attachment A for responses to Questions 1, 2, 4, 5 and 6, information is current as at 14 December 2010.

(3) The Department does not specifically budget for advertising. Any advertising costs are managed within the supplies and services budget.

The total advertising expenditure in 2010-11 to date (per Attachment A) is $6,048.

(A copy of the attachment is available at the Chamber Support Office).

Government—advertising (Question No 1315)

Mr Seselja asked the Minister for Health, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

The Member's question is very open and broad ranging and I am not prepared to authorise the use of the very considerable resources that would be involved in providing the detailed information required to answer it. However, interpreting 'advertising' to cover major public relations activities and not those required to carry out normal business, I am advised that the answer to the Member's question is:

(1) ACT Health has undertaken web, print, radio and television advertising in 2010-11 to date and the purpose of the advertising is to announce the commencement of new health promotion activities aimed at improving public health and to announce changes to health infrastructure such as the Canberra Hospital multi-level car park.

(2) The cost of the advertising referred to in part (1) is $319,393.17

(3) It is difficult to ascertain the proportion of the 2010-11 advertising budget this expenditure represents, as advertising expenditure is worked out on a project by project basis. The cost of advertising figure mentioned above is the cumulative figure for a number of projects with an advertising component.

(4) The form of advertising is web, print, radio and television

(5) These forms of advertising have been used because they are considered the most effective means of reaching all parts of the ACT community.

(6) The effectiveness of this advertising is difficult to measure, however, the public has been well informed about the commencement of new initiatives reflected in their strong early adoption of new services.

Government—advertising (Question Nos 1317 and 1320)

Mr Seselja asked the Attorney-General and the Minister for Police and Emergency Services, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Corbell: The answer to the member's question is as follows:

(1) The Department of Justice and Community Services (JACS) (including Emergency Services Agency and Statutory Offices) has undertaken advertising for the following reasons:
- recruitment;
- informing the public of legislative changes;
- providing general and specific safety information;
- advising of specific reviews and requesting comments;
- public notices;
- advising of changes to registered officers; and
- listing updates in directories.

(2) The cost of advertising to JACS in my portfolios for this current financial year until early December 2010 is approximately $241,000.00

(3) I am unable to accurately answer this question as a number of agencies within JACS do not manage a formal advertising budget.

(4) JACS has undertaken advertising in the following forms:

- print advertising in local and interstate newspapers and industry magazines;
- electronic; and
- radio and television.

(5) The media utilised is selected on the basis of best fit for purpose ie, information is to be provided to the widest possible audience, or directed to a specific audience ie, where information is provided through an industry publication.

(6) The advertising undertaken has been successful in that, vacancies have been filled, submissions on reviews have been received and members of the public have made enquiries about information published by JACS.

Government—advertising (Question Nos 1318 and 1319)

Mr Seselja asked the Minister for Environment, Climate Change and Water and the Minister for Energy, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Corbell: The answer to the member's question is as follows:

(1) The types of advertising undertaken include:
- staff recruitment;
- recruitment to Government Boards and Committees;
- awareness raising of Government programs;
- Public Notices required by legislation; and
- community engagement on draft Government policy.

(2) The actual spend from 1 July 2010 - 9 December 2010 is below:

Cost Code	Descriptor	Actual expenditure 1 July 2001- 9 December 2010
711702	General Advertising	169,441.15
711704	Public Notices	1,783.32
711707	Staff Advertising	6,757.31
711727	Other promotional, advertising &/or marketing	4,899.42
	Total	$182,881.20

(3) Actual expenditure represents 41.39% of the 2010-11 budgeted amounts.

(4-5)
Advertising has been in the form of print and electronic media, banners, signs and promotional give-aways and has been used because these are the most suitable mediums for the purpose.

(6) There has been strong community response to the noise awareness campaign, ToiletSmart Plus and other water and energy saving measures. Further, there has been successful recruitment resulting from electronic and print media. Other elements of advertising have not been formally assessed.

Government—advertising (Question No 1321)

Mr Seselja asked the Minister for Education and Training, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Barr: The answer to the member's question is as follows:

(1) The Department of Education and Training undertook general non-campaign advertising in 2010-11 to provide the ACT community and international markets with information on ACT public schools. The Department also undertook recruitment advertising for the purpose of attracting applicants for vacancies.

(2) The cost of general advertising as at 31 December 2010 was $55 357. The cost of recruitment advertising to 31 December 2010 was $57 843.

(3) The Media and Communications section of the Department has a budget of $120 642 for administrative expenses including general advertising. Line areas within the Department also have budget for administrative expenses which may be used for advertising, promotion or printing.

(4) General advertising commitments include the Telstra White Pages public schools listing, enrolment advertising, advertising in support of vocational education and training and advertising to attract international students to the ACT. The majority of advertising is in print media, with additional promotional materials being produced for such activities as the Royal Canberra Show, Public Education Week and international education. Bus-back advertising on a specific ACTION bus route has been used to promote the new Gungahlin College. Recruitment advertising was placed in press and online.

(5) Advertising media were chosen to target specific audiences.

(6) General advertising undertaken has been part of an integrated communication and support program for education stakeholders and target audiences. In some cases, advertising has been committed for specific 2011 launches or for longer periods in the 2010-11 financial year and it would be premature to evaluate campaigns before their completion. However, it should be noted that enrolments in ACT public schools continue to increase, as recorded in the last public school census published in September 2010. Enrolments at Gungahlin College are also strong. Awareness of ACT public education in key international markets remains high and international student figures for the ACT remain robust in relation to national trends. Recruitment advertising produced an average number of 7.7 applicants for each position across all forms of advertising.

Government—advertising (Question No 1322)

Mr Seselja asked the Minister for Transport, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Stanhope: The answer to the member's question is as follows:

As this data is not easily disaggregated, the response for Transport is accounted for in the response to Question on Notice No. 1328 which provides whole of agency information.

Government—advertising (Question No 1323)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Barr: The answer to the member's question is as follows:

(1, 2, 4, 5&6) Details of Australian Capital Tourism's advertising are at **Attachment A**.

(3) This represents approximately 44% of Australian Capital Tourism's advertising budget.

The response for Sport and Recreation is accounted for in the response to Question on Notice No. 1328 from the Minister for Territory and Municipal Services.

Attachment A

Advertising undertaken	**Purpose of advertising**	**Cost of advertising**	**Form of advertising**	**Why was this form used**	**How effective has this advertising been**
Australian Capital Tourism undertakes marketing campaigns including tactical destination marketing, brand marketing and event specific marketing such as Floriade, NightFest and Enlighten (Autumn Event).	To promote and market the ACT as a tourist destination.	$ 1.67m (end November figure)	TV, radio, print and digital web marketing.	All types of mediums used depending on market and target segments.	Advertising increases destination awareness and preference to travel.
Staff Recruitment	Recruitment.	$9,540	Print	Effective for target audience.	Achieved desired outcome.

Government—advertising (Question No 1324)

Mr Seselja asked the Minister for Gaming and Racing, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Barr: The answer to the member's question is as follows:

(1) The ACT Gambling and Racing Commission has not undertaken any advertising in 2010-11 to date.

(2) Not applicable.

(3) Not applicable.

(4) Not applicable.

(5) Not applicable.

(6) Not applicable.

Government—advertising (Question No 1328)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2010:

(1) What advertising has been undertaken in the Minister's portfolio in 2010-11 to date and what is the purpose of the advertising.

(2) What is the cost of the advertising referred to in part (1).

(3) What proportion of the 2010-11 advertising budget does this expenditure represent.

(4) What form of advertising has been used.

(5) Why has this form of advertising been used.

(6) How effective has this advertising been.

Mr Stanhope: The answer to the member's question is as follows:

This response contains whole of agency information and includes data for the response to Question on Notice No. 1322 (Transport portfolio) and Question on Notice No. 1323 (Sport and Recreation portfolio).

(1) A range of advertising has been undertaken including:
- public notices;
- ACT Government Community Noticeboard;
- staff recruitment;
- community engagement activities;
- changes to legislation;
- new services or changes to existing services;
- road safety campaigns; and
- signage.

The advertising has been used to promote awareness of job vacancies, service changes and disruptions, community engagement opportunities and changes to legislation. In many cases, the Department of Territory and Municipal Services (TAMS) also has a legislative requirement to provide information in the form of a public notice (such as for road closures).

(2) $795,692 was spent during the period 1 July 2010 to 30 November 2010.

(3) TAMS does not have a separate budget for advertising. Advertising costs are included as part of individual program budgets.

(4) Forms of advertising used include print, broadcast and the internet.

(5) Various advertising forms have been chosen to ensure that TAMS provides the most appropriate and cost effective means to communicate with the Canberra community.

(6) The advertising has proven effective in raising awareness of job vacancies, engagement opportunities and changes to services and legislation.

Government—legal advice (Question No 1329)

Mr Seselja asked the Chief Minister, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Chief Minister portfolio. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1330)

Mr Seselja asked the Minister for Planning, upon notice, on 8 December 2010 *(redirected to the Acting Minister for Planning)*:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the ACT Planning and Land Authority. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters affecting ACTPLA's business operations.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (e.g. commence as not relating to a court case, related to a court case, related to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what 'provided in kind' is intended to include.

Government—legal advice (Question Nos 1331, 1334, 1347, 1348 and 1349)

Mr Seselja asked the Minister for Women, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Disability, Housing and Community Services,

the Minister for Ageing and the Minister for Multicultural Affairs *(Question No 1334 redirected to the Minister for Disability, Housing and Community Services)* upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Ms Burch: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Department of Disability, Housing and Community Services (DHCS). Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

Housing ACT has spent $102,647, including $91,481 to external providers on obtaining legal advice to date.

(2) There is no specific budget for legal advice for DHCS. The costs provided in response to question (1) represents 51% of Housing ACT's legal budget for 2010-11,

(3) Legal advice is received on a range of matters for DHCS. Legal advice is sought on a range of matters for Housing ACT including litigation and compensation claims against the Commissioner for Social Housing.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1332)

Mr Seselja asked the Minister for Business and Economic Development, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Business and Economic Development portfolio. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1333)

Mr Seselja asked the Minister for Land and Property Services, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Department of Land and Property Services (LAPS). Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

In addition to the free of charge services, LAPS provided $27,500 (incl GST) for outposting of one of staff from Government Solicitor's Office.

The Land Development Agency (LDA) uses both the Government Solicitor and external source and spent $432,159.30 to date in this financial year.

(2) This represent approximately 50 per cent of the 2010-11 Budget for legal advice for both LAPS and the LDA.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time.

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1335)

Mr Seselja asked the Minister for Arts and Heritage, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Arts and Heritage portfolio. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1336)

Mr Seselja asked the Treasurer, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to Treasury. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

The cost of legal advice provided by the Government Solicitor to ACTIA as at 30 November 2010 was $1,097,653.

The cost of external legal advice provided to ACTIA and Treasury is $94,836. This includes $58,037 provided to ACTIA and $36,799 relating to external legal costs associated with Rhodium.

(2) There is no specific budget for legal advice for the Department of Treasury. The cost of legal advice to date for ACTIA represents 42% of ACTIA's full year budget for legal advice.

(3) Legal advice is received on a range of matters relating to the Department's functions.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg the advice may initially not relate to a court case but later may relate to a court case or negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in-kind" is intended to include.

Government—legal advice (Question No 1337)

Mr Seselja asked the Minister for Health, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The ACT Government Solicitor provides legal services free of charge to most agencies, including ACT Health. Details of the ACT Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

The cost of legal advice from external sources is $95,542.56 up to 31 December 2010.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (e.g. related to a court case or related to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the ACT Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1338)

Mr Seselja asked the Minister for Industrial Relations, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Office of Industrial Relations in the Chief Minister's Department. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

Costs of legal advice in other parts of the Industrial Relations portfolio are:

(a) Long Service Leave Authority - $12,283.

(b) Default Insurance Fund - $319,009.

(2) There is no specific budget for legal advice for the Office of Industrial Relations.

Long Service Leave Authority – 62% of budget.

Default Insurance Fund – 62%.

(3) Legal advice is received on a range of matters including:

- legislative compliance enforcement (ie, assistance by ACT Government Solicitor to prepare and present initial cases for ACAT judgement); and
- legislative interpretation of provisions relating to the Community Sector Scheme.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question Nos 1339 and 1342)

Mr Seselja asked the Attorney-General and the Minister for Police and Emergency Services, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Corbell: The answer to the member's question is as follows:

(1) The ACT Government Solicitor provides legal services for Government and most agencies, including all agencies under my portfolios. The Government Solicitor's full-year budget is included in Output 1.2 Legal Services to Government which is shown in the 2010-11 Budget Paper No 4. The total cost of Output 1.2 for legal advice and other legal services to 31 December 2010 was $4.35m.

The Department also manages legal matters on behalf of the Territory. The Territorial legal advice and counsel costs incurred to 31 December 2010 was approximately $780,000.

(2) The total cost of Output 1.2 to 31 December 2010 is approximately 51% of the Output's annual budget. The Territorial legal advice and legal counsel costs incurred to 31 December 2010 is approximately 37% of the annual budget.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff, specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question Nos 1340 and 1341)

Mr Seselja asked the Minister for the Environment, Climate Change and Water and the Minister for Energy, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Corbell: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Department of the Environment, Climate Change, Energy and Water. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from Government Solicitor, Parliament Counsel, agency policy staff or specialist agencies. It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1343)

Mr Seselja asked the Minister for Education and Training, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Barr: The answer to the member's question is as follows:

(1) The Department of Education and Training obtains legal advice from the Government Solicitor's Office when necessary. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11. The CIT obtained legal advice at a cost of $7,136.00.

(2) The Department of Education and Training has no specific budget for legal advice. The amount referenced in the answer to (1) is 18% of the 2010-11 CIT budget for legal advice.

(3) The Department of Education and Training and the CIT receive legal advice on a range of matters.

(4) It is not practicable for the Department of Education and Training to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg. commence as not relating to a court case, related to a court, relate to negotiation). The CIT has received no legal advice directly related to court cases.

(5)

(a) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies.

(b) It is not clear what "provided in kind" is intended to include.

Government—legal advice (Question No 1344)

Mr Seselja asked the Minister for Transport, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Department of Territory and Municipal Services. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11

The Government Solicitor bills ACTION for the provision of legal services. ACTION was invoiced $29,448 (ex GST) for legal advice from the Government Solicitor in the period 1 July 2010 to 9 December 2010.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practical to disaggregate advice relating to court cases from the total legal advice provided, as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) (a) It is not practical to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies.

(b) It is not clear what 'provided in-kind' is intended to include.

Government—legal advice (Question No 1345)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Barr: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Department of Territory and Municipal Services. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

The Government Solicitor bills both Exhibition Park in Canberra (EPIC) and Territory Venues and Events (TVE) for the provision of legal services.

The cost to EPIC for legal advice provided by the Government Solicitor for the period 1 July 2010 to 9 December 2010 was $25,534. EPIC also obtained external legal advice, at a cost of $9,162.

The cost to TVE for legal advice from the Government Solicitor for the period 1 July 2010 to 31 December 2010 was $3,250.83.

The cost to Australian Capital Tourism for legal advice was $508 for the 2010-11 financial year to date.

(2) There is specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practical to disaggregate advice relating to court cases from the total legal advice provided, as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) (a) It is not practical to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies.

(b) It is not clear what 'provided in-kind' is intended to include.

Government—legal advice (Question No 1346)

Mr Seselja asked the Minister for Gaming and Racing, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Barr: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the ACT Gambling and Racing Commission. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

(2) There is no specific budget for legal advice.

(3) Legal advice is received on a range of matters relating to the Commission's functions.

(4) It is not practicable to disaggregate advice relating to court cases from the totality of advice provided as the focus of advice on a particular issue may change over time (eg the advice may initially not relate to a court case but later may relate to a court case or negotiation).

(5) It is not practicable to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies. It is not clear what "provided in-kind" is intended to include.

Government—legal advice (Question No 1350)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2010:

(1) What is the cost of legal advice in the Minister's portfolio to date in 2010-11 and to which department or agency does this apply.

(2) What proportion is this of the 2010-11 Budget for legal advice for each department or agency in the portfolio.

(3) What was the purpose of the legal advice that has been received.

(4) How much of this has been for legal advice directly related to court cases.

(5) How much legal advice has been (a) used for the development of legislation and (b) provided 'in-kind'.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Government Solicitor provides legal services free of charge to most agencies, including the Department of Territory and Municipal Services. Details of the Government Solicitor's funding are found in the Territory's Budget Paper for 2010-11.

The Government Solicitor bills ACT Procurement Solutions for the provision of legal services. The pro rata cost to ACT Procurement Solutions for legal advice provided by the Government Solicitor for the period 1 July 2010 to 9 December 2010 is approximately $70,000. The cost to Procurement Solutions for external legal advice for the same period was $25,722.

(2) TAMS has no specific budget for legal advice.

(3) Legal advice is received on a range of matters.

(4) It is not practical to disaggregate advice relating to court cases from the total legal advice provided, as the focus of advice on a particular issue may change over time (eg commence as not relating to a court case, related to a court case, relate to negotiation).

(5) (a) It is not practical to readily identify legal advice relating to the development of legislation. Advice of this kind may come from the Government Solicitor, Parliamentary Counsel, agency policy staff or specialist agencies.

(b) It is not clear what 'provided in-kind' is intended to include.

Government—media and communications advisers (Question Nos 1351, 1354, 1357 and 1360)

Mr Seselja asked the Chief Minister, the Minister for Business and Economic Development, the Minister for Industrial Relations and the Minister for Arts and Heritage, upon notice, on 8 December 2010 *(Question No 1360 redirected to the Chief Minister)*:

(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 Stanhope: The answer to the member's question is as follows:

(1) Currently there are 3 staff engaged full time and 3 staff engaged part time as communications advisors within the Chief Minister's Department (excluding Australian Capital Tourism).

No staff are employed as media advisors.

(2) The average salary for the staff in their communication advisor roles referred to in part (1) is:

- $115,016 (full time).
- $104,890 (full time).
- $87,094 (full time).
- $52,256 (part time).
- $44,418 (part time).
- $35,300 (part time).

(3) Two Cultural Facilities Corporation staff manage advertising as their primary responsibility.

Government—media and communications advisers (Question Nos 1353, 1356, 1369, 1370 and 1371)

Mr Seselja asked the Minister for Disability, Housing and Community Services, the Minister for Women, the Minister for Aboriginal and Torres Strait Islander Affairs and the Minister for Ageing and the Minister for Multicultural Affairs, upon notice, on 8 December 2010 *(Question No 1356 redirected to the Minister for Disability, Housing and Community Services)*:

(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 Burch: The answer to the member's question is as follows:

(1) The Department has three officers who undertake a broad range of communications duties.

(2) The average gross salary of these three staff members is $95,224.

(3) The Department has no staff employed as graphic designers or who manages advertising as their primary responsibility.

Government—media and communications advisers (Question No 1355)

Mr Seselja asked the Minister for Land and Property Services, 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 Stanhope: The answer to the member's question is as follows:

(1) 2.

(2) Their average annual salary is approximately $123,000.

(3) (a) Nil.

(b) Nil.

Government—media and communications advisers (Question No 1359)

Mr Seselja asked the Minister for Health, 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: I am advised that the answer to the member's question is as follows:

(1) One staff member acts as a media adviser on behalf of ACT Health alongside other duties.

(2) At an average salary of .5FTE Senior Public Affairs Officer Grade 2 (SPA02)

(3) ACT Health employs
(a) one graphic designer Administrative Services Officer (AS05) and
(b) .3FTE Public Affairs Officer Grade 3 (PA03) manages advertising alongside other responsibilities.

Government—media and communications advisers (Question Nos 1362 and 1363)

Mr Seselja asked the Minister for the Environment, Climate Change and Water and the Minister for Energy, 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 Corbell: The answer to the member's question is as follows:

(1) The Department of the Environment, Climate Change, Energy and Water (DECCEW) employs one media adviser and one communications officer.

(2) The media adviser's salary is $99,033. The communications officer's salary is $66,198.

(3)

(a) DECCEW does not employ a graphic designer.

(b) DECCEW does not have a dedicated advertising officer. Approximately forty percent of the communications officer's time is taken up managing advertising for the Department.

Government—media and communications advisers (Question No 1365)

Mr Seselja asked the Minister for Education and Training, 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) Five staff are employed in the Media and Communications section in the Department of Education and Training. Staff support schools and the Department with media inquiries, preparation of publications, community partnerships and management of the Department's website and intranet for school and office based staff. CIT employs one staff member.

2) The Department of Education and Training staff are employed at an average salary of $84,574. The CIT staff member's average salary is $81,772.

3) (a) There is no staff member of the Department of Education and Training employed as a graphic designer. CIT employs two FTE staff as graphic designers.

(b) At the Department of Education and Training, one staff member is responsible for the marketing function which includes advertising and assisting schools with promotion of events such as open nights and community engagement. CIT does not have any staff employed to manage advertising.

Government—media and communications advisers (Question No 1366)

Mr Seselja asked the Minister for Transport, 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 Stanhope: The answer to the member's question is as follows:

As this data is not easily disaggregated, the response for Transport is accounted for in the response to Question on Notice No. 1372 which provides whole of agency information.

Government—media and communications advisers (Question No 1367)

Mr Seselja asked the Minister for Tourism, Sport and Recreation, 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) Australian Capital Tourism employs a Public Relations Officer, whose primary focus is liaising with interstate media for Canberra tourism destination stories.

(2) Approximately $70,600.

(3) Australian Capital Tourism employs two graphic designers and has two staff who manage advertising as their primary responsibility.

The response for Sport and Recreation is accounted for in the response to Question on Notice No. 1372 which provides information for the whole of the Department of Territory and Municipal Services.

Government—media and communications advisers (Question No 1368)

Mr Seselja asked the Minister for Gaming and Racing, 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) The ACT Gambling and Racing Commission does not employ any staff as media advisors or communications advisors.

(2) Not applicable.

(3) Not applicable.

Government—media and communications advisers (Question No 1372)

Mr Seselja asked the Minister for Territory and Municipal Services, 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 Stanhope: The answer to the member's question is as follows:

This response contains whole of agency information and includes data for the response to Question on Notice No. 1366 (Transport portfolio) and Question on Notice No. 1367 (Sport and Recreation portfolio).

1. Four

2. $78,463.

3. a) Shared Services, a division within the Department of Territory and Municipal Services, has four staff employed as graphic designers (two public servants and two contractors) servicing all ACT agencies. The cost of the graphic designers is recovered from agencies.

b) None.

Environment—landfill sites (Question No 1373)

Mr Seselja asked the Minister for Land and Property Services, upon notice, on 9 December 2010 *(redirected to the Minister for Territory and Municipal Services)*:

(1) When did the Government discover the contaminated material on the site of the North Weston Pond.

(2) What is the nature of the contamination and does it contain asbestos; if so, how much asbestos does it contain.

(3) What are the health impacts of the dump on nearby residents in its current state.

(4) What will be the cost of cleaning up the dump.

(5) How far is the dump from the nearest blocks of land on which homes will be built in Wright and Coombs.

(6) What clean up activities have already been undertaken on this site.

(7) How much will it cost to clean up the dump.

(8) How will the contaminated soil/pollution be processed and where will it ultimately be dumped.

(9) What impact will the contamination have on prices of properties near to the dump.

(10) What impact will this have on other Government revenue streams, such as stamp duty, rates and land sales.

(11) Is the Government aware of any other dumps of this nature in the ACT; if so, where are the dumps.

(12) What action is the Government taking to immediately identify other dumps/builders landfill sites in the ACT.

(13) What records are available to the Government on the site of the builders' landfill.

(14) Who checked these records and when were these records checked during the design process for the Molonglo Development.

(15) Was it consultants who discovered the contamination; if so, for what purpose were the consultants engaged.

(16) When was this site last used as a builders' landfill.

(17) Has either the ACT Government or the Federal Government ever (a) used the landfill and (b) dumped asbestos-contaminated waste in the builders' landfill.

Mr Stanhope: The answer to the member's question is as follows:

1. While it had been known that the site of the former sewerage plant and builders' rubbish dump may contain contaminated materials for many years; the ACT Government only conducted an investigation into the extent of this contamination for the first time in 2004.

2. Contaminants identified include total petroleum hydrocarbons, bonded asbestos, heavy metals and pesticides. To date almost 100,000 tonnes of soil has been excavated from the site that has contained varying degrees of contaminants.

3. The asbestos material that has been found is being treated in strict accordance with the relevant Occupational, Health, Safety, and Environmental Protection Authority (EPA) requirements, so it does not pose any public risk.

4. Current information suggests that the estimate to clean up the site of contaminants and builders' rubble is of the order of some $10 million.

5. The North Weston Pond project is well away from the Land Development Agency's (LDA) residential development in the suburb of Wright, with the contaminated material being more than 700 metres away from the nearest block in Wright.

6. Cleanup activities include removal of contaminants, remnant structures and unsuitable material.

7. Refer to response for question 4.

8. A Remediation Action Plan (RAP) for dealing with contaminants was prepared as part of the preconstruction activities associated with the project which included disposal of material at designated landfill sites at the Belconnen and Mugga Resource Centres.

9. Preliminary advice is that there will be nil impact on the value of properties.

10. Considering that these revenue streams are tied to the value of the properties the ACT Government does not expect that these streams will be impacted

11. Yes. The Environment Protection Authority (EPA) maintains a geographic information system (GIS) which identifies the approximate location and size of identified former builders spoil disposal sites. Many of these sites are located within public land throughout the ACT with the management of these sites the responsibility of the relevant Government agency. Currently 115 landfill sites of varying complexity are recorded throughout the ACT, with a number of these sites containing varying degrees of asbestos contamination.

12. The ACT Government undertook a comprehensive survey of suspected landfill sites in 1995. These sites are recorded in the EPA geographic information system (GIS). As additional sites are identified they are added to the GIS.

13. The EPA holds limited historic records on the location of the former Sewage Treatment Plant site and adjacent areas along with information on other identified builder's spoil disposal sites. The information generally only relates to the geographic location and size, and for the landfills, a general description of its historic use e.g. builders spoil dump.

14. Consultants working on behalf of the ACT Government over the period 2004-2009.

15. No, the presence of contaminants at the site was already known. Consultants were engaged by the ACT Government to investigate the nature of the contaminants, establish extent of contamination and advice on options for treating contaminants.

16. ACT NoWaste records show the former sewerage works was used as a builders landfill site from 1978 to the late 1980's, but there are no records held by ACT NoWaste that detail volumes or dates of material interred.

17. There are no records to establish whether the ACT or Federal Government used the landfill or dumped asbestos contaminated materials at the site.

Planning—development applications (Question No 1377)

Mr Seselja asked the Minister for Planning, upon notice, on 9 December 2010:

(1) How many development applications have been approved since 25 July 2010.

(2) How many units does the figure in part (1) encompass.

(3) What is the total change of use charge (CUC) according to private valuers as lodged with the initial development applications.

(4) What is the total CUC payable according to the Australian Valuation Office immediately after the development application approval.

(5) How many of these development applications have paid their CUC.

(6) If they paid a CUC, was it a negotiated figure; if so, what was it negotiated to and can the Minister provide both the percentage decrease as well as dollar value decrease.

(7) What is the net economic impact that the CUC has on the community, including less activity in the construction industry due to the disincentive to develop units from the CUC.

(8) What is the total dollar value of stamp duties that the Government will not receive for the period where unit developments are being held up while the Government considers the proposal to codify the CUC.

Mr Barr: The answer to the member's question is as follows:

(1) The number of development applications (DAs) approved since 25 July 2010 up to and including 31 December is 620. Approximately 10% of these involved a lease variation.

(2) The information requested in this Question on Notice requires detailed research of records and would require a significant investment of time.

(3) Where CUC has been determined - $487,117.

(4) Where CUC has been determined - $2,160,250.

(5) Of 18 relevant CUC assessments, 9 have been paid.

(6) No. CUC determinations by ACTPLA are not negotiated settlements.

(7) Codification of CUC is a Treasury project and a cost benefit analysis was included in the *Final Report on the Review of the Change of Use Charges System* prepared by Macroeconomics. Independent economic assessment reports were also prepared by Messrs Dungey and Piggott in November 2010.

These reports were released by the Treasurer, Katy Gallagher MLA on 9 December 2010 and are available on the Treasury website.

(8) The question assumes that unit developments are being held up while the Government considers the proposal to codify the CUC.

Housing—home insulation program (Question No 1378)

Mr Seselja asked the Minister for Planning, upon notice, on 9 December 2010:

(1) Have any sub-standard, faulty or dangerous installations of home insulation been identified in the ACT since February 2010.

(2) Were any of these installations undertaken as part of the Federal Government's stimulus package.

(3) Have any fires occurred in homes as a result of these installations.

(4) How many homes in the ACT have had their installation of insulation inspected following the problems identified with the Federal Government's scheme in February 2010.

Mr Barr: The answer to the member's question is as follows:

(1) Prior to the establishment of the Federal Government's inspection program, only two potentially hazardous installations were referred to the ACT Government for inspection. ACTPLA electrical inspectors found that these installations were not dangerous. ACTPLA is not involved in the Federal Government's inspection program.

(2) Refer to the response to question 1.

(3) Fire investigations are carried out by the ACT Fire Brigade.

(4) The Federal Government is undertaking a separate inspection regime for installations

carried out under its insulation program. Reporting on that program is the responsibility of the Federal Government.

Energy—concession rebate (Question No 1379)

Mr Rattenbury asked the Minister for Disability, Housing and Community Services, upon notice, on 9 December 2010:

(1) How much was the Energy Concession payment, per recipient, in (a) 2004-2005, (b) 2005-2006, (c) 2006-2007, (d) 2007-2008, (e) 2008-2009 and (f) 2009-2010.

(2) How many people received the Energy Concession Rebate in those years referred to in part (1).

(3) What was the total cost to government for the Energy Concession Rebate in those years referred to in part (1).

(4) What figures did the Government use as the 'average household energy bill' when undertaking modelling for determining the Energy Concession Rebate in those years referred to in part (1).

(5) What are the current eligibility requirements to receive the Energy Concession rebate.

(6) Have the criteria changed since 2004; if so, how.

(7) What is the process for applying for the Energy Concession Rebate once a customer has contacted their energy retailer.

(8) How does the Energy Concession Rebate take account of all energy costs to householders, such as gas, and is the cost of gas included in the indexing process for the rebate.

Ms Burch: The answer to the member's question is as follows:

(1) The Energy Concession payment, per recipient, per annum was:
(a) 2004-05: $189.11 pa.
(b) 2005-06: $189.11 pa.
(c) 2006-07: $189.11 pa.
(d) 2007-08: $189.11 pa.
(e) 2008-09: $194.87 pa.
(f) 2009-10: $194.87 pa.

(2) The number of people receiving the Energy Concession Rebate was:
(a) 2004-05: approximately 24,201
(b) 2005-06: approximately 21,737
(c) 2006-07: approximately 26,345
(d) 2007-08: approximately 25,737
(e) 2008-09: approximately 26,545
(f) 2009-10: approximately 25,183

Note: Figures are approximate, as people join or leave the program during the year as their circumstances change.

(3) The total cost to government for the Energy Concession Rebate was:
(a) 2004-05: $4,573,941.00
(b) 2005-06: $4,108,312.55
(c) 2006-07: $4,979,141.00
(d) 2007-08: $4,864,281.00
(e) 2008-09: $5,172,792.06
(f) 2009-10: $4,907,384.67

(4) The figures used as the 'average household energy bill' per annum were:
(a) 2004-05: $993 pa.
(b) 2005-06: $1,025 pa.
(c) 2006-07: $1,065 pa.
(d) 2007-08: $1,243 pa.
(e) 2008-09: $1,324 pa.
(f) 2009-10: $1,506 pa.

(5) Holders of the following cards are eligible to receive the Energy Concession rebate:
(a) Centrelink Pensioner Concession Card (PCC);
(b) Centrelink Health Care Card (HCC); and
(c) Veterans' Affairs Pensioner Concession Card.

(6) No.

(7) The applicant needs to apply directly to their retailer. The applicant needs to provide sufficient information for the energy retailer to determine the applicant's eligibility for the rebate. The applicant also needs to include a statement authorising the retailer to disclose relevant information about the applicant to Centrelink, the Department of Veterans' Affairs or the ACT Government, for the purposes of administering the concession, including verification of eligibility and reporting.

(8) The Energy Concession Rebate is designed to improve the affordability of essential services for low income residents of the ACT. When determining the Rebate, the retail price of electricity, set by the Independent Competition and Regulatory Commission (ICRC), is taken into account. The Energy Concession Rebate covers both electricity and natural gas. The rebate only appears on the electricity bill.

Alcohol—liquor licences (Question No 1380)

Mr Rattenbury asked the Attorney-General, upon notice, on 9 December 2010:

(1) In relation to liquor licence applications received under the Liquor Act 2010 and fees paid under the Liquor (Fees) Determination 2010 (No 1), what was the total amount of fees that were received by the Government.

(2) How many applications were for (a) renewals and (b) new licences.

(3) For applications relating to off licences, how many were for an annual liquor purchase of (a) less than $100,000, (b) $100,000 to $500,000, (c) $500,000 to $1 million, (d) $1 million to $3 million and (e) over $3 million.

(4) For those off licence applications for annual liquor purchase of over $3 million, how many were (a) $3 to $4 million, (ii) $4 to $5 million, (iii) $5 to $6 million and (iv) over $6 million.

(5) For applications relating to on licences, (a) how many were for an annual liquor purchase of (i) above and (ii) below $100,000 and (b) how many were for an occupancy loading of (i) above and (ii) below 80.

(6) For those applications relating to on licences above occupancy loading of 80, what number of applications fell into the brackets of (a) 80-150 and (b) 150 and over.

(7) For those applications relating to on licences, how many were for a closing time of (a) 12 midnight, (b) 2 am, (c) 4 am and (d) 5 am.

Mr Corbell: The answer to the member's question is as follows:

(1) As at 27 December 2010, approximately $2.16m has been receipted. 150 applicants availed themselves of the option to pay by instalments with 144 having paid for the first quarter only and 6 having paid for the first half year only.

(2) 636 applications have been received for renewal and 3 new applications have been received.

(3) (a) 49 (b)45 (c)51 (d)30 (e)14

(4) (a) 6 (ii)3 (hi) 1 (iv)3

There is also one application which has not provided this detail.

(5) Including on, club, general and special licences the answers to this question are:

(a) (i) 146 (ii) 301

(b) (i) 335 (ii) 112.

(6) Including on, club, general and special licences the answers to this question are:

(a) 136

(b) 150

Please note that these figures will change, as there are a number of applications where the occupancy loading is pending or requires re-determination due to alterations to the premises.

(7) Including on, club, general and special licences the answers to this question are:

(a) 352

(b) 42

(c) 41

(d) 12

Courts—criminal matters (Question No 1381)

Mr Rattenbury asked the Attorney-General, upon notice, on 9 December 2010:

(1) How many criminal offences are contained in ACT law which have a maximum penalty of (a) 2 years or less, (b) 2 to 3 years, (c) 3 to 4 years and (d) 4 to 5 years imprisonment.

(2) What percentage of defendants, who are eligible, are exercising their right to elect to have their criminal matter dealt with summarily by the Magistrates Court under section 375 of the *Crimes Act 1900*.

(3) What percentage of defendants before the Supreme Court, who are eligible to elect to have a judge alone trial under section 68B of the *Supreme Court Act 1933*, are exercising that right.

Mr Corbell: The answer to the member's question is as follows:

(1) Criminal offences are listed in a large number of ACT Statutes, all of which are available on the ACT Legislation Register. While it is difficult to provide a definite number of offences in each of the penalty classes as requested, most of the more serious criminal offences are either contained in the *Crimes Act 1900* or the *Criminal Code 2005*. There are approximately 64 offences in both these statutes that have a maximum penalty of between 3 and 5 years imprisonment.

(2) The Magistrates Court keeps a range of statistical data against which its performance is measured but the information does not include whether an election was made to have a charge was dealt with summarily pursuant to section 375 of the *Crimes Act 1900*.

(3) Between 1 July 2004 and 30 June 2008 409 matters were listed for trial and elections for judge-alone trials were made in 98 cases, representing 24% of all matters. This data does not capture matters that were discontinued by the DPP or matters where pleas of guilty were indicated before the opportunity for such an election had occurred. Additionally, of the 147 matters that proceeded to trial in the same period, 83 were conducted as judge-alone trials, representing just over 56% of the trials that proceeded.

ACT Fire Brigade—performance (Question No 1382)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 9 December 2010:

(1) How many calls has the ACT Fire Brigade received in each of the relevant call categories in (a) 2006-07, (b) 2007-08, (c) 2008-09, (d) 2009-10 and (e) 2010-11 to 30 November.

(2) What has been the performance of the ACT Fire Brigade in responding to calls, relative to the specified operating parameters, in each of the categories and periods referred to in part (1).

Mr Corbell: The answer to the member's question is as follows:

(1 & 2) The ACT Fire Brigade reports performance against response times to structure fires (50th and 90th percentile), structure fires confined to room of origin and determination of cause of fire in the Canberra community. The performance against targets is reported each year in the Department's Annual Report.

The table below provides information regarding performance against actual targets rather than individual calls (that is, where multiple calls are received for the same incident only one contact is counted to determine the response time). The number of incidents attended by the ACT Fire Brigade was:

- 2006-2007: 10681 incidents;
- 2007-2008: 10412 incidents;
- 2008-2009: 10521 incidents;
- 2009-2010: 11130 incidents and
- 2010-2011 (to 30 November 2011): 4,643 incidents

Year	*50th Percentile (mins)*		*90th Percentile (mins)*		*Structure fires confined to room of origin (percentage)*		*Determination of cause of fire (percentage)*	
	Actual	Target	Actual	Target	Actual	Target	Actual	Target
2006/07	6.1	8	10.24	10	87	80	91	95
2007/08	6.04	6.5	10.05	10	86	80	97	95
2008/09	5.9	6.5	9.2	10	83	80	96.1	95
2009/10	6.5	6.5	11	10	79	80	96.3	95
2010/11 (July – Dec)	7.18	6.5	11.35	10	82.7	80	Currently unavailable	

Statistics for the 2005-2006 year are found in the Emergency Services Authority 2005-2006 annual report.

Statistics for 2006-2007, 2007-2008, 2008-2009 and 2009-2010 are found in the Department of Justice and Community Safety annual reports.

ACT Ambulance Service—performance (Question No 1383)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 9 December 2010:

(1) How many calls has the ACT Ambulance Service received in each of the four priority categories in (a) 2006-07, (b) 2007-08, (c) 2008-09, (d) 2009-10 and (e) 2010-11 to 30 November.

(2) What has been the performance of the ACT Ambulance Service in responding to calls, relative to the specified operating parameters, in each priority category and period referred to in part (1).

Mr Corbell: The answer to the member's question is as follows:

(1 & 2) The ACT Ambulance Service reports performance against Priority 1 responses to the Canberra community (50th and 90th percentile). The number of responses, incidents and performance against targets is reported each year in the Department's Annual Report.

The table below provides information regarding responses, incidents and performance against actual target rather than individual calls (that is where multiple calls are received for the same incident only one contact is counted to determine the response time).

(A copy of the attachment is available at the Chamber Support Office).

Housing—home insulation program (Question No 1384)

Mrs Dunne asked the Attorney-General, upon notice, on 9 December 2010:

(1) How many consumer complaints about the Commonwealth Government's insulation program did the Office of Fair Trading receive (a) during and (b) subsequent to the period of the program.

(2) What was the nature of those complaints referred to in part (1).

(3) What investigative action did the Office of Fair Trading take in relation to those complaints.

(4) To what extent did the Office of Fair Trading engage relevant Commonwealth Government departments or agencies in that investigative action.

(5) To what extent were the complaints remedied.

(6) Were any insulation program operators prosecuted under any laws operating in the Territory; if so, what (a) was the nature of the prosecution actions taken and (b) what penalties were imposed.

Mr Corbell: The answer to the member's question is as follows:

(1) The Office of Regulatory Services (ORS) received 7 formal complaints about the insulation prior to the early termination of the Australian Government Home Insulation program on 19 February 2010. The ORS has since received a further 21 formal complaints.

(2) The complaints predominantly related to:

- allegations of misleading or deceptive conduct by the trader;
- poor quality of insulation installation;
- potential safety related issues;
- disputes between the insulation installer and the home owner resulting from the Australian Government decreasing the rebate amount in November 2009; and
- installers possibly claiming the rebate from the Australian Government unlawfully.

(3) The ORS investigated each of these 28 complaints

(4) The ORS engaged initially with the Australian Government Department of Environment, Water, Heritage and the Arts (DEWHA) and after Australian Government department restructure the ORS engaged with Australian Government Department of Climate Change and Energy Efficiency (DCCEE).

(5) The ORS arranged for inspections by qualified electrical inspectors of those premises where safety concerns were raised.

ORS mediated resolutions to complaints that related to substandard installation or disputes over payments. Six complaints could not be remedied due to an inability to locate the installer.

ORS referred all issues relating to safety and alleged fraud to the Australian Government for further action.

(6) No

Employment—women (Question No 1386)

Mrs Dunne asked the Minister for Women, upon notice, on 9 December 2010:

(1) Why did female unemployment rates remain steady throughout the global financial crisis given that during this period the unemployment rate for males peaked in the ACT in December 2009 and has since recovered.

(2) Why is there such a vast contrast between male and female unemployment rates in the ACT and what is being done to address this issue.

Ms Burch: The answer to the member's question is as follows:

(1) Female unemployment rates did not remain steady over the past two years. According to ABS Labour Force data*, the trend female unemployment rate in the ACT has risen from a record low of 2.3 per cent in the period from July 2008 to September 2008 to 3.1 per cent in November 2010. The trend female unemployment rate peaked in July and August 2010 at 3.3 per cent, significantly lower than the trend male unemployment rate which peaked at 4.3 per cent in December 2009. In fact over the past two years the trend female unemployment rate generally remained lower than the male unemployment rate. For the short period from July 2010 to September 2010, the female unemployment rate was marginally higher than the male unemployment rate.

(2) The trend data as provided by the ABS Report on Labour Force Status does not indicate a vast contrast between male and female unemployment rates in the ACT. The ACT has the lowest trend female unemployment rate of the jurisdictions and is significantly lower than the national average female unemployment rate of 5.5 per cent.

In the ACT the trend unemployment rate in November 2010 was higher for males (3.2 per cent) compared to females (3.1 per cent). The trend participation rate for females over the period September 2008 to November 2010 increased by 0.5 percentage points, however male participation over the same period has declined by 0.9

percentage points. The ACT has the second highest female participation rate of the jurisdictions at 69.2 per cent (behind the Northern Territory, 69.5 per cent), which is significantly higher than the national rate of 59.2 per cent female participation.

The ACT Government continues to closely monitor unemployment rates.

* Catalogue number 6202.0 Table 12 Labour force status by sex - States and Territories - tables 1 and 4-11

Motor vehicles—electric vehicle plug-in points (Question No 1387)

Ms Le Couteur asked the Minister for Transport, upon notice, on 9 December 2010:

(1) What is the Government's plan for rolling out electric vehicle plug-in points.

(2) How will these plug-in points relate to the Better Place plug-in points.

(3) What kind of infrastructure will be available for vehicles which cannot use the Better Place charging points.

(4) Will the Government points be well signed and will parking places be reserved for these type of cars.

(5) Will there be a Memorandum of Understanding about (a) where these points will be located, (b) whether parking places will be reserved and (c) any capital and running costs which may fall on the Government.

Mr Stanhope: The answer to the member's question is as follows:

(l)-(3)The ACT Government has established an interdepartmental committee to advise on the steps required to introduce electric vehicles in the ACT including issues relating to plug-in points. The Government will announce its intention in relation to electric vehicles in 2011.

(4)-(5) Consideration will be given to the allocation of particular parking spaces for plug-in electric vehicles in ACT Government off-street parking areas as well as on-street parking spaces at an appropriate future time. The regulatory and management arrangements will also need to be agreed in the future when the timing of introduction of electric vehicles is clearer.

The ACT Government position will be informed by its work with other jurisdictions through the Environment Standing Sub-Committee of the Australian Transport Council and a sub-committee of the Council for the Australian Federation, as well as the ACT Government Interdepartmental Committee.

Environment—polystyrene recycling (Question No 1388)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 9 December 2010:

(1) What options exist in the ACT for recycling of polystyrene for (a) residential, (b) commercial and (c) industrial use.

(2) What consideration has the Government given to providing a residential polystyrene recycling service at Hume and/or Mitchell resource recovery facilities.

(3) What consideration has the Government given to providing collection points for polystyrene, using the existing drop off recycle stations around Canberra.

(4) What would be the approximate cost to the Government of polystyrene recycling equipment that could recycle polystyrene from the ACT waste stream and can the Minister provide an estimation of the cost of equipment that could recycle all polystyrene, as well as for equipment that could recycle smaller percentages.

(5) Approximately how much landfill space would the ACT save annually if all of the polystyrene in the waste stream was recycled.

Ms Le Couteur: The answer to the member's question is as follows:

1) Transpacific Cleanaway in Hume is the only registered recycler of expanded polystyrene in the ACT.

a) Transpacific Cleanaway does not accept residential expanded polystyrene in the ACT. ACT NO Waste is not aware of any other options to recycle expanded polystyrene in this jurisdiction.

b) & c) Transpacific Cleanaway will supply bags of approximately one cubic meter to commercial or industrial organisations, charging $5 per bag. Transpacific Cleanaway will accept full bags of expanded polystyrene from organisations for $5 per bag, or will collect them for $10 per bag.

2) The Department has given brief consideration to providing various recycling services for expanded polystyrene. However, expanded polystyrene is expensive to recycle, produces a low value product, is logistically difficult to transport due to its high volume and low density, and has limited end-use markets. It is also easily contaminated by dirt and oils, further reducing any markets. It is also easily contaminated by dirt and oils, further reducing any potential value. This means that it is a high cost / low return product to recycle. In addition, it only comprises around 3% of landfill each year, making it a relatively low-priority material in terms of landfill space.

In order to maximise resource recovery within a finite budget, the Government has been strategic. Initial focus has been on high-volume materials that provide good value to recycle and problematic materials that, for public policy reasons, should not be sent to landfill. The fact that the ACT leads the country in resource recovery shows the effectiveness of this approach.

While a programme to recycle expanded polystyrene may be introduced at some point in the future, it is not a high-priority waste stream at this stage and there are no current plans to introduce recycling. Private sector operators, like that offered by Transpacific Cleanaway, will provide recycling options in the interim.

3) See 2).

4) The Government is not in a position to provide these costings. It has not reviewed and costed the available recycling plant as it has no intention at this stage to provide an expanded polystyrene recycling service. Quotes would be obtained ahead of any firm proposal to introduce such services. Quotes would depend upon the exact format of the service and the required specifications for the recycling equipment.

Indicative figures from Transpacific Cleanaway above indicate that a commercial industry recycling programme can be run for $15 per cubic metre, including collection and processing. It is assumed that these rates cover the equipment used by Transpacific Cleanaway but they may not be applicable to other recycling facilities.

5) The 2010 landfill composition audit estimated that expanded polystyrene comprised around 3% of landfill. From ACT NOWaste estimates of landfill space consumed each year, this would give a volume of around 10,000 cubic metres of expanded polystyrene.

Planning—change of use calculations (Question No 1389)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 9 December 2010:

(1) How does the Department of Territory and Municipal Services calculate what offsite works are needed when change of use charges are calculated for developments.

(2) How is the value of these offsite works calculated and how are these offsite works charges passed on to developers.

(3) What liaison is undertaken with other departments in calculating which works should be calculated and the value of these offsite works.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Territory and Municipal Services does not calculate what off-site works are needed when change of use charges are calculated for developments. The determination of change of use charge is a matter for the ACT Planning and Land Authority.

(2) Refer to (1).

(3) Refer to (1).

Planning—west Belconnen landfill site (Question No 1390)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 9 December 2010:

(1) What is being planned in terms of preparing a Master Plan for the West Belconnen landfill site.

(2) What are the intended uses for the site referred to in part (1) in the (a) near future and (b) longer-term.

(3) How far developed are plans for a solar farm for the West Belconnen landfill site and what are the next steps in developing these plans.

Mr Stanhope: The answer to the member's question is as follows:

1) The Master Plan for the West Belconnen Resource Management Centre is currently with the Environment Protection Agency for comment. A copy can be provided to you on request once it is finalised.

2) The West Belconnen Resource Management Centre hosts the following activities:
- Drop-off facilities for domestic and commercial waste and recycling.
- Acceptance of asbestos-contaminated material.
- Methane capture facilities at the non-operational former landfill.
- Resource recovery activities.
- Soil remediation. Current projects involve combining soil from old petrol station sites with green waste in open windrows and rotating this material until it meets Environment Protection Authority (EPA) requirements for reuse.
- Emergency landfill when and if this is needed, such as was used following the 2002 bushfires.

The Master Plan considers the following activities which could potentially occur in the Resource Management Centre in the long-term;
- Publicly-accessible open space. If land is designated for this purpose, it would no longer contribute to waste minimisation and resource recovery goals.
- Closed space. If land is designated for this purpose, it would neither be open to the public nor able to contribute to waste minimisation and resource recovery.
- Further resource recovery activities.
- Future landfilling.
- Educational purposes, with a focus on field-based land management for waste and resource recovery.
- Renewable energy generation, such as solar power.

Decisions about which of these activities will occur, if any, have yet to be made.

Monitoring, maintenance and site remediation activities will also continue as long as needed to ensure that the site is maintained in a manner that protects public health and the environment.

3) The Master Plan identifies several sites that may be suitable for renewable energy generation, in particular solar power generation. Market research about the feasibility of such facilities, including the benefits under the ACT Feed-In Tariff Scheme, is underway. No decision has yet been made about whether land will be allocated for these purposes.

Planning—change of use calculations (Question No 1391)

Ms Le Couteur asked the Minister for Land and Property Services, upon notice, on 9 December 2010:

(1) How does the Department of Land and Property Services calculate what offsite works are needed when change of use charges are calculated for developments.

(2) How is the value of these offsite works calculated and how are these offsite works charges passed on to developers.

(3) What liaison is undertaken with other departments in calculating which works should be calculated and the value of these offsite works.

Mr Stanhope: The answer to the member's question is as follows:

(1) The Department of Land and Property Services and the Land Development Agency do not have any roles in calculating offsite works when changes of use charges are calculated for developments.

(2) Please refer (1).

(3) Please refer (1).

Planning—change of use calculations (Question No 1392)

Ms Le Couteur asked the Treasurer, upon notice, on 9 December 2010 *(redirected to the Minister for Planning)*:

(1) How does ACTEW calculate what offsite works are needed when change of use charges are calculated for developments.

(2) How is the value of these offsite works calculated and how are these offsite works charges passed on to developers.

(3) What liaison is undertaken with other departments in calculating which works should be calculated and the value of these offsite works.

Mr Barr: The answer to the member's question is as follows:

(1) Developers are required to construct all infrastructure to ACTEW's requirements. No offsets against Change of Use Charge are granted to fund the cost of these works.

(2) N/A.

(3) N/A.

Planning—change of use calculations (Question No 1393)

Ms Le Couteur asked the Minister for Planning, upon notice, on 9 December 2010 *(redirected to the Acting Minister for Planning)*:

(1) What change of use charges have been made since rectification of the application of the change of use charge.

(2) Are offsite works being included in the calculations of change of use charges now, under rectification and how are these offsets being calculated.

(3) What liaison is undertaken with other departments in calculating which works should be calculated and the value of these offsite works.

Mr Stanhope: The answer to the member's question is as follows:

(1) Since the change of use rectification (30 April 2010), up to and including 31 December 2010, approximately $6 million has been paid in change of use charges.

(2) No offsets against change of use charge have been considered or calculated since rectification.

(3) Noting the answer to Question 2 above this question is not relevant to rectification.

Planning—urban form analysis (Question No 1394)

Ms Le Couteur asked the Minister for Planning, upon notice, on 9 December 2010:

(1) In relation to the table of information published at http://www.actpla.act.gov.au/__data/assets/pdf_file/0005/19193/Urban_form_analysis_-_technical_report.pdf entitled *Urban Form Analysis*, (a) do the land take and people per hectare calculations include all land uses and (b) is commercial space included, given that on reading the more detailed breakdown, there is no mention of commercial space, unless it is part of building footprint

(2) In relation to CO2 production included in the table referred to in part (1), (a) what sources of CO2 does this include, (b) is it only building related and transport related, (c) does it include emissions relating to consumption of goods and services by occupants and (d) does it include occupants' share of public activities such as road maintenance, etc.

(3) In relation to water consumption information in the table referred to in part (1), does this only include occupant water or does it include watering of public open space.

(4) In relation to the table referred to in part (1), how are low income households defined.

Mr Barr: The answer to the member's question is as follows:

(1) a) Yes, the land take and people per hectare include all land uses (including commercial if applicable) and the total of urban area within the case study boundaries.

b) Yes, the commercial land use of the Kingston and Reid examples is included in the building footprint category and has not been further specified.

(2) The indicator only accounts for C02 emissions related to the annual energy use from operating residential buildings in the area. Focussing on C02 emissions from operational building energy allowed for a better benchmarking with standards elsewhere.

a) The C02 indicator is based on average household gas and electricity consumption between 2006 and 2009 according to data provided by ActewAGL. Due to difficulties in accessing accurate data the indicator does not include any building-related embodied energy sources.

b) The C02 indicator is only building related and does not include transport related greenhouse gas emissions.

c) No

d) No

(3) The water consumption data refers to household consumption only.

(4) Low income households are defined according to the definition of the Australian Bureau of Statistics as households with a gross weekly income less than $ 650.

Questions without notice taken on notice

Planning—master plans

Mr STANHOPE *(in reply to a question and a supplementary question by Ms Bresnan on Wednesday, 8 December 2010)*: I advise that as Minister for Land and Property Services, land release is a responsibility of this portfolio. Timely land release is a priority of this Government. I did not consult with ACTPLA, however the Department maintains close contact with ACTPLA to coordinate land release priorities with planning functions to enable land release.

The costs for the Kambah Village and Hawker planning processes are yet to be determined and while the amount allocated for other similar studies can be used as an indicative figure the scope and cost of each planning study is determined by the information needed to be gathered and extent and complexity of the possible outcomes.

Bimberi Youth Justice Centre—assaults

Ms BURCH *(in reply to questions by Mr Hanson, Mrs Dunne and Ms Hunter on Thursday, 18 November 2010)*: I would like to inform the Assembly the management at Bimberi continues to work with staff to develop their awareness of safety and security risks and the identification of strategies and practices to manage the risks associated with the nature of the work.

Incidents are reviewed on an individual basis at the time they occur. This involves a review by the Unit Manager, the Operations Manager and the Senior Manager and a report is provided to the Director. Any recommendations relating to individuals or systems arising from these individual reviews are implemented by Bimberi management. The Australian Federal Police are also contacted about incidents as appropriate and there are a range of behavioural consequences for young people in the centre if they are found to be responsible for an incident occurring. As a matter of course, the management of Bimberi routinely make video recordings available to the investigating officers from the AFP, if requested.

There is an ongoing review of incidents at an individual level and they are also considered in the systemic context.

The number of assaults on staff from January 2010 until October 2010 resulting in referral to the Australian Federal Police is ten (10). The management at Bimberi continues to work with staff to develop their awareness of safety and security risks and the identification of strategies and practices to manage the risks associated with the nature of the work. In matters involving assaults on staff that are referred to police, the complainant is the affected staff member, not the Department. Young people also move in and out of the centre. Currently, the Department is not routinely informed by the Australian Federal Police if charges are being pursued.

In 2009-2010 there was one Segregation Direction involving one young person being placed in the safe room. The Public Advocate is informed of any use of the safe room

and the Department also reports the use of the Safe Room to me as the Minister of Children and Young People.

ACTION bus service—wheelchair accessible buses

Mr STANHOPE *(in reply to a question by Ms Bresnan on Tuesday, 7 December 2010)*: The majority of ACTION bus route services have accessible buses assigned for travel in both directions but the scheduled return travel may not always be convenient to the commuters' needs. As ACTION'S accessible fleet increases so too will its capacity to schedule additional return accessible trips.

ACTION liaises with individuals seeking accessible bus services relevant to their travel needs and wherever possible, will implement network adjustments to assist these requests. At present, ACTION has scheduling changes in place to meet the travel requirements for several passengers requiring accessible transport.

ACTION also participates in the Accessible Transport Group forum. The role of this group is to advise ACTION regarding accessibility to ACTION bus services for all commuters.

Wheelchair accessible buses are initially scheduled on the high volume routes, including the Blue Rapid Intertown and the Red Rapid service. Accessible buses are then shared between the remaining routes, with extra consideration given to routes servicing hospitals.

Commuters requiring a wheelchair accessible bus are encouraged to contact ACTION and provide details of their intended travel so that, wherever possible, accessible buses may be assigned to their intended services. For casual bus travel, commuters may continue using ACTION web page timetable information to identify dedicated accessible bus routes. The availability of accessible buses, both for dedicated accessible bus routes and for individual requests, is subject to operational requirements.

Mr STANHOPE *(in reply to a question by Ms Le Couteur on Tuesday, 7 December 2010)*: ACTION does not keep data on the number of patrons who are in wheelchairs as their ticketing arrangements are no different to other users.

ACTION is committed to providing accessible buses on Rapid routes (Blue 300 series and Red 200 series buses) where operationally possible. ACTION may be able to accommodate wheelchair accessible bus services on particular routes where there is a regular requirement. Requests for accessible buses should be forwarded directly to ACTION.

Health—respecting patient choices program

Ms GALLAGHER *(in reply to a question by Ms Bresnan on Thursday, 28 October 2010)*: I am advised that the answer to the Member’s question is:

The respecting patient choice program employs one Coordinator. The Coordinator is responsible for the strategic direction for the program. The Coordinator supports the

operational day-to-day management of the program and training for staff members to become Respecting Patient Choices consultants. There has been over 145 consultants trained to date across the Canberra Hospital and in residential aged care facilities. These are predominantly nursing staff. The Coordinator also undertakes operational work due to the increasing demand for assistance. This increasing demand is a result of the training and support across both the acute and community sectors, and collaborative advocacy work currently being done with community action groups to increase awareness of the program so that when people come into hospital the decisions have already been made.

There are no plans to decrease the size of the program or the staffing of the program. ACT Health is looking at possibly increasing the staffing of the program to develop a resource model of care to complement the consultant model of care as nurses are finding the requirements of the Respecting Patient Choices paperwork too time consuming to complete whilst on their shift. The resource model would mean that the respecting patient choices coordinators would go to the patient on the wards to fulfill these requirements.

Ms GALLAGHER *(in reply to a supplementary question by Ms Le Couteur on Thursday, 28 October 2010)*: I am advised that the answer to the Member's question is:

The current activities of ACT Health to inform the community of the respecting patient choice program include regular community and key stakeholder forums, which inform the community of the respecting patient choices program and of its value. Additionally, articles are written for the ACT Law Society Hearsay magazine, Dying with Dignity newsletters and Respecting Patient Choices® newsletter.

The current activities of ACT Health to inform staff about the respecting choice program include regular information sessions to ward staff, an information sheet was circulated in November 2010 and an E-learning package is being developed, which will be available for all ACT Health.

Additionally, there are training opportunities for ACT Health staff and Residential Aged Care staff to become Respecting Patient Choice consultants. This training includes e-learning modules and face-to-face training.

ACTION bus service—wheelchair accessible buses

Mr STANHOPE *(in reply to a question by Ms Hunter on Tuesday, 7 December 2010)*: I am advised that the initial journey planner to be released to the public will be Google Transit which does not offer this facility. I am further advised that a journey planner will be developed within TAMS and available at a later date.

ACTION is progressively upgrading its bus fleet to be accessible in accordance with the *Disability Discrimination Act 1993* (DDA). At present 39.3% of ACTION'S fleet is accessible and ACTION is on target to meet the next DDA target of 55% by December 2012.

Until the ACTION fleet is fully wheelchair accessible, commuters are encouraged to contact ACTION to provide advance details of their intended travel so that, wherever possible, accessible buses may be assigned to their intended services.

Housing—emergency accommodation

Ms BURCH *(in reply to a question by Ms Bresnan on Tuesday, 15 February 2011)*:

I would like to inform the Member, the most recent data available indicates that the total daily average demand for supported accommodation in the ACT in 2008-09 was 297 adults and unaccompanied children. Of these, 291 were accommodated (up from 278 in 2007-08) and 6 were turned away (down from 10 in 2007-08).

The data indicates the turn away rate for all people needing supported accommodation reached a five year low (2.1%) in the ACT in 2008-09 as the number of people able to be accommodated rose.

Nationally the turn away rate increased over the same period.

In addition the ACT has in place measures to assist those people without immediate accommodation, in particular where there are safety concerns. This included the provision of brokerage funds, emergency relief services, 24-hour assistance through the Domestic Violence Crises Service, and the provision of emergency shelter supplies, such as tents, sleeping bags, and food, through the Street to Home Program.

In addition access to those emergency options has now been streamlined with the establishment of 'First Point' the central access service which provides callers with comprehensive information on accommodation and emergency options.

Alexander Maconochie Centre—crisis support unit

Mr CORBELL *(in reply to a question by Ms Bresnan on Thursday, 18 November 2010)*:

(1) Of a total of 255 episodes requiring admission to CSU from 20 April 2009 (when a prisoner first entered the CSU) to 18 November 2010 inclusive, the mean (average) time spent in the Crisis Support Unit (CSU) per stay is 16 days and the median time is 5 days. The longest continuous time a detainee has stayed there is 218 days.

(2) In the mental health context, 'seclusion' is understood to mean the confinement of a person at any time of the day or night alone in a room or area from which free exit is prevented.

The CSU has 8 single cells and one double cell. Any prisoner within the AMC who is placed in a cell or locked in a room in a cottage is 'confined' or 'secluded', except when they are allowed out for exercise or other purposes or if they are in a double cell with another person.

ACT Corrective Services works closely with ACT Mental Health to keep such confinement or seclusion within the CSU to the minimum necessary in each case, as determined in accordance with ACT Mental Health directions under the *Prisoner at Risk Policy*.

When not secluded for their own safety, CSU prisoners may mingle with each other in the common room and courtyard in accordance with daily routine.

Mr CORBELL *(in reply to a supplementary question by Ms Le Couteur on Thursday, 18 November 2010)*: ACT Corrective Services policy is that the Crisis Support Unit (CSU) is not intended to accommodate prisoners on a long-term basis, but to be used to house prisoners who may be going through an acute psychological episode. The Government acknowledges that the CSU, as a unit within a prison, offers a different level of mental health care than is available in a psychiatric hospital.

ACT Corrective Services works closely with ACT Mental Health and Corrections Health to determine when a prisoner's health needs can safely be met in a normal prison accommodation unit, thereby keeping the length of stay in the CSU to the minimum necessary. ACT Mental Health arrange for the effective transfer of those prisoners who are acutely unwell to the Psychiatric Services Unit (PSU) at The Canberra Hospital under section 309 of the *Crimes Act 1900*. As well, prisoners can be transferred to NSW Corrective Services under section 26 of the *Crimes (Sentence Administration) Act 2005* for treatment in their hospital system if appropriate.

ACT Corrective Services is bound by ACT Mental Health's advice (under the *Prisoner at Risk Policy*). If ACT Mental health assesses a person as at risk in a way that does not require transfer to PSU, seclusion may end up being of lengthy duration for clinically supported reasons in individual cases, for example where there is an assessed moderate ongoing risk of suicide.