



Debates

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Thursday, 30 June 2011

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Thursday, 30 June 2011

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.

**Legislative Assembly—unparliamentary language
Statement by Speaker**

MR SPEAKER: Members, before we get underway this morning, there are a couple of matters requiring some follow-up. Firstly, yesterday evening Ms Hunter took a point of order asking me to review *Hansard* in relation to comments made by Mrs Dunne during debate on Mr Seselja's motion concerning the strategic and functional review. In her comments Mrs Dunne stated:

What we heard there was the video version of the job application from Ms Hunter so that she can permanently and legitimately occupy the ministerial suite on the top floor.

Later Mrs Dunne stated:

The Greens can see the trophy at the end of the tunnel. There is still a bit of a dispute as to who gets the trophy, but the trophy is that vacant ministerial position. Suddenly they are prepared to compromise themselves over all of these things.

On this point she finally stated:

This member would rather be a minister than represent the people of the ACT ... she is prepared to bow to the will of the current Chief Minister, the person who will make a decision about whether there is a fifth ministry and who occupies that spot.

Standing orders require that members should not use offensive words against any member or the judiciary. Standing orders also stipulate that imputations of improper motives and all personal reflections on members shall be considered highly disorderly.

Having considered the matter, I do not believe that the comments made contain an imputation or offensive words. In making that consideration, I looked to *House of Representatives Practice* at page 501, which refers to a ruling made by a Deputy President of the Senate. It states, and I warn members this statement was made in 1955, so it is not gender appropriate:

... offensive words must be offensive in the true meaning of that word. When a man is in political life it is not offensive that things are said about him politically. Offensive means offensive in some personal way. The same view applies to the meaning of "improper motives" and "personal reflections" as used in the standing order. Here again, when a man is in public life and a member of [this] parliament, he takes upon himself the risk of being criticised in a political way.

Members, in the last two weeks, I think we have dealt with issues concerning offensive and unparliamentary words, and I would urge members to consider their conduct carefully whilst we conclude what has been a very hectic sitting fortnight. I would also remind members of continuing resolution 7, which draws to members' attention the need to exercise their valuable right of freedom of speech in a responsible manner.

Conduct of members

Statement by Speaker

MR SPEAKER: Members, there is one other matter. My attention has been drawn to a media interview in a local newspaper with Mr Hanson regarding my decision to name him and his subsequent suspension by the Assembly last week. And in that media interview Mr Hanson was asked about the comments he had made during question time.

I refer members to page 74 of the *Companion to the Standing Orders*. As members can see, there are numerous precedents where my predecessors have addressed comments made outside the chamber concerning the Speaker's rulings. The *Companion* points out that a reflection on the chair should only be made by way of substantive motion, as to do otherwise is to undermine the authority the House vests in the Speaker of the day and runs the substantial risk of drawing the institution of the Assembly into disrepute.

I believe it is the substantial duty of the Speaker to intervene in cases like this to protect the institution. On that basis, I have spoken to Mr Hanson about the comments and I accept his explanation that he did not seek to further repeat his assertion nor litigate the argument but he simply recounted the events when asked by a media outlet. I thank Mr Hanson for his considered approach to this, and I intend to take no further action. We will now proceed with the business of the day.

Petitions

The following petition was lodged for presentation, by Ms Le Couteur, from 1,487 residents:

Fitters Workshop—petition No 124

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory:

This petition of certain residents of the Australian Capital Territory draws to the Assembly's attention that the Fitters Workshop in Kingston, once part of the first Power House, has been used by the Canberra International Music Festival since 2009 to present concerts, and has been described by many experts, including renown composer Peter Sculthorpe, as having 'as astounding acoustic property'. By the end of the present Festival, more than 8000 people will have attended concerts there. The ACT Government has proposed that the building be converted into a print shop and gallery, which will not only deprive Canberra's

musical community of its finest musical space, but will forever destroy the acoustic properties of the building and its future availability for musical performances.

Your petitioners therefore request the Assembly to request that the ACT Government find another location for the print shop and gallery, and reserve the Fitters Workshop in perpetuity as a multi-purpose arts space that retains its splendid acoustic properties.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

ACT Teacher Quality Institute Amendment Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (10.07): I move:

That this bill be agreed to in principle.

In December 2010 the Assembly passed the ACT Teacher Quality Institute Act 2010 which established the ACT Teacher Quality Institute.

The government want all young people in the ACT to be equipped with the skills to lead fulfilling lives through a quality education delivered by quality teachers. And this is why we have established the ACT Teacher Quality Institute, which began operations this year, to work with teachers in all schools—public, independent and Catholic. The institute will ensure standards of teachers in ACT schools are upheld and that professional development is promoted. The key initial function of the Teacher Quality Institute is to register or give a permit to teach to all teachers working or seeking to work in ACT schools.

An essential element of teacher registration and granting of a permit to teach is the assessment of the criminal history of the applicants in order to determine their fitness to teach in the ACT. The Spent Convictions Act 2000 allows for the assessment of spent convictions when an applicant is seeking employment in certain professions. These professions include the judiciary, police or prison service or anyone involved in teaching, childcare or health services.

Currently the ACT Teacher Quality Institute Act 2010 does not allow for the assessment of spent convictions, and this is why I am bringing this amendment before the Assembly today. The passing of this amendment will allow for the assessment of spent convictions in the criminal history checks for teachers wishing to be registered as a teacher or seeking a permit to teach in ACT schools. It is important to bring the ACT Teacher Quality Institute Act 2010 into line with the Spent Convictions Act 2000.

Generally, spent convictions will not be considered when a person seeks, for example, a motor vehicle licence or employment in most fields. So why are we intending to assess teachers in this way? The government believes protecting the safety of our children is critical. We need to be certain that teachers working with children have nothing in their history which would make them unfit to work with children.

Currently, the Department of Education and Training, the Catholic Education Office and independent schools conduct pre-employment checks prior to employing teachers. Under the Teacher Quality Institute Act, teachers must be registered with the institute before seeking employment in an ACT school. It is therefore important that, in order to comply with the Spent Convictions Act 2000, spent convictions are included in the assessment process leading to the issue of a police certificate or criminal history check.

This amendment to consider spent convictions will align the criminal history checks required under the Teacher Quality Institute Act with those across Australia and also avoid the need for an additional criminal history check to satisfy employer requirements. The Teacher Quality Institute Amendment Bill 2011 will provide the necessary requirement to ensure that spent convictions are assessed as part of the preparation of the police certificate or criminal history check for persons seeking employment as teachers in all ACT schools.

The institute will develop and apply guidelines on how an assessment is to be conducted of a person's police certificate or criminal history record, including the following: the nature, gravity and circumstances of the offence, the relevance of the offence in relation to the teaching profession, how long ago the offence was committed, the age of the person and the victim at the time of the offence, whether the person's circumstances have changed since the offence was committed, the person's attitude to the offence, if the person has undergone a program of treatment or intervention for the offence, any assessment of the person following that program, if the offence was committed outside Australia whether the offence is an offence in Australia, whether the person has committed any other offence and any submission made by the person in relation to these matters.

Personal information about the conviction will only be used to meet the requirements of the act. This information is protected by, and is covered under, section 92 of the ACT Teacher Quality Institute Act 2010. However, a thorough examination of spent convictions is necessary if we are to ensure that those who work with our most vulnerable are fit and proper persons and are worthy of the considerable trust that is placed in them.

The outcome of an assessment of spent convictions can have one of three results: the spent conviction included in the police certificate or criminal history check does not preclude the applicant from teaching in an ACT school; the spent conviction is appropriately addressed if the applicant is granted provisional registration with conditions, for example, they do not give the Teacher Quality Institute cause to review their registration within a given time frame; or, finally, the spent conviction included in the police certificate or criminal history check is such that registration should be refused. Under the act, a negative assessment decision is reviewable and the applicant can, if they wish, seek a review of the decision by the ACT Civil and Administrative Tribunal.

The purpose of the amendment to the transitional arrangements definition for teacher currently teaching is to pick up the teachers who are not currently teaching but working in administrative roles, for example, in the central office of the Education and Training Directorate.

A new section under transitional arrangements has also been added to clarify the situation for someone who has been teaching but does not have formal education qualifications. If the person has been teaching in a school and has specialist knowledge, training, skills or qualifications in the subject they are teaching, then they will be able to be granted a permit to teach, for example, a tradesperson teaching in a technical class in a secondary school but not having a formal teaching qualification.

The purpose of the ACT Teacher Quality Institute is to enhance the standing of the teaching profession in the territory and to strengthen the quality and sustainability of the teaching workforce. The main purpose of the amendment to the act is to provide greater confidence in the teaching workforce through closer scrutiny of all convictions identified through criminal history checks conducted as part of the teacher registration and permit to teach processes. I commend the bill to the Assembly.

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

Terrorism (Extraordinary Temporary Powers) 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 and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.15): I move:

That this bill be agreed to in principle.

This bill proposes the extension of our existing Terrorism (Extraordinary Temporary) Powers Act 2006 to 2016 as well as a small number of amendments. These amendments flow from the review that I tabled in this place on 16 November last year. Mr Speaker, today I will use this speech to provide members with an overview of the amendments contained in this bill. I will also provide members with details of the evidence and reasoning that the government has relied on in reaching the conclusion that the continuation of our counter-terrorism laws is a necessary and proportionate response to the threat of terrorism faced by Australians and residents of the territory.

Last year's review made eight recommendations, six of those recommendations relating to amendments to the Terrorism Act. The first proposed amendment will allow for the continuation of our counter-terrorism act for a further five years to 2016. This proposal, as discussed in the review, is based on recent security assessments

conducted by the commonwealth government, the Australian Security Intelligence Organisation and the reviews of similar legislative schemes conducted by governments across Australia.

In reaching the decision to propose the act's continuation, the government has considered the necessity for continuation in the context of the current threat of terrorist activity posed to Australians and residents of the ACT. The government has given particular consideration to whether the continuation is a necessary and proportionate response to this threat, given our obligations under the Human Rights Act.

To address the human rights considerations, an important question for the government has been whether the purposes of the Terrorism Act remain current. The objects and purposes of the Terrorism Act are described in the act's preamble, which notes that the legislation was enacted in response to the clear need for laws to combat terrorism given the changing nature of terrorism activity following the attack on London in 2005.

The preamble to the act states, at point five, that the community needs to be protected from acts of terrorism. If law enforcement agencies have evidence that a terrorist attack is imminent, or an attack has happened, they need to be able to respond appropriately to prevent it or to investigate it and reduce its impact.

The recent announcement by the President of the United States of America on 2 May of the death of Osama bin Laden, leader of the terrorist group al-Qaeda, reinforces the prominence of the international threat of terrorist activity, and the relevance of legislation to facilitate counter-terrorism activities.

While Australia's National Security Committee has not increased the national terrorism public alert system threat level from "medium", the possibility of revenge attacks is real. A "medium" assessment indicates that a terrorist attack is feasible and could occur. This possibility has been acknowledged by the Prime Minister in media interviews following the announcement of the death of the leader of al-Qaeda.

Recent Australian reports have acknowledged the on-going terrorism environment. The 2008-2009 ASIO report to parliament identified a range of terrorism related activity and identified new extremist groups. The commonwealth government's *Counter-terrorism white paper 2010* also acknowledges that terrorism is a persistent and permanent feature of Australia's security environment.

In addition to international terrorist activity, the ACT's unique position within Australia as the seat of Australian government and the host of international diplomatic missions heightens the potential threat faced by our community. This fact has not changed since the introduction of the Terrorism Act and was an important consideration in determining the necessity of counter-terrorism laws in the ACT.

It is important to note that due to the cross-jurisdiction challenges presented by terrorism, Australia's response relies on the complementary roles between the commonwealth, states and territories. Significantly, Australian jurisdictions who have

reviewed their counter-terrorism legislative schemes have all recommended that they continue. The recommendations from our interstate counterparts to continue their acts were made despite the fact that, like the ACT, many of the jurisdictions have not exercised their powers in their counter-terrorism schemes.

Mr Speaker, I note the calls from the ACT Greens for the preparation of a full human rights compatibility statement to accompany this bill. Specifically, the Greens requested that a human rights analysis be conducted, with this analysis focusing on the current terrorism climate and the limitations, as described by section 28(2) of the Human Rights Act, that the bill places on those rights.

The government has completed this analysis, which appears in the explanatory statement for this bill. The explanatory statement considers in detail the proposal to extend the bill to 2016, the limitations that this proposal places on human rights, and the reasons why the continuation is a necessary and proportionate limitation on those rights.

The proportionality of the specific counter-terrorism measures in the Terrorism Act were extensively canvassed, and answered in the affirmative during the development and debate on the initial bill in 2005. For this reason, this material is not repeated in the explanatory statement for this bill.

At this point, I would like to remind members of the measures that the government undertook in the development of the Counter-Terrorism Act to ensure that we complied with our human rights obligations. From first instance, the territory determined that the paramount considerations for the counter-terrorism laws were protection of the community, our human rights obligations and the fundamental principles of justice. These principles are the rule of law, proportionality, respect for legal process and the separation of powers.

These considerations were in addition to those stated by the Council of Australian Governments. COAG recognised that any laws would be necessary, contain appropriate safeguards against abuse, be based on evidence and be proportionate.

During the development of the act, the government committed to robustly and transparently addressing the interaction of any counter-terrorism laws with the Human Rights Act. To honour this commitment, the government sought specialist human rights advice, which was tabled in the Assembly on 3 May 2006.

This advice is still relevant today because the nature and extent of the counter-terrorism measures created by the initial Terrorism Act have not changed. This bill will not make any substantive amendment to the Terrorism Act, nor to the preventative detention and special police power schemes that it creates.

The advice from Ms Kate Eastman, which was tabled, considered the interaction of the 2005 bill with the human rights to a fair trial, privacy, not to be arbitrarily detained and freedom of movement and assembly. It concluded that the bill satisfied the requirements of section 28(2) of the Human Rights Act, and was therefore compatible with the act.

Mr Speaker, as I have already said, this bill does not propose any substantive amendments to the Terrorism Act. These amendments, particularly clauses 4, 7 and 8, support the Terrorism Act's compatibility with the Human Rights Act as they provide for greater clarity and certainty, and will recognise the rights of families and children.

The second amendment proposed by the bill is for a second statutory review of the act. It is proposed that the second review be completed following the act's eighth year of operation, with a report to be tabled in the Assembly before the end of the act's ninth year.

A further review is appropriate given the effect of the Terrorism Act. It will allow for further consideration of the operation and effectiveness of our counter-terrorism laws and an analysis of the terrorism climate in future years to determine whether the laws continue to be necessary.

The remaining amendments provide greater clarity of the rights and responsibilities under the act. These minor amendments it operates will ensure that the act is consistent with other laws in the ACT, and that it operates in the way it was intended.

Proposed clause 4 will substitute a new section. The substitution will require that where a child has been detained under preventative detention, the police officer must immediately release the child from preventative detention and either arrange for the child to be escorted by a police officer to the child's home, or arrange for a person with parental responsibility for the child to collect the child.

Where a child is not escorted to their home or collected by a person with parental responsibility, this amendment requires the police officer to advise the Director-General responsible for the Children and Young People Act of the release as soon as practicable after the release.

This amendment is consistent with section 151 of the ACT's new Liquor Act. It will ensure that the best interests and welfare of children are addressed by ensuring that children receive appropriate care if they are released from preventative detention.

This amendment recognises section 11 of the Human Rights Act by providing greater protection for families and children by ensuring that children are returned safely to their home and families, and by ensuring that any care and protection issues are addressed.

It is noted that this amendment will engage the section 12 human right to privacy and reputation in relation to children who are detained. In *Toonan v Australia*, the Human Rights Committee determined that any interference with the right to privacy must be proportional to the end sought and be necessary in the circumstances of any case.

The government has determined that the interference with a child's right to privacy is a reasonable limitation, given the competing rights of families and children and the responsibility of the government to address any issues with the child's care and wellbeing, in the context of a child who is allegedly involved in terrorist activity.

Mr Speaker, clause 6 proposes to include a note to state that where the Supreme Court has set aside an order for preventative detention, then it ceases to have effect. This amendment underlines the requirement that a person is immediately released from preventative detention where no lawful basis exists for ongoing detention. This amendment will recognise section 18 of the Human Rights Act, which provides for the right to liberty and security of the person.

Clause 7 proposes to correct an uncertainty with section 78, which relates to special police powers. The uncertainty surrounds the information that a police officer is required to provide when exercising a power pursuant to section 83. This amendment will correct this uncertainty.

Clause 8 proposes to amend section 78 to provide that a written statement, or the reasons why the police cannot provide the statement, to require the statement or reasons, be provided within a reasonable time.

In conclusion I will reiterate the government's position that the continuation of these laws is necessary. It will ensure that the ACT does not become an attractive base for terrorist activity due to the absence of a counter-terrorism legislative regime and because the purpose of the Terrorism Act remains current.

Terrorism continues to pose a real and significant threat to residents of Australia and the territory. The government will not shirk from its responsibility to protect our residents; but it will always be mindful that this protection must not unreasonably impede or infringe on our human rights.

Mr Speaker, when Mr Stanhope presented the bill to this place in 2006, he quoted Franklin D Roosevelt's famous inaugural address at the height of the great depression. His words "the only thing we have to fear is fear itself" were relevant in 1933, in 2006, and also today.

Mr Stanhope quoted these words to demonstrate that the fear that we face in the current terrorism climate should not be exploited. The government strove to ensure that our rights, our families and our democratic systems were protected from the threat of terrorism. This was to be achieved without inciting fear and giving up our democratic freedoms and human rights.

The ACT achieved this goal. Our counter-terrorism law achieves the balance of appropriate powers to address any terrorist activity, without trampling on our human rights obligations.

I commend the bill to continue this act to the Assembly.

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

Evidence (Miscellaneous Provisions) 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 and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.29): I move:

That this bill be agreed to in principle.

Today I present the second in a series of bills to be presented this year to reform the law of evidence in the territory. It was originally proposed that I would also be presenting the third bill of the evidence reforms in these June sittings. The third bill was intended to implement aspects of the model evidence law which were not part of the commonwealth law. However, I can advise the Assembly the government has decided that it is appropriate to delay presentation of this third bill until the August sittings this year.

The government has been required to take into account recent developments in journalist shield laws in the commonwealth and is considering incorporating the new commonwealth journalist privilege in this third bill. As the third bill was subject to extensive consultation with stakeholders prior to these developments, delaying presentation of the bill until August will allow time to consult further with stakeholders in relation to the journalist privilege issue.

As members may remember, in March this year the Assembly passed the Evidence Bill 2011. The passage of that bill marked an important day for self-government, creating the ACT's first Evidence Act since self-government. It also represented a move towards ceasing the operation of commonwealth evidence legislation in the territory. The Evidence Act 2011, implementing model uniform evidence law, has now been notified and is awaiting commencement. It is intended that all of the bills will commence simultaneously early in 2012.

The rules of evidence that have been implemented in the territory through the model law are general in their application. Therefore, it is necessary for the ACT and other uniform evidence jurisdictions to supplement their evidence acts with specific legislation that deals with matters which fall outside the scope of the model laws.

In the ACT currently most evidentiary matters which fall outside scope are contained in the Evidence Act 1971 and the Evidence (Miscellaneous Provisions) Act 1991. As part of the evidence reforms, the Evidence (Miscellaneous Provisions) Act 1991 will be retained and will become the primary source of evidentiary matters which are not contained in the territory's Evidence Act. The Evidence Act 1971, which largely contains provisions that duplicate those in the Evidence Act, will be repealed.

Mr Speaker, the purpose of the bill I am presenting today is to make amendments to the Evidence (Miscellaneous Provisions) Act 1991. In summary, the amendments update, consolidate and reorganise the act. More substantively, they also restrict access to sexual assault counselling communications in civil proceedings. Examples of the types of amendments that have been made to update the act in accordance with

current drafting style include removing redundant words and phrases, updating and simplifying language and updating the headings of certain provisions to ensure that they appropriately reflect the content of those provisions.

Amendments have also been made which are consequential on the establishment of the territory's Evidence Act. For example, amendments have been made to replace references to the commonwealth Evidence Act with references to the ACT Evidence Act. On commencement of these reforms, the commonwealth Evidence Act will no longer apply in the territory. Two types of amendments have also been made to clarify the operation of the Evidence (Miscellaneous Provisions) Act 1991.

Firstly, amendments have been made to clarify how many of the protections offered to witnesses under the act apply in proceedings under the Domestic Violence and Protection Orders Act 2008. The amendments clarify that the protections apply in proceedings for an offence for contravention of a protection order where those proceedings are related to sexual or violent offences. The second set of amendments to clarify the operation of the act are the amendments that provide that the court is not bound by the rules of evidence and may inform itself as it considers appropriate when making certain determinations.

These amendments will allow the court to consider hearsay evidence in determining whether a witness requires special measures to facilitate the giving of their evidence. This evidence could include evidence from a counsellor or from a psychologist and would reduce the need to subject a witness to further trauma. This trauma would be caused by examining the witnesses in the normal process to establish that they require special measures to facilitate them giving their evidence. Finally, amendments have been made to replicate existing sections of the Evidence Act 1971 which need to be preserved when that act is repealed as part of the evidence reform process.

Mr Speaker, I will now turn to discuss one of the most important reforms included in this bill, and these are the amendments which restrict access to sexual assault counselling communications in civil proceedings. Currently, division 4.5 of the act provides an immunity framework for an ACT court to apply when a party seeks to disclose the counselling notes of a sexual offence victim in a criminal proceeding. The immunity is absolute in preliminary criminal proceedings—for example, proceedings for the committal of a person for trial or proceedings relating to bail.

This means that counselling notes are not to be disclosed in these proceedings as it will not generally be possible for the court to have enough information about the case presented to determine whether to maintain the immunity. In all other criminal proceedings—for example, a trial, sentencing proceeding, appeal or review—the court must give leave before counselling notes are to be disclosed. The court may only give leave once two tests have been satisfied.

Firstly, the applicant seeking to disclose the notes must identify a legitimate forensic purpose and satisfy the court that there is an arguable case that disclosure would materially assist the applicant in his or her case in the proceeding. Once this threshold test is satisfied, the court inspects the notes and determines leave for disclosure on the basis of a public interest test. It is for the court to weigh a set of factors relevant to the

question of whether the public interest in ensuring a fair trial to the accused outweighs the public interest in preserving the confidentiality of the counselling notes.

The policy argument in favour of this immunity is well accepted. Sexual assault counsellors serve a crucial role in the justice system and it is not unreasonable to assume that if counselling notes are not confidential, complainants will not seek counselling or will not be entirely frank during counselling sessions. This will reduce the efficacy of the counselling process.

Further, if complainants do not use the services of counsellors then the likely result will be a lower reporting of sexual offences and the withdrawal of complaints. If notes are not protected, sexual assault counselling services may adopt practices such as minimal record keeping or making dummy files that both inhibit the counselling relationship and mitigate against the accountability of the counsellor.

It is also argued that records of counselling will have very limited relevance in cases involving allegations of sexual assault. Counsellors argue that sexual assault counselling is concerned with the emotional and psychological responses of the complainant to the assault. As such, the facts surrounding the assault are likely not to be discussed and the exploration of feelings will undermine the forensic reliability of what is recorded.

This bill includes amendments to extend this existing protection for criminal proceedings to civil proceedings. There is no compelling reason why the protections afforded in criminal proceedings should not be extended to civil proceedings. The public interest in encouraging victims of sexual assault to seek counselling exists in both the criminal and civil sphere. Indeed, legislation in New South Wales, South Australia and Victoria provides protection in civil and criminal proceedings. The extension has been agreed by stakeholders.

Mr Speaker, an exposure draft of the bill was circulated to key stakeholders in the justice system in April this year. These stakeholders included the Bar Association, Law Society, Legal Aid, Australian Lawyers Alliance, Civil Liberties Australia, a range of ACT government stakeholders, including courts and tribunals, the DPP, Human Rights Commission and ACT Policing, as well as Women's Legal Centre, Domestic Violence Crisis Service, Canberra Rape Crisis Service, Victim Support ACT, ACTCOSS, the Welfare Rights and Legal Centre and Street Law. Approximately half of these stakeholders provided comments on the bill, and in general these stakeholders supported the amendments contained in it.

Two main changes were made to the bill in response to comments received from stakeholders. Firstly, comments were received on the amendments which were designed to preserve existing provisions in the Evidence Act 1971. The comments were useful in identifying provisions which are actually redundant and therefore do not need to be preserved. For those provisions which do need to be retained, comments were provided which assisted in ensuring that the provisions were updated to reflect current practices.

The Law Society and Legal Aid raised concerns about a subsection which was included to guide the courts in making a determination under the sexual assault counselling immunity. The guide reflected common law principles but was considered to unduly constrain the exercise of the judiciary's discretion. As removal of the subsection will not affect the protection offered under the immunity, it was removed.

In closing, Mr Speaker, I would like to take the opportunity to thank stakeholders for their consideration of the exposure draft of the bill. My directorate appreciates the efforts made by stakeholders who commented and acknowledges that these comments greatly assisted officers of the government in finalising the bill. I commend this bill to the Assembly.

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

Security Industry 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 and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.41): I move:

That this bill be agreed to in principle.

I am pleased to introduce to the Assembly today the Security Industry Amendment Bill 2010, which will amend the Security Industry Act 2003. The security industry plays an important role in our community, protecting the safety of the public as well as public and private property. Members of the industry are often employed in positions of trust and work with vulnerable people. With this in mind, the community must be confident that the people who work in the security industry meet certain standards of probity and skill.

To ensure that the expected standards of probity are met, in 2008 the Council of Australian Governments agreed to adopt a nationally consistent approach to the regulation of the private security industry. The aim of these reforms is to improve the probity, competence and skills of the industry and to improve the mobility of licences across jurisdictions. This bill builds on the harmonised licensable activities and training requirements passed by this Assembly on 7 December last year as part of the Justice and Community Safety Legislation Amendment Bill 2010 (No 4). The security industry has been kept abreast of these changes.

In 2009, the Office of Regulatory Services invited security industry associations to a meeting to discuss the COAG reforms. Following an article in the April 2011 e-news, the Office of Regulatory Services wrote to all licensees informing them of the imminent commencement of the new licensable activities and flagging remaining

stage 1 reforms. A subsequent article appeared in the June 2011 e-news and in June 2011, industry associations were again invited to a meeting to discuss the new licensing requirements and reforms that are covered in this bill. I understand that no significant issues were raised at this meeting.

To improve the regulator's ability to determine the suitability of an applicant, the provisions in this bill will allow the Commissioner for Fair Trading to take into account all relevant information, including criminal intelligence, when making licensing decisions. Importantly, the bill will also protect individual rights by providing a process of review where criminal intelligence is able to be considered and the courts and tribunals have the power to determine if information used in making decisions should be kept confidential.

To improve probity checks and identity verification, these amendments will require applicants for a security licence to submit to a fingerprint check to verify their identity. The government has committed \$402,000 in the 2011-12 budget to fund the new scheme, including the cost of new fingerprinting equipment and staffing resources to administer the scheme. This is in addition to the existing requirement that applicants provide a police certificate to be eligible for a security industry licence. This will ensure better verification of identity at the time of making the application and maintain the ability of the commissioner to verify identity throughout the licence term.

Additionally, provision has been made for the commissioner to request a copy of a person's criminal history if they have been living in another country for 12 months or more within five years before their application. If the commissioner is not satisfied as to the person's probity during the period a person is absent from Australia, the licence can be refused. If an applicant has difficulty obtaining a criminal history from overseas, the commissioner has the discretion to not consider the application. If the applicant is able to satisfy the commissioner about their probity while overseas through the provision of other information or documentation, then a licence can still be granted.

To ensure the suitability of licensees, if a person is convicted or found guilty of certain offences as agreed by COAG, the bill provides that they will automatically be considered unsuitable to hold a licence. The bill requires that the commissioner not issue a licence if the applicant has been convicted in their previous 10 years or found guilty of those offences in the previous five. The exclusionary offences are serious offences such as assault, firearms offences, robbery and offences involving terrorism. To maintain the integrity of the security industry, the commissioner must be able to deal promptly with any adverse events relating to licensees as they arise.

The amendments made by this bill will insert into the act cancellation and suspension powers for the commissioner. The cancellation powers only relate to those offences that automatically preclude a person from holding a licence and the new power only applies to current licensees if the conviction or finding of guilt occurred after the commencement of the amendments. The suspension power only applies if the commissioner is taking, or intends to take, occupational discipline proceedings against a licensee and the commissioner believes on reasonable grounds that the licence

should be suspended immediately in the interests of public safety. Both of these new decisions are reviewable decisions, maintaining judicial protections for licensees.

While maintaining the integrity of the industry and the suitability of individuals employed in this role, it is important that the level of burden be proportionate with outcomes such that there are no unnecessary barriers to entry into the security industry. In order to minimise burden on applicants and the regulator, the bill will allow the commissioner to issue licences for up to three years. The implementation of these reforms was carefully considered in the context of the Human Rights Act 2004. The government recognises that this legislation will engage a number of human rights protected under the Human Rights Act, in particular in relation to privacy and reputation and the right to protection against discrimination.

Security licensees are entrusted with ensuring the security of public places and property. They are often privy to privileged information and involved in high-risk areas. Many of the people they come into contact with may be vulnerable members of our community. I am confident that the amendments achieve the policy goals of protecting our community whilst imposing the least possible limits on these rights, and that those limits are reasonable in the circumstances.

Applicants will be clearly on notice as to additional mandatory exclusions as set out in the bill and, of course, applicants have access to appropriate judicial oversight of all decisions made in the course of issuing a license. I commend the bill to the Assembly.

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

Justice and Community Safety Legislation Amendment Bill 2011 (No 2)

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 and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.49): I move:

That this bill be agreed to in principle.

The Justice and Community Safety Legislation Amendment Bill 2011 (No 2) is part of a series of legislation that concerns the Justice and Community Safety portfolio. The bill I am introducing today will improve the effectiveness of the ACT statute book.

The Justice and Community Safety Legislation Amendment Bill 2011 (No 2) amends a number of acts, including the Associations Incorporation Act, the Births, Deaths and Marriages Registration Act, the Land Titles (Unit Titles) Act and the Victims of Crime (Financial Assistance) Act.

The Associations Incorporations Act does not currently include a mechanism to prevent associations that incorporate and continually fail to meet their obligations under the act from reincorporating. In this regard, the act is failing to prevent people from taking advantage of their members, and in turn, the community.

The amendments to the Associations Incorporations Act will allow the Registrar-General to apply to ACAT to order that a person not act in the role of public officer or committee member of an association. The ACAT may make a disqualification order in the event of failure by the person, or an association of which the person was the public officer or a committee member, to meet their statutory obligations.

The Births, Deaths and Marriages Registration Act sets out the circumstances in which one parent may apply to the Registrar-General to change a child's name. Currently, the act sets out a power of the Registrar-General to correct the register when satisfied that, in view of the order of a court, an entry in the register is incorrect. The act defines "court" to include any court of the territory, the commonwealth or a state.

However, another section of the act vests power in the Supreme Court to make orders to add or omit information about a child's parentage, which could be interpreted to mean that the Registrar-General's correction power does not extend to correcting errors relating to the parentage of a child. This interpretation effectively requires a person wanting to change parentage information to get a Supreme Court order, even though they may already have an order from another court such as the Family Court.

To remove any doubt, the amendments will allow a parent to change their child's name if the child's name has been changed under the law of the commonwealth, a corresponding law, or by order of any court in Australia.

The Land Titles (Unit Titles) Act currently contains sizing and dimension requirements for units plans documents that cause unnecessary "red tape"—for example, it is approximately double the cost for obtaining the sheets in the required B4 size and the specified margin dimensions, rather than using an A3 size sheet.

The amendments will remove the current formatting requirements relating to units plans documents, and replace them with a generic provision to the effect that these documents must be in a format approved by the Registrar-General. The approved format will be a notifiable instrument, available on the legislation register.

The bill also includes amendments to the Victims of Crime (Financial Assistance) Act 1983 to give effect to amendments made via the JACS Act 2008 (No 2), to give victims of culpable driving access to financial assistance under the scheme. The Victims of Crime (Financial Assistance) Act 1983 still includes a legislative impediment to payments of financial assistance to victims of culpable driving offences, including to relatives such as siblings, which this amendment remedies. Prior to the 2008 amendments, the definition of "violent crime" had inadvertently omitted culpable driving offences under the act. These offences have a strong element of violence, and are included in the list of violent crimes in the act.

This amendment is retrospective until 2008. The normal presumption that legislation should not apply retrospectively does not apply here. It is clear that the retrospective provision would not in fact be prejudicial and would in fact achieve a properly just goal—that is, to ensure that financial assistance is available to all victims of culpable driving offences.

JACS bills are invaluable in ensuring that legislation continues to give effect to the policy decisions that resulted in the enactment of the territory's laws. They allow the government to be responsive to community and stakeholder concerns, thereby delivering on the government's commitment to be alert to the changing needs and attitudes of the community. The bill I present today is no exception. It introduces amendments to the statute book of a relatively minor and uncontroversial nature, including matters that are not changes in policy, providing this Assembly with an opportunity to ensure, in a timely fashion, that the territory's laws continue to operate with minimal confusion and uncertainty, and address current issues.

I commend this bill to the Assembly.

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

Road Transport (Safety and Traffic Management) 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 and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.56): I move:

That this bill be agreed to in principle.

This bill supports the use of average speed detection systems, also called point-to-point speed cameras, in the ACT. The ACT has a good road safety record in comparison to other parts of Australia, and indeed the world. The ACT has the benefit of an established and well-designed road system, a general urban environment and a small, well defined geographic area. Despite this, there is no room for complacency.

Each year an average of 14 people are killed and 565 injured on ACT roads. Over the last five years, 71 people have been killed and over 2,800 people have been injured. There is no doubt that speeding increases the likelihood of injury and death in a traffic crash. At lower speeds there are fewer crashes because road users, including pedestrians, have more time for decision making, motorists are less likely to lose control and vehicles have much shorter stopping distances.

Australia's national approach to road safety improvement is guided by the safe system approach. A safe transport system requires responsible road user behaviour, but also

makes allowance for human error and recognises that there are limits to the forces humans can withstand in a crash. An essential element of the safe system approach is the design of roads and vehicles to reduce the risk of crashes and to reduce the harm to people if a crash does happen. Speed management is also a critical factor in limiting the impact energy of crashes to survivable levels.

The national road safety strategy 2011-20, or NRSS, which was released on 20 May this year, notes the importance of jurisdictions developing and implementing best practice speed enforcement measures, including a combination of on-road policing and safety camera technologies, with a mix of covert and overt strategies. An action item in the strategy is for jurisdictions to install, where appropriate, point-to-point cameras to improve speed compliance among all vehicles.

The use of point-to-point cameras is strongly supported by the National Road Safety Council, which is a body established by the Australian Transport Council to facilitate the implementation of national road safety reforms. Accordingly, the ACT's introduction of point-to-point cameras, as one speed management measure under the ACT road safety strategy, is completely in line with the safe system approach and best practice speed enforcement practices.

The ACT safety camera program has been in place since 1999. It currently consists of fixed red light speed cameras at signal-controlled intersections, fixed speed cameras at mid-block locations on major highways, and mobile camera vans that can operate at 177 prescribed sites. While fixed speed cameras usefully monitor speeds at a particular location, it is recognised that some motorists will speed up again after passing through the camera location.

A forward design study for introducing point-to-point cameras in the ACT was publicly released in September 2010. This design study confirmed that point-to-point camera systems are effective in reducing the number and severity of crashes and are able to improve speed compliance within the enforced area. This is despite infringement rates at point-to-point camera sites typically being low.

The design study lists a number of case studies in the UK where annual average killed and serious injury accident rates have reduced by between 37 and 85 per cent with the use of point-to-point cameras. The scope of work for the design study also covered the development of a program of works for the implementation of point-to-point cameras in the ACT, including the identification of sites and cost-benefit analysis.

The design study identified 10 potential sites for the introduction of point to point and assessed them against a range of traffic and safety-related criteria. Traffic criteria were the number of intersections, traffic volumes and incidence of speeding. Safety criteria were annual casualty crashes per kilometre, annual crashes per kilometre, whether the site was already a fixed or mobile camera site and an assessment of any identified safety risks.

Based on an equal weighting of traffic and safety criteria, Hindmarsh Drive and Gungahlin Drive were identified as the most suitable sites for the first installations. These sites scored highly across both traffic and safety criteria, and would remain high priority sites if assessed using the safety criteria alone.

The cost-benefit analysis in the design study also concluded that implementation of the first stage of works would have high economic worth, with benefit-cost ratios in the range of 6.5 to 14.4. This is based on benefits from crash reductions only, with revenue from infringement notices excluded from this analysis.

The system that has been selected for the ACT involves the capture of vehicle images, specifically images showing the number-plate region of vehicles. It generates time-stamped photographs of vehicles as they pass two places, or detection points, set at a known distance apart. Using vehicle numberplates, it matches an image of a vehicle taken at the first point with an image of the same vehicle at the second point. The system calculates the time difference between the two images to determine how long it took the vehicle to travel between the detection points and uses that time to determine the vehicle's average speed between those points. If the average speed exceeds the average speed limit between those points, the system will send the matched set of images to the traffic camera office to determine whether a speeding offence has been committed.

The system uses cameras with automated numberplate recognition technology, or ANPR. The ANPR system is based on optical character recognition technology which scans photographs to locate text, particularly in the numberplate area. ANPR systems do not process images that do not contain text.

ANPR technology is already used in the ACT, as part of ACT Policing's RAPID, recognition and analysis of plates identified system, to detect offences involving unregistered or uninsured vehicles and unlicensed drivers. Since the ACT's point-to-point camera system includes an ANPR system camera, there is potential for this component to be used to confirm whether vehicles with specific numberplates, such as unregistered or stolen vehicles on the police's RAPID hot list, have been driven past one or more detection points, in much the same way that the ACT Policing's RAPID system in designated police cars is already used.

While this potential will not be realised when the system first becomes operational, the system has been designed to include a capacity to match numberplate information from images to those numberplates on ACT Policing's RAPID list at some future time. The bill includes provisions that allow images to be used in relation to other road transport offences, while strictly limiting their use by other persons or for other purposes. These protections will assist in safeguarding drivers' privacy.

The bill amends part 6 of the Road Safety (Safety and Traffic Management) Act 1999, which deals with traffic offence detection devices. The amendments will authorise the use of average speed detection systems to enforce laws against speeding. The amendments insert new definitions of terms relevant to average speed detection systems in new section 22AA of the act. Amendments to section 22A provide for the information that must be included on images taken by an average speed detection system.

New section 22B explains the concept of average speed for a vehicle and includes a formula that will be applied by the system to determine the average speed of a vehicle

between two detection points in an average speed detection system. The formula assumes that vehicles travel on the shortest practicable route between those points.

New section 23A permits the use of average speed detection systems in relation to speeding offences under laws in force in the ACT. It explains when an image taken by an average speed detection system will be a “complying image”. Only complying images can be used as evidence in proceedings for speeding offences.

The regulation-making power in section 24 is amended so that it authorises the making of regulations related to average speed detection systems, including the way these systems are tested and maintained. New section 24A ensures that evidence from complying images taken by an average speed detection system, which are used to determine a vehicle’s average speed, are evidence of the vehicle’s actual speed between the detection points for the purpose of proving a speeding offence.

New section 24B makes it clear that average speed evidence is not exclusive of other evidence that a person exceeded a speed limit. It preserves the admissibility of other forms of evidence to prove the commission of a speeding offence, such as evidence from a police officer using a laser or radar speed measuring device or evidence from a mobile speed camera van.

Amendments to section 25 deal with evidentiary certificates relating to average speed detection systems and images taken by those systems. An amendment to the heading of section 27 makes it obvious that images taken by an average speed detection system can be inspected or obtained by the registered operator or driver of a vehicle in an image. Amendments to section 28 deal with requirements for a defendant to give notice to the prosecution if he or she wishes to challenge evidence about a vehicle’s average speed.

New sections 29 and 29A place restrictions on the use and disclosure of images taken by traffic offence detection devices, including average speed detection systems. These amendments are additional to the protections provided to personal information by the Privacy Act 1988. They apply to all images taken by traffic cameras, whether or not they contain personal information, and ensure that these images are protected from inappropriate use or disclosure. Consequential amendments are made to the dictionary and to the Road Transport (General) Act 1999 to include references to matters related to average speed detection systems.

Some members of the community are concerned that point-to-point camera systems may be used for general surveillance or to track individuals’ movements around the ACT. I believe it is important that members understand what the system can and cannot do, and how personal privacy is protected by this bill.

The cameras will photograph the rear of the vehicles, not the front. Rear images are necessary to enable the detection of offences by vehicles that only display a rear numberplate, such as motorcycles. The images will not show the faces of occupants or riders. The cameras are triggered by passing vehicles and will not photograph pedestrians or other people or objects on roadsides. The cameras do not operate as continuous scene cameras. Furthermore, images of vehicles that the system does not

identify as exceeding the average speed limit will be destroyed automatically after 30 days. Images that are used in relation to offences are required by law to be retained for seven years.

The ACT's point-to-point camera system will not, and cannot, be used to generate logs of drivers' movements. This is because the cameras will not be linked directly with the ACT's vehicle registration database. Vehicle registration information for a set of images of a particular vehicle will be retrieved by the traffic camera office only after the system has sent those images to that office because it has calculated that the vehicle's average speed between detection points was excessive. Information about vehicle registration or driver licences is not shown on images taken by the cameras.

The only private or personal information used in the point-to-point camera systems is vehicle ownership information. This information is recorded by registration and licensing authorities as it is an essential element of vehicle registration systems in Australia. Access to the registration and driver licence databases is restricted by law. Members of the public are not entitled to interrogate the system to find out who owns or drives a vehicle with a particular numberplate.

Section 9 of the Road Transport (Driver Licensing) Act 1999 and section 11 of the Road Transport (Vehicle Registration) Act 1999 restrict the purposes to which information held on the rego.act system can be used or disclosed. These sections specifically note that the Privacy Act 1988 also regulates the use and disclosure of that information.

When combined with new sections 29A and 29B of the Road Transport (Safety and Traffic Management) Act 1999, which are inserted by this bill in order to restrict access to, use of and disclosure of images taken by traffic cameras, these existing restrictions will ensure that the point-to-point camera system is not used for inappropriate purposes, whether by government agencies or members of the public.

The introduction of point-to-point speed cameras provides another tool to combat excessive speed on ACT roads. Like other speed reduction measures, it cannot and will not eliminate speeding completely. As is the case with fixed and mobile speed cameras, a proportion of drivers will continue to speed knowing that they will incur penalties.

However, point-to-point camera systems have been shown to be very effective at achieving sustained reductions in areas where they have been installed, with corresponding reductions both in crash numbers and the severity of crashes. I therefore urge members to support this bill and I commend it to the Assembly.

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

Public interest immunity

Continuing resolution

MS BRESNAN (Brindabella) (11.12): I move:

That the following continuing resolution be adopted:

Public Interest Immunity

In order to provide Ministers and public officials with guidance as to the proper process for raising public interest immunity claims in the course of a proceeding of a committee, this Assembly adopts the following procedure:

- (1) If:
 - (a) an Assembly committee requests information from a directorate, agency or Territory-owned corporation; and
 - (b) an officer of the directorate, agency or Territory-owned corporation to whom the request is directed believes that it may not be in the public interest to disclose the information or document to the committee, the officer will be given reasonable opportunity to refer the request to a superior officer or to a Minister, in accordance with standing order 264A (o).
- (2) If a Minister, on a reference by an officer under paragraph (1), concludes that it would not be in the public interest to disclose the information or document to the committee, the Minister shall provide to the committee a statement of the ground for that conclusion, specifying the harm to the public interest that could result from the disclosure of the information or document.
- (3) A Minister, in a statement under paragraph (2), shall indicate whether the harm to the public interest that could result from the disclosure of the information or document to the committee could result only from the publication of the information or document by the committee, or could result, equally or in part, from the disclosure of the information or document to the committee as confidential evidence.
- (4) If, after considering a statement by a Minister provided under paragraph (2), the committee concludes that the statement does not sufficiently justify the withholding of the information or document from the committee, the committee shall report the matter to the Assembly.
- (5) A decision by a committee not to report a matter to the Assembly under paragraph (4) does not prevent a Member from raising the matter in the Assembly in accordance with other procedures of the Assembly.
- (6) A statement that information or a document is not published, or is confidential, or consists of advice to, or internal deliberations of, government, in the absence of specification of the harm to the public interest that could result from the disclosure of the information or document, is not a statement that meets the requirements of paragraphs (2) or (3).
- (7) If a Minister concludes that a statement under paragraph (2) should more appropriately be made by the head of an agency or Territory-owned corporation, by reason of the independence of that agency or Territory-owned corporation from ministerial direction or control, the Minister shall inform the committee of that conclusion and the reason for that conclusion, and shall refer the matter to the head of the agency, who shall then be required to provide a statement in accordance with paragraphs (2) and (3).

- (8) This resolution has effect from the date of its passage in the Assembly and continues in force unless and until amended or repealed by this or a subsequent Assembly.

I will just speak very briefly. This has come forward from the administration and procedure committee in relation to a recommendation that came down from the privileges committee.

MRS DUNNE (Ginninderra) (11.13): While we are not opposing this, the Canberra Liberals would like to put on the record that we are not convinced of the necessity for this provision. I have been assured by the Clerk that one day I will be grateful for it, but I cannot see that yet. We do not oppose it; we just do not know that it adds anything to the standing orders and continuing resolutions.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.13): This proposed continuing resolution provides for a clear mechanism around how claims for public interest immunity will be managed through committee hearing processes. This is a sensible reform. It clarifies how public servants will operate in relation to these matters when giving evidence before Assembly committees and also clarifies the role of ministers in determining whether or not such claims should be made. This is an important clarification of the operation of the standing orders. The government will be supporting it.

Question resolved in the affirmative.

Standing and temporary orders—amendment

MS BRESNAN (Brindabella) (11.14): I move:

That the following amendment be made to the standing and temporary orders of the Assembly:

Omit standing order 168(c), substitute:

“168(c) on the calling on of the notice a Member shall present to the Assembly two printed copies of the bill signed by that Member and an explanatory statement to the bill; and”.

Again I will be very brief. This is again a matter which is brought before the Standing Committee on Administration and Procedure. It is something that the Greens support. That is all I need to say on this matter as well.

Question resolved in the affirmative.

Standing and temporary orders—new standing order 229C

MR HARGREAVES (Brindabella) (11.15): I move:

That the following amendment be made to the standing and temporary orders of the Assembly:

Insert proposed new standing order 229C:

“Proceedings and sittings of committees

229C A committee may conduct proceedings in any of the following ways:

- (i) in private meeting;
- (ii) by the hearing of witnesses (for the taking of evidence), either in public or in private; and
- (iii) in any other form in accordance with the standing orders and practices relating to the conduct of committees of the Assembly.”.

This new standing order merely clears up and cleans up some of the language and the practices around the conduct of standing committee meetings and meetings of select committees in terms of how to conduct them in private, the hearing of witnesses and “any other form in accordance with the standing orders and practices relating to the conduct of committees of the Assembly”. We want to be able to make sure that people can go out into the community and conduct committee meetings and hearings and have those meetings in the community attract parliamentary privilege. I commend the motion to the Assembly.

Question resolved in the affirmative.

Bimberi Youth Justice Centre—inquiry

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (11.16): I move:

That, if the Assembly is not sitting when the Attorney-General has received a report from the Human Rights Commissioner on her inquiry into Bimberi Youth Justice Centre, the Attorney-General may send the report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its publishing and circulation.

Further to the Assembly’s decision last week which agreed to adjust the reporting date for the Human Rights Commission’s report into youth detention and youth justice services, a question was raised in debate about the impact of that in relation to any protections granted to the commission’s report and whether it would be provided to me out of session. It would be if the commission provides it to me by the advised reporting date.

As a result, the Assembly resolved that the Clerk or the Speaker provide advice on that matter. That advice has been forthcoming. That is why we are now moving this

motion today. This motion provides the same protections for the human rights commissioner's report as may apply to reports of this place which are published out of session.

On reading the motion, I think it needs some clarification, in that report is from the Human Rights Commission rather than the human rights commissioner. In fact, there are two reports, one from the human rights commissioner and one from the Children and Young People Commissioner. I seek leave to move an amendment to that effect.

Leave granted.

MR CORBELL: I thank members. I move:

- (1) Omit "Commissioner", substitute "Commission".
- (2) Omit "on her inquiry".

It is important that we clarify that the report is from the Human Rights Commission. I thank members for that. This will provide for the respective parliamentary privileges to attach to this report should it be presented and circulated when the Assembly is not sitting.

MRS DUNNE (Ginninderra) (11.18): I thank the Attorney-General for bringing this matter forward today. This is an important piece of the motion that should have been in the previous motion. It is a matter that I think the attorney, when proposing to delay the implementation of the report, should have thought of. I managed to think of it, and I do not have an entire department of advisers behind me. I think that this could have been dealt with last week, but I am glad that it has been dealt with now.

Amendment agreed to.

Motion, as amended, agreed to.

Justice and Community Safety—Standing Committee Report 6

MRS DUNNE (Ginninderra) (11.19): I present the following report:

Justice and Community Safety—Standing Committee—Report 6—*Report on Annual and Financial Reports 2009-2010*, dated 27 June 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

In the report of the Standing Committee on Justice and Community Safety on the annual and financial reports 2009-10, the committee makes only a small number of recommendations but they are about things that are really important. Some of them

have been longstanding issues which continue to have a claim on the attention of the committee, the government, and the community at large.

One of these matters concerns the court backlog. This has a long history in the ACT. If we look back at the paper trail, we can see that there have been a number of reports stretching back—to identify this problem, discuss its implications and suggest how to resolve it. It is true that some things have been done with a view to addressing it in the recent past. In the committee's view, there is still a long way to go. It is apparent that the case management system in the courts is old and urgently in need of replacement at this stage, rather than updating. This is addressed in recommendation 1.

Recommendation 2 arises from concerns the committee has had about the relationship between the executive and the Human Rights Commission. We were interested to find during hearings that the Human Rights Commission attracted the higher level of efficiency dividend because it was considered, from an administrative point of view, to be part of the justice and community safety department and therefore a large agency. This prompted thoughts about the nature of the relationship between the Human Rights Commission and the executive; this is discussed at greater length in the body of the report.

Recommendations 3 and 4 are to do with the evaluation of rehabilitation programs at the Alexander Maconochie Centre. It is clear that these programs are a central feature of the AMC programs and that rehabilitation is a central focus of its philosophy. For this reason, the committee is firmly of the view that these programs, whether they be about drug and alcohol recovery or vocational training and employment, should be subjected to well-conducted, ongoing evaluations. Through this process, we can get a sense of how the programs are working and in what ways they should be refined and developed to achieve the best possible outcomes. The AMC is the most expensive prison per prisoner in Australia; we should be making sure that we are getting value for money.

In some ways recommendation 5 is similar in nature to recommendations 3 and 4. In considering the performance indicators quoted by ACT Policing in their annual report for 2009-10, the committee was concerned at the lack of context for the indicators and results against these indicators. It makes it difficult to see how things are going. As it says in the report, the committee would like to see ACT Policing move to reporting on outcomes rather than outputs. Again, there are considerable sums of public money involved; the government should ensure that they are getting the best value for money and the money is well managed.

The annual reports processes, together with estimates, form the backbone of an ongoing scrutiny of government programs and administration on a year-by-year basis. The committee feels that these are both important processes which together play an important part in the accountability inherent in our system. I commend the report to the Assembly and thank my fellow committee members, and the attorney and his officers, for their cooperation in a process which is really quite extensive but is, as I say, important in keeping our system of government alive and on track.

I commend the report to the Assembly.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence be granted for all Members from the conclusion of this sitting until 15 August 2011.

Standing and temporary orders—suspension

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

That standing order 76 be suspended for the remainder of this sitting.

West Belconnen Health Co-op Statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer), by leave: I would like to thank members for their support to give this statement today. It was in response to the resolution of the Legislative Assembly in October 2010, which requested that the government provide information and support to community groups interested in establishing health cooperatives, explore opportunities for providing funding assistance and report back to the Assembly by the last sitting day in June 2011.

The motion acknowledged the progress made by the West Belconnen Health Co-op in establishing a local medical health service which has attracted a number of general practitioners to the west Belconnen area. The amended motion called on the government to provide information and support to community groups interested in establishing similar community-based models in other parts of Canberra where there are shortages of GP services and bulk-billing, particularly Tuggeranong and Gungahlin, including the provision of funding; explore opportunities for providing funding assistance to those community groups that are interested in establishing a co-op and wish to undertake a feasibility study similar to what was undertaken by the West Belconnen Health Co-op; and report to the Assembly by the last sitting day in June.

Mrs Dunne's full motion acknowledged the Standing Committee on Health, Community and Social Services report No 2, *Access to primary health care services*, which recommended that the government monitor the progress of the West Belconnen Health Co-op and, if it proves to be successful, provide information and support to community groups interested in establishing a health cooperative or a similar model in their local community.

The government's response noted the recommendation and indicated that the ACT government does not routinely monitor the progress of private organisations. However, the government did indicate that it would continue to work with the West Belconnen

Health Co-op to support this model as well as explore new models of primary healthcare delivery, which we have done and will continue to do so. The government and the Health Directorate continue to work with, and provide support to, interested parties who wish to explore or develop primary healthcare practices in the ACT. Indeed my office and I have met with a number of primary healthcare organisations regarding their plans to establish new practices in the ACT, and I am very happy to offer what support I can in these circumstances.

At this time, the government has not been approached by any organisations interested in establishing a community-based model similar to West Belconnen Health Co-op. However, the government is supportive of exploring options for new and innovative models of primary healthcare delivery and is open to such approaches should they occur.

In past years, the government and the Health Directorate have established new services using new models of primary healthcare in order to help meet the primary healthcare needs of the community. The budget in 2009-10 included \$2.157 million for the construction of the walk-in-centre at the Canberra Hospital. This has been operating for over a year now and has proved very popular with the ACT community, with a total of 15,760 presentations to the end of May 2011.

The newly-established GP aged day service is another new primary healthcare delivery model funded by government. The service commenced in March 2011 and supports people who are homebound or in residential aged care facilities when their GP is unable to make house calls.

A major challenge to the provision of affordable and accessible primary healthcare to the ACT community is not only about looking at new models of care but is also strongly influenced by the national and local GP shortage. The government has funded, and continues to progress, a number of initiatives to address the GP workforce shortages in the ACT. The ACT government has provided funding for a marketing and support officer to work in partnership with the Division of General Practice to address workforce shortages.

Since May 2008, through the GP workforce program, 31 GPs have commenced, three are confirmed to start in the next six months and up to seven may commence later this year. Thirty-two area-of-need authorisations have been approved, 14 are expected to be filled this year through private practice, which would contribute another 14 GPs to the ACT, and collaboration with the live in Canberra team has resulted in representation of GP vacancies at a number of national and international expos, increasing awareness of Canberra's GP shortage. The government agreed or agreed in principle to all of the recommendations made by the GP task force in its final report and remains actively progressing recommendations.

There is also evidence of new primary healthcare organisations showing an interest in the ACT. I am pleased to be officiating at the formal opening of the new Ochre Health General Practice at the Calwell shopping centre this weekend, with the support of Nick Tsoulas and the active community lobby group Doctors 4 Tuggeranong. This is a great outcome for Calwell and one that has come from the ground up and will see a

new practice with a number of new GPs coming to the region. The clinic will initially be staffed by Australian doctors but Ochre Health also intends to recruit GPs from the United Kingdom.

While the ACT is limited in how it can assist a private business, once established any GP practice would then be able to apply for a grant under the GP development fund. Whilst there is no additional funding to undertake investigative work on the feasibility of establishing a new co-op clinic in the ACT, I am confident that there is considerable information available to any organisation wishing to do so, arising from the first-hand experience of the success of the west Belconnen cooperative. Additionally, if I were to receive a special application seeking assistance from a new group who were planning on establishing themselves as a cooperative in the ACT, I would look favourably upon any such approach, with a view to seeing whether the government could assist them in any way.

The government has established a range of new services using innovative models of primary healthcare delivery and we will continue to support others who are motivated to help meet the primary healthcare needs of the ACT community.

Executive business—precedence

Ordered that executive business be called on.

Appropriation Bill 2011-2012

[Cognate paper:

Estimates 2011-2012—Select Committee report—government response]

Debate resumed from 29 June 2011.

Proposed expenditure—Part 1.7—Treasury Directorate—\$52,034,000 (net cost of outputs), \$116,277,000 (capital injection) and \$22,609,000 (payments on behalf of the territory), totalling \$190,920,000.

MR ASSISTANT SPEAKER (Mr Hargreaves): I remind members that in debating order of the day No 1 executive business they may also address their remarks to the report of the Select Committee on Estimates and the government response to the estimates report.

MR SMYTH (Brindabella) (11.33): I will take up where I finished last night. The Treasurer is here, which is a good thing. I note she would be disappointed if I did not continue to urge her to be more open and accountable. I think I finished last night with recommendation 30 and the government's response. The recommendation was:

The Committee recommends that the ACT Government conduct a review of the efficacy of the efficiency dividend policy, in particular how the delivery of services has or will be affected.

The government does not agree with this. What it does is it says in its answer:

The ... efficiency dividend is not intended to impact the delivery of services to the community.

That may be the intention, but we all know that that is not often the outcome. It goes on to say:

The efficiency dividend is a savings mechanism that is being utilised across the majority of State, Territory and Commonwealth budgets.

That may be true, but again we want to know how efficient has it actually been. The final paragraph on that point says:

As indicated in the Budget Papers, proposed efficiency dividend measures are considered by the Budget Committee with advice from EREC to ensure there are no impacts on service delivery.

The recommendation is quite wide on the efficacy of the policy. We have an efficiency dividend and then the minister has asked for additional savings which would normally be considered part of an efficiency dividend. So we have got an efficiency dividend on the efficiency dividend, and you have to ask: is that an efficient way to go about trying to rein in the budget? We know there are still large savings to be made—there are talks of a plan—but we do not really see the plan and we do not really see how the plan will work.

Again, in the interests of openness and accountability, I think such a review would be a good thing. I think it will be interesting to see how it does affect the delivery of services, because it must. It must in some way affect the delivery of services if you are reining back the expenditure of the departments. I hope that the Treasurer might reconsider that approach.

The last of the recommendations that I will look to that disappoint me in terms of openness and accountability is recommendation 35:

The Committee recommends that the ACT Treasury Directorate conduct a comprehensive cost of living analysis of Government taxes, fees and rates on Canberra families since self government.

The government's response is:

Noted.

The explanation is

The Government carefully considers the impact of revenue and taxation collected as a matter of course through the annual budget process.

I am not sure that it is true. They should. But I am not sure that it is true. Again, in the interests of openness, in this new era of openness and accountability, they are just words. The Chief Minister will be hoist on her own petard if she actually wants to be open and accountable.

One of the issues that really do come up in conversations with the people that I meet around the territory is that it is getting tougher. It is difficult for them to get the value out of their dollars that they used to get. I think there was a report yesterday that groceries have gone up by something like \$1,500 over the last two years, the average grocery spend of a family. This has a very big impact, particularly on those families with limited incomes. We know that rents are high in the ACT. We know that the cost of housing is incredibly high in the ACT because of government policy.

We are not going to blame them for the cost of bananas, which is now up around \$16 a kilo, but the cost of your grocery basket does feed into the true cost of living. It is not a CPI measurement but it is part of the true cost of living. We know the government does have a supermarket policy that seems to be failing. Are they delivering what they said they would through the supermarket policy? And you truly have to question that. So the recommendation is very important.

At the end of the day we are here to represent the people that live in the ACT. If we do not know what the impacts of each budget are on those families, then we should know. I would be delighted if at the end of this line the Treasurer stood up and said, "As a consequence of the coming year's budget we know it will add X to ACT residents' household budgets." Firstly, I bet she does not have that number, because the work has not been done. Secondly, I bet she does not stand up and give it to us even if she does have it. So it is about openness and accountability. It really is bringing down to the most personal level what the impact of the budget is. If we do not know what we are doing for families, then we really should know.

I would like to finish this area by speaking about the great big office block. There is a bit of a smell of hypocrisy now surrounding the Chief Minister in her attempts to deflect criticism about the proposed great big new ACT government office block. The day before yesterday, in her response to the report of the estimates committee, the Chief Minister said:

... I would also like to express my concern with the level of time, disproportionate to the scrutiny of other important budgetary issues, spent on the government office building. While the government values and embraces the scrutiny process, a disproportionate amount of time has been spent on this project, to the detriment of scrutiny over other equally important projects, programs and community services. The government has been open and transparent with the provision of detailed analysis and findings to support the decision to proceed with the project, but this is not where the majority of taxpayer resources are being invested.

One can actually question whether the government has been open and transparent with the provision of detailed analysis, and I think the fact that there are almost 20 recommendations from the tripartisan estimates committee on this area, seeking in the main more information, clearly shows that people do not believe that the government is being open and transparent.

These comments should be enough of a worry to the Canberra community, but now consider what the Chief Minister said on radio on this issue. There is a report on ABC

Online, where the Chief Minister is reported as saying: “We, the ACT Labor Government, accept that it”—that is, the great big new office block—“needs a lot of scrutiny from the community before it gets to the detailed design and final decision. But this budget, the appropriation bill only appropriates I think \$1 million for the new office block.”

Where do all these comments from our new Chief Minister leave us in the ACT community? I think “confused” would be a good start. On the one hand, the committee asked too many questions. On the other hand, she says it needs a lot of scrutiny from the community before it gets to the detailed design and final decision. So it is an interesting place to be.

I would like to reiterate the point that this is the biggest single infrastructure project proposed for the ACT by an ACT government, at more than \$430 million. I do not think anyone has any confidence at all that this government, given their record of not delivering on time, on scope, on budget, will deliver this project on time, on scope and on budget. It must be scrutinised at a level commensurate with it being such a potentially large project.

The Chief Minister then said that the government had been open and transparent about this project, yet she criticised the estimates committee for its scrutiny. And there you have the inconsistency. The Chief Minister also said that the budget only has something like a million dollars for this project. It is actually half a million dollars this first year.

It is important, I think, given that we are not in surplus, to scrutinise every dollar. I made several offers during the estimates committee that we would stay longer to ask more questions about all sorts of interesting areas but I was quite taken aback that none of the ministers took that offer up. And it is a shame really. You can always ask more questions. I assume that members prioritise their questions, as I do. I think it was interesting that so many members came to the same conclusion that this project needs further scrutiny.

I think it is probably the largest single number of recommendations on an issue in an estimates report in the 20-odd year history of the ACT. I agree with the Chief Minister at least on one thing: the community does need to scrutinise this project more.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.41): Of course within the debate on the Treasury Directorate we consider both the specific outputs of the directorate as well as the more general fiscal position that has been adopted by the budget. So I first turn to the specific outputs for the Treasury Directorate. I would like to make the observation that the tax review panel will be reporting very soon and this will of course be very important for the future direction of the tax system within the ACT. We know the Henry tax review had some very interesting recommendations on state taxes, and the Greens very much support the initiative to assess those recommendations and evaluate the applicability to the unique circumstances here in the ACT.

As I said in my comments on the Economic Development Directorate and in relation to the lease variation charge bill we debated last week, the tax system and the various levers and incentives that can be created through the taxes and charges that we impose should not be underestimated. We all agree that taxes and charges do have dual functions and should be used to achieve much more than just raise the necessary revenue for government services. I hope that following the release of the report we can have a robust debate about any recommendations and that ultimately we improve taxation here in the ACT.

In relation to the revenue management output more broadly, I take the opportunity to again reflect on the questionable expenditure we make on the first home owners grant. Processing these applications is listed under the revenue management output and I would again take the opportunity to point out the range of reports, including by the Productivity Commission, that this program simply drives up house prices and in fact does very little to assist home buyers.

On the issue of revenue management and the level of own-source revenue, I would make the point again, as I have done many times before and as the government has recognised in its response to a recommendation from the estimates committee on this matter, that the real opportunity to do this and to drive increased economic activity within the territory is through the green economy. That of course is locally referred to now as the clean economy.

The reality is that there will always be vertical fiscal imbalance, and that is the reality of our federal system. Of course this does not mean that we should not endeavour to create sustainable economic activity outside the public service, the by-product of which will be a greater level of economic prosperity for the people of the ACT. And this is one area where I hope Treasury and Economic Development will be able to work very closely together to ensure that we do have a comprehensive, clean-economy strategy that is coordinated with things like new or revised taxation measures and other government initiatives.

On revenue management, we have just passed a bill to harmonise our single biggest own-source revenue item with other Australian jurisdictions and, whilst this will probably do relatively little to the actual amount of money we receive, it is an important reform. We know that the Henry review made some somewhat open findings on payroll tax, and I understand that it is not exactly clear how we would apply the recommendation to tax the value-add of labour as recommended by Henry. But I am sure that the tax review will have something to say on this. Whilst of course the implementation may be somewhat problematic, given that we have just achieved harmonisation and there may be an understandable reluctance to move away from that, I do not think we should see this necessarily as a reason not to contemplate reform and hopefully get an outcome that assists business and encourages enterprise and employment as well.

Briefly on the subject of land-based taxes, which are the biggest combined own-source revenue, the first observation must be that the land is the territory's most valuable asset. We know that. So we do need to see this as the way of future reforms

and the future of discussion. Again the tax review, I hope, will have significant recommendations about the way we tax land. There certainly are a number of significant reforms available to us, and the most obvious of those is the Henry review recommendation to move to a fixed land tax instead of the transaction-based duty that currently exists. There are a number of benefits that could flow from this and I think shifting to a model that recognises that we have a very finite resource that should be allocated as efficiently as possible has a number of very strong attractions.

Briefly on the lease variation charge, the Greens are of course pleased that the revenue forecasts have proven correct, although I leave it open to the Treasurer to ensure whether that will be met or not. We do have an additional \$10 million because of rectification and it now appears that not only has there not been a decline in activity, given the rectified charges, but a fairer amount is being paid on the development rights being granted by the community. We do of course see real potential for the new scheme and the other outcomes that it now has the capacity to deliver due to the amendments.

On financial management, one particular item of interest will be the new gateway reviews. These reviews have been used by the commonwealth finance department for some time now and I understand that the plan is to replicate much of the commonwealth process. I think there is a general consensus on the merits of gateway evaluations and risk assessments. I hope that they can form an important part of the comprehensive assessment framework for the ACT, and we look forward to seeing how these can be integrated with other assessments.

I am not entirely sure from the government's response to the estimates report whether they anticipate that the reviews will be operational and can be done on the new office building. It certainly would be a good test for the process and a very useful additional analysis.

I would like to address now the issue of efficiency dividends. These are a standard mechanism and are given some consideration in the ACIL Tasman report. The observation the report makes is that global efficiency dividends do not consider the relative position of agencies, and this has been demonstrated in the ACT over the last year. The Greens do acknowledge the position that has been taken in regard to the education directorate as a response to this concern and we make the more general observation that we will increasingly need to be more discerning between agencies when applying an efficiency dividend.

This particularly applies to smaller agencies. The Greens are concerned about agencies such as the Human Rights Commission, which is subject to a level of efficiency dividend that is normally applied to large agencies. And this is, of course, because they are housed within JACS. But we do not believe that that is the right application. Although they are housed within JACS, they are a small agency and therefore it is a greater load that they have to bear. This does raise a range of issues that are probably best left for debate another day but it is a very important issue to raise.

We recognise that we do need to make savings. As I said, everyone agrees all directorates should be as efficient as reasonably possible but there must logically come a time when targeted measures, which I acknowledge are being explored, need to play a larger role, and this task will ultimately fall on Treasury to identify and assist directorates in implementing them.

Economic management is the next output that I need to address, and broadly speaking the first observation that should be made is that economic forecasts have been found by ACIL Tasman to appear reasonable. By all traditional thinking, these forecasts, whilst they are falling from this financial year, remain relatively positive. But I would make the point that the Greens think that we should move beyond these measures and we need a better and more comprehensive way of measuring our prosperity. Growth cannot be infinite—we live in a finite world—and whilst I understand we could not expect Treasury to have grappled with this issue just yet, the first step that we could look to straight away is to measure income distribution in the economic measures that we publish in the budget papers. Employment growth is one thing but I hope we would agree that the more qualitative measure is how that income is distributed across the community.

It is probably appropriate here to reflect on the impact of the commonwealth and our vulnerability to commonwealth expenditure decisions. Again the response to this has to be that we need to encourage private sector activity in the green economy. We need to acknowledge the reality that we are the seat of government and we are subject to the whim of the commonwealth. Nevertheless we can create other industries and employment opportunities. Unlike other cities, this is an additional impetus for creating new, low-emissions employment for Canberrans in the green economy, and a swift transition will protect us against the inevitable rising costs as the age of cheap energy ends and will protect us into the future from commonwealth expenditure reductions.

We do need to be realistic about the time frame. We are primarily a service-based economy and this is a real advantage. Education and training are a significant part of our economy and something we should always be looking to build on. We do have a small and valuable manufacturing sector and I think we should be realistic about the capacity that it has to increase in size dramatically. And I will come back to some other—(*Time expired.*)

MR SESELJA (Molonglo—Leader of the Opposition) (11.51): It is worth reflecting in this line item on the fact that tomorrow is 1 July. Tomorrow is the day when the Labor Party impose more tax increases on the people of Canberra. It is going to be another example of a government that do not care about the cost of living of Canberra families. I think there is no doubt that the Labor Party, the Labor government in the ACT and their Greens coalition partners, do not have regard to the cost of living pressures on Canberra families. It is seen through their policies and it will be reflected tomorrow as Canberra families are again being forced to pay more and more and more

If Kevin Rudd was here he would probably call tomorrow fundamental injustice day. Of course, what he referred to as fundamental injustice day was tax reform—some

taxes went up, some taxes went down. What is happening tomorrow is that, as far as I can tell in the ACT, no taxes are going down. They are only going up. It is not surprising then in that context that the Labor government has effectively rejected—even though it says “noted”—the recommendation from the estimates committee that “the ACT Treasury Directorate conduct a comprehensive cost of living analysis of government taxes, fees and rates on Canberra families since self-government”. It notes it, and it says:

The Government carefully considers the impact of revenue and taxation collected as a matter of course through the annual budget process.

Pigs might fly, Mr Assistant Speaker; they do not. And if they did, they would perhaps have done that work, they would perhaps care about the impact of their policies and they would perhaps try and restrain their spending and not continue to increase taxes so significantly and to impose this massive new tax on renters.

Tomorrow Canberra families will wake up to higher taxes and charges as a result of this government. Tomorrow Canberra families will also be paying much more for their electricity, they are going to be paying more for their water, they are going to be paying more across the board, they are going to be paying more for rents as they go forward and as tax increases are placed upon them.

I know that the people of Tuggeranong will particularly feel it because if you look at the increases in rates it is the people of Tuggeranong who tomorrow will be burdened with those large increases. If you live in Banks, you will see your rates going up 6.3 per cent—151 per cent since this government came to office. If you live in Bonython you will be copping a 5.6 per cent increase—118 per cent since this Labor Party came to office. In Calwell the increase is 5.9 per cent—110 per cent since they came to office. Chisholm gets a 7½ increase tomorrow—129 per cent since this government came to office. In Gilmore it is 6.5 per cent—113 per cent since they came to office. In Isabella Plains it is 5.9 per cent—116 per cent since Labor came to office. Kambah gets 4.7 per cent—107 per cent since Labor came to office. Oxley gets 5.9 per cent; Richardson, 5.8 per cent; Theodore, 5.1 per cent; and the good people of Wanniasa, 5.2 per cent.

This is the result of a government that does not care about cost of living. This is the result of a government that just thinks that any spending is good spending and that restraining your spending is for the weak. The attitude of this government is that expenditure restraint is for other parties and for other governments and controlling particularly the cost of delivering services, the cost of delivering capital works, is not something that this government is interested in. If it was serious about addressing cost of living issues, that is what it would be doing.

Instead we can only look at their record, and tomorrow people will again feel the weight of their record. So for the family with a couple of kids living in Calwell, living in Gordon or living in Amaroo, these people will be asked again to pay more and more and more. They will be paying much more for their electricity, they will be paying much more for their water, they will be paying more if they are renting; they will see that go up. They will be paying much more for their rates. And particularly if they live in Tuggeranong, tomorrow they will be paying much more for their rates.

At some point the government have to take this seriously. They cannot just pretend that their policies do not impact on families; they do. And every policy decision has an impact, every piece of legislation has an impact, every spending decision has an impact. For all of the photo ops when you make a spending decision, if you get those spending decisions wrong and you spend it in the wrong places, Canberrans pay.

I think that many families are feeling the pinch, and that is before the possibility of interest rate rises which may be around the corner. It is uncertain and we hope that interest rates come down rather than go up. But there are Canberrans who are mortgaged to the hilt. Anyone who has bought a home in Canberra in the last five to eight years in particular has had to take out a pretty significant mortgage—mortgages of upwards of \$300,000 and \$400,000 just to be getting into the market.

If you have a mortgage of \$400,000, which is not uncommon for a family that has bought recently, not only do you feel those interest rate rises but you feel all of those other rises because so much of your income is already going to pay off your mortgage. So when the groceries go up, you feel it. But then the ACT government come in over the top of that. They cannot control the grocery prices but they can control their spending, they can control the rates that they set, they can decide which taxes and charges to increase and to levy. They have decided that taxing renters is a good way to go, that taxing them much more than they have ever been taxed before is a good way to go. That will feed in to rents, that will feed in to the cost of buying a unit. When they waste the money and have to see 5.6 per cent or 6 per cent increases just this year for people in Tuggeranong on their rates, Canberrans feel that. When they have bad policies like the feed-in-tariff which we have to try and fix up later on today—

Ms Gallagher: Is that right?

MR SESELJA: Well, that is exactly right. What a mess.

Ms Gallagher: I was wondering how you were going to justify that.

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members! So far it has been good.

MR SESELJA: It is an absolute mess. I can tell you this, Mr Assistant Speaker—

Ms Gallagher interjecting—

MR ASSISTANT SPEAKER: The Chief Minister will come to order, please.

MR SESELJA: what we will be doing is bringing the cost of that down. That is the bottom line. We will look to make a bad spend less expensive for Canberra families and to help business transition through what has been handled in a shocking way. So when you have policies like that, that feeds in to electricity—

Ms Gallagher: The master!

MR SESELJA: This is interesting, isn't it? The Chief Minister thinks it is funny that Canberra families are footing the bill. She thinks it is funny that Canberra families are footing the bill in their electricity costs for her bad schemes. And the government are not interested in fixing their bad scheme; they are just going to sit there and deal with it. She thinks it is funny that small businesses are now copping the brunt of the scheme being handled so badly that in the dead of night it had to be cancelled.

But we will get to that, and maybe the Chief Minister can contribute to that debate—or will she just leave it to Mr Corbell, because it is a dog. The way it has been handled, it is a shocker. But all of these things affect families. And when you have a government that does not restrain its expenditure, that pursues bad policies, that still runs deficits even in the best of times, even when there are record revenues coming in, then Canberra families will pay. And eventually they will not be able to pay any more. There is only so much that Canberra families can bear.

When your wages are going up at about two per cent or three per cent but your rates are going up six per cent and your electricity is going up 10 per cent, as well as your food and your petrol—

Ms Gallagher interjecting—

MR SESELJA: and your water is going up well above that, it hurts. I did not quite get the interjection there from the Chief Minister. I am not sure if she was contributing to the debate there with—

MR ASSISTANT SPEAKER: Mr Seselja, please do not return fire.

MR SESELJA: Thank you, Mr Assistant Speaker. So is the position of the Chief Minister now that wages really are going up as much as all of those things—that wages really are keeping up with the cost of electricity, the cost of water, the cost of rates, the cost of rents, the cost of petrol and the cost of groceries?

These are real issues for Canberra families. I think that recommendation 35 of the estimates report, which has effectively been rejected—(*Second speaking period taken.*)—by the government, is a real demonstration of their attitude to this issue. Their attitude seems to be: “Given we can't fix all of the cost of living pressures, we'll do nothing. We won't try.” You cannot fix all of the cost of living pressures, but you can directly set a number of them. You can directly influence things like your rates which you set. You can virtually directly influence the cost of water because how well you manage your utility will help to determine how much people pay for water. You can indirectly, but quite influentially, influence the cost of buying a home in Canberra through both taxes and land release. You can very strongly influence the cost of renting a home. Again, putting taxes, like the government are, on units obviously feeds into that cost.

So we have a whole range of direct costs, and all of those are going up significantly, above inflation. We have indirect costs which the government influences, and they are going up well above inflation, and there are other things like electricity which clearly

are influenced by government policy, because just one government policy is going to add \$200 a year to the cost of electricity.

It is, I think, worth noting and highlighting today, as this budget is being debated, as we deal with Treasury, that tomorrow Canberra families will again pay more. They will again pay much more because this government do not care. This government do not care about the cost of living. They will not do anything about it, either because they are not competent enough or because they do not have the desire to, because their desire to just keep spending and keep pursuing poor policies is greater than their desire to assist families who are struggling with the cost of living.

We fundamentally believe that Canberra families should be given every chance. We cannot do it for them, but we want to give them every chance. We give them every chance by managing our land release and our taxation around property better, so that we do not have constant, ridiculous, over-the-top upward pressure on rents and purchase costs. We do it by pursuing good policies. We do it by restraining spending so that rates do not have to keep going up at such a rapid rate—and the people of Tuggeranong will particularly feel that tomorrow.

There is lots that can be done. But there is no doubt that the Liberal Party will always be the party who stand up for families, and the Liberal Party will always be the party that deliver a lower cost of living compared to what the Labor Party deliver. There is no doubt about that because the Labor Party have such a desire to tax everything they see at the highest possible rate and such an inability to control their spending that the only way that eventually gets paid for is by taxpayers. There is no other way. You can only borrow for so long and, when you borrow, someone is paying for it down the line.

That is fundamental to this budget. It is fundamental to this budget that it increases cost of living pressures on Canberra families. We are going to go and talk to those families, and we have been, and they will say to the government: “You need to do something about this. Your policies need to take account of the pressures that are on us in the suburbs. You can’t ignore this any longer.” The government have reflected how much they ignore it with their response to recommendation 35, which is just a dismissive “Well, we do it.” They do not do it and they have not done it. And we have asked them to do it.

That is why we keep bringing this up year after year, and we will continue to do that, because we will fight for these families. We will fight for the families in our suburbs who are working hard and who just want the opportunity to get on with their lives and not have the government put this crushing burden of cost of living pressures. They have enough from external sources; they do not need the ACT government adding to that significantly. But that is what they are doing through this budget, that is what they are doing with their tax increases, that is what they do when they do not control their spending.

I commend to the Assembly the need for us to look after Canberra families and for us, as an Assembly, to care about their cost of living pressures and to do all we can to lift those burdens from Canberra families.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (12.06): I welcome the opportunity to speak to the Treasury part of the appropriation bill. The Treasury Directorate obviously is a very important directorate for the ACT government. It performs a number of very important roles, and it does so with a relatively modest appropriation, I believe, for the work output that it actually delivers.

There are a number of priorities outlined for the Treasury over the next 12 months. Perhaps the most specific will be the tax review, and responding to that tax review when it is released. That will form a major part of the work that the Treasury Directorate will be performing over the next 12 months.

Obviously there is significant work to be done on the next budget; that process starts very soon after this year's budget is passed by this Assembly. There is a very clear outline of the budget plan which has been developed across government, but specifically by the Treasury portfolio, to recover the ACT budget and return it to surplus as foreshadowed in the original budget plan. This does involve reaching a balanced budget by 2013-14. It does include annual savings targets over the forward estimates to make it clear how we are going to reach the budget plan targets, and reach them in a measured way.

I find it interesting that Mr Smyth has raised a number of concerns around efficiencies and how they are applied across government. We believe they are sensible. I accept that efficiency dividends can be a rather blunt instrument, but I also believe we have worked very collaboratively with government agencies in seeking to determine how savings can be met and where they should be met. We have also been prepared to reconsider those decisions, and you see that in this year's budget, where we have had genuine concerns around the ability to achieve those savings from two agencies with the Education and Training Directorate and the Community Services Directorate. The government has been prepared to reconsider those in the light of updated financial estimates and the capacity to deal with those in any financial year. However, we do believe it is important to place pressure on agencies to constantly look at the way they provide service. We do genuinely believe that there are always opportunities to improve and streamline our service delivery processes.

In this budget we also include some savings in other areas in addition to the efficiency dividend. They are outlined clearly in the budget papers. Some of those are around travel and accommodation, printing and stationery, consultants and contractors, HR and finance, recruitment and training, electricity usage and efficiencies through the Land Development Agency—and staff savings, looking at some reductions of around 200 staff through this financial year. Again, I think those can be managed. Yes, it will put pressure on agencies when delivering their services, but again, if we are going to have the competing pressures of returning the budget to surplus, exercising fiscal restraint, the savings have to come from somewhere. I think the Liberal Party, in a rational, calm moment, would accept the need for those; in fact, I think in the past they have called for them.

So we think that outlines a very clear strategy on the way forward to return the budget to surplus while still maintaining the capacity to increase government service delivery in key government priority areas.

The tax review will present some challenges and opportunities for the community. We intend that there will be a very comprehensive consultation process once that review is released. I am still expecting that review to be finished in August. In terms of fees and charges, taxes and charges, I would like to correct Mr Seselja's entire 15-minute speech and the majority of the content of what he said. This budget does not include any new taxes. It is wrong to say that it does. I find it interesting that the Leader of the Opposition, who has been in this place now since 2004, has never once brought to this place legislation to amend the way rates are charged across the territory. He can come in here and spend 10 minutes and read out every suburb that has had a rate increase but I note that, as a legislator and as a leader of a party that obviously finds the way we levy our rates offensive, in the last seven years he has not seen it as a priority for him to come in and propose an alternative.

Therefore I must go to the fact that maybe he does not really think it is unfair the way they are levied but that, as land values rise, and rise considerably, and the rates, a proportion of which are based on the value of the land, increase with those land increases, he will use that as a political opportunity to run a line that it is the government outrageously increasing taxes when everybody in this place who understands how the legislation works understands that that is not the case. To run a line that rates have increased by 107 per cent and not put it in the context of how much land values have increased over the same period of time is simply disingenuous.

And I think that goes to the other issues around cost of living increases. Yes, we accept that there are pressures on families. In fact, I would say that there are pressures on Canberrans. The Liberal Party say they are the only party that stands up for Canberra families. We would argue that the Labor Party stands up for everybody. I am not entirely sure how the Liberal Party defines the families that they are representing. Maybe they are the same people that have been visited by the hundred volunteers and their free petrol as they drive around town; maybe it is the same families.

We accept that there are pressures, particularly in the area of rising utilities, and the impact that that has on families. I note that neither member of the opposition who is speaking has acknowledged that this budget includes the biggest single increase to concessions since self-government—\$131 per household on top of the increase that we included last year, which was \$20 plus CPI, \$151 going to those 25,000 households that are eligible. So 25,000 households will be significantly better off from the passage of this budget when it occurs sometime tomorrow morning.

I note recommendation 35 from the estimates committee report. I went through every recommendation of the estimates report. I probably spent more time than most treasurers in the past have spent looking at the estimates report and formulating the government response. Where there were genuine areas where there was a good idea or something that we could develop further, the government agreed to it.

The point around cost of living is not that we do not do it or that we are not interested in it; it is the fact that it is at the heart of the budget deliberations. It is at the heart of the budget deliberations. It permeates everything the budget cabinet discusses: what will this mean; what are the advantages; what are the disadvantages; what are the price impacts on individuals and householders; what are the price impacts on businesses? All of that is part of every single decision of the cabinet through the budget cabinet process.

That does not mean that fees and charges will not rise; they will. I would be very surprised if the Liberal Party are running a line that fees and charges should never increase—that they should just remain flat forever and never increase, and that any increase therefore is something that cannot be afforded. There has to be reasonable growth. When your health budget is growing at 10 per cent a year and it is a third of your budget, it is simply unsustainable to argue that government fees and charges cannot rise with some formula of indexation.

And that is what you see in this budget. There are no new taxes in this budget, despite what the opposition is trying to argue.

Mr Smyth interjecting—

MS GALLAGHER: I am sure that we have answered that. I do not have the question on notice in relation to the question that Mr Smyth is interjecting on, but I am happy to dig it out. I am sure we have answered it for Mr Smyth a number of times.

There are a number of initiatives in this budget that go to issues of cost of living. There is the taxi subsidy scheme. There is the utility concession at \$12.3 million that I have already spoken of. In housing there are increases in the street to home program. In justice there is the Legal Aid help desk. In sustainable development there is the program for improving energy and water efficiencies for low income and disadvantaged households. And in ACT Housing itself there is the expansion of social housing and the new money, \$8 million a year, going into the expansion of public housing energy efficiency.

Overall, when you put all of the assistance together, in a recurrent sense it is \$21 million going in assistance to low income households and a capital injection of \$17.4 million. Yes, we would like to do more. Yes, it is probably not enough. I am prepared to take that criticism, but I will not accept criticism that this budget has not looked very closely at cost of living pressures for all Canberrans.

There is only limited capacity in what we can do across the board, but in this budget we were very keen to make sure that, where savings needed to be found, we did not resort to just looking at our own revenue lines and increasing those but turned to ourselves and looked for efficiencies internally, again protecting any cost increases on all Canberrans.

This is a sensible budget. I look forward to continuing debate. I would like to thank Treasury for all the work that they do in putting this budget together. We are, as an

Assembly, very lucky to be served by such a professional organisation. They do a lot of work with a modest appropriation and relatively small numbers of staff. I think they deliver an outstanding service to the people of the ACT, and I would like to thank them for it.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.18): When I had my earlier 10 minutes I was saying that there was limited scope for a significant increase in manufacturing but that at the same time we should be looking for opportunities to encourage sustainable business to see the ACT as a viable option for their operations. The construction and housing industries are big players in our economy. This is certainly one area where we can drastically change the way we are doing things so that our buildings are more sustainable and we give the people who work in the industries new skills. We know there will be an ever-increasing demand for these skills. This will be an issue for many years to come. There is much that we can do even in a small jurisdiction dominated by the federal public service.

I would like to briefly turn to the issue of GST revenue. We did lose out in this year's relativities, and there now appears to be a level of uncertainty around the future direction of the relativity calculations as the current review runs its course. We should be aware of the concern that exists from the dominance of the larger states in that review. We hope that the review does not lead to a reduction in our share of the pie; I think we are all cognisant of the risks of this at present.

I note that inflation is rising. It is probably fair to say that inflationary pressures are now evident across many developed and developing countries. For some time now, there has been, if not a consensus, a general suggestion that interest rates will rise in the not-too-distant future. This will, of course, have an impact across Canberra. It has been picked up by Mr Seselja and Mr Smyth—around the cost of living and the pressures of the cost of living on many Canberrans. I do not think you can just refer to Canberra families; it is on all Canberrans. As legislators, we need to have a look at what we can do to relieve some of that pressure.

Some of it is outside our control—such as food prices. Being the mother of three very hungry sons who are growing every minute, I know that the food bill is a real impost each week. Those things are outside our control. We need to be looking at how we can assist. And we need to start with those who are the most vulnerable, those who are really going to fall into the poverty traps that are caused by increasing energy prices. That is going to happen. We know that our utility bills will continue to rise into the future. There is no doubt about it.

That is why we did welcome very much the increase in the utility concessions to low income Canberra families and Canberra individuals who really are finding it tough during the winter months. When that heating bill comes in, that \$131 increase will make a difference in many of those people's lives. We are also pleased to see that it will have an indexation measure built into it so that it will not fall behind as it did a number of years ago. This is catch-up, but I am pleased to see that into the future it will have that indexation added on. We will make sure that, in some way, it does try and keep in line with the rising utility costs.

We do need to start there. We have a responsibility to start with those individuals, with those families who are in those very low income groups—the pensioners, those who are on some sort of benefit. I was a little shocked during one debate in here when the Canberra Liberals seemed to be indicating that they are fine and we do not need to worry about those people because they have the benefit of some other concessions through Centrelink and so forth. That is just not a good enough response.

We need to be starting there. We have these energy concessions. Of course, the Greens have also been pushing that through the parliamentary agreement with the increase in the energy efficiency measures that will be put into public housing. They have been rolled out. I understand that 26 per cent of public housing properties in the ACT now have those sorts of energy and water efficiency measures put in place, which is a great outcome. There is a long way to go, but extra money has been put in this year. That was something that the Greens pushed for in this budget. We are pleased that it was responded to. That will mean that even more households will be able to reap the benefits of those energy and water efficiency measures.

And it will go broader than just public housing. It will also be available, I understand, to those who would be in the private rental market who will be able to access that scheme. That means that up to 10,000 individuals and families—households basically—will be able to have access to some much-needed funding to deal with the utility bills also from that end. So at one end we have a concession; we have some assistance when the bill comes in. And, of course, before that, we have the measures that will be put in to mean, hopefully, that when that bill comes in it is going to be less because you have got some draught proofing, more efficient showerheads or whatever measures may have been put in place. That is also a good outcome.

To conclude on the overall fiscal position and the recovery to surplus proposed, let me say that the Greens are satisfied that the approach is a reasonable response to the prevailing economic circumstances. There is a reasonable time frame for the recovery, and we must recognise the significant economic pressures that exist both domestically and internationally. We should be acting to smooth out the economic cycle rather than drastically reacting to political expediency. With those comments in mind, let me say that the Greens will be supporting this appropriation.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.8—Shared Services Centre—\$9,546,000 (net cost of outputs) and \$5,570,000 (capital injection), totalling \$15,116,000.

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

Sitting suspended from 12.26 to 2 pm.

Questions without notice**Taxation—increases**

MR SESELJA: My question is to the Chief Minister. Chief Minister, tomorrow is 1 July. On that day, a host of tax increases will occur. For a family living in Chisholm, tomorrow is the day they could face 7.5 per cent more in rates, 6.4 per cent more in electricity and 14.7 per cent more for water, amongst other things. Chief Minister, what studies have you included in the budget to take into consideration the impact your budget will have on the family budget for those living in our suburbs?

MS GALLAGHER: I thank the Leader of the Opposition for the question. Indeed, as I discussed in the Assembly this morning, at the heart of all budget decisions are discussions on how the decisions may impact on all Canberrans, whether they be individual householders, whether they be families, whether they be businesses operating in the territory. It is part of the budget initiatives brief that comes before cabinet. It is also part of the in-depth discussion that cabinet have over seven months when they are putting our budget together.

Indeed, as I went to this point this morning, it is interesting that after seven years of complaining about rates going up, the Leader of the Opposition has not made one attempt to come in and change the way rates are decided through the rating scheme. We did have an extensive debate about this during our first term in government. And they are linked. How we levy rates is linked to the value of land. So as land increases in value, you will see increases in rates.

The decision of government this year has been not to include any new taxes in the budget. There are some increases with indexation across our fees and charges, but we think that is appropriate and it is standard practice for budgets. Indeed, I cannot think of one budget, Labor or Liberal, where increases in fees and charges—

Mr Hanson: Certainly not Labor.

MS GALLAGHER: Anywhere around the country, Mr Hanson, including the latest Liberal budgets being brought down in Victoria and WA. This is standard budgeting practice. As the cost of providing services increases, governments must have a reasonable indexation measure in order to increase their own revenue.

But with respect to the other challenge for government, this is something that we go to in this budget. There is \$21 million worth of assistance for lower income families and individual Canberrans who are doing it tough. This is targeted to the most vulnerable in our community. I think it is a responsibility of government, when putting budgets together, to make sure that the needs of those who need extra support are taken into consideration. That is in recurrent expenditure, so 25,000 households will receive \$151 extra in the next financial year. If the Liberals support the budget early in the morning, \$151 extra will go to supporting them with their cost of living pressures, particularly around utilities. Indeed, we are also spending \$17 million worth of capital funding to increase the amount of public housing we can get to for energy efficiency measures, and to provide some more options in social housing.

So that is what a responsible government does. Yes, fees and charges will increase. Rates will increase. As land values continue to increase, rates will increase. As the asset that householders own increases, they will pay more. But at the same time we are delivering more government services and more assistance to Canberrans who are in need. That is what a responsible government does, and I look forward to the Liberal Party's support for the budget, and for all of that extra assistance to flow, in the early hours of tomorrow morning.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Thank you, Mr Speaker. Chief Minister, these increases come on top of a mining tax, a flood tax, a potential carbon tax, a new tax on units and apartments plus cuts in healthcare rebates and family tax benefits. What studies are included in your budget for the total of the tax changes and what effect they will have on the family budgets for those living in our suburbs?

MS GALLAGHER: I think I have answered this question. The government analyses all of our decisions and the impacts that they will have on all Canberrans, whether it be families or individuals, whether it be those on lower incomes or those on higher incomes or whether it be businesses operating in the territory. Those are at the heart of the budget deliberations. That is why we spend seven months putting the budget together every year. We spend more time putting the budget together than we do not dealing with budget matters, because of the importance of it.

We do recognise that for some Canberrans the pressure around cost of living has increased in recent years. That is exactly why the government has responded with \$21 million extra going into our concessions program. It is interesting to note that in 2009-10 over \$209 million was provided by the ACT community through the budget to provide support through the concessions program to those people in Canberra who do it tougher than we do. Some \$24 million was provided in the form of concessions on government taxes, \$121.9 million in concessions on government fees and charges, \$113.3 million through rental rebates for public housing and \$63.8 million for concessions and community service obligations.

We can see that the Canberra community is a generous one. We accept that government needs to raise revenue in order to deliver services, but at the same time, with that revenue, we need to make wise decisions where those who are doing it tough get some back in return.

MR SMYTH: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, from the analysis that you have now informed the Assembly that has been done and the briefing you mentioned cabinet was given, what is the impact of the 2011-12 budget on the Canberra family?

MS GALLAGHER: It would assist if you could identify the Canberra family that you are wanting that information for, because there are a range of —

Members interjecting—

MS GALLAGHER: We note the analysis that the Liberal Party did—

Members interjecting—

MR SPEAKER: Mr Corbell, Mr Seselja, thank you. Chief Minister, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. I think it depends again on the family that Mr Smyth is talking about. As we know, the rates are different across suburbs. The concessions program varies, depending on what your needs are. If you use bus travel, for example, or drive a car, then the needs are different and the impacts will be different.

But what I can assure Canberrans is that the government has made some very wise decisions in very challenging circumstances, where we have a budget in deficit, where we having growing demand for services, particularly in health and in our community service areas, where we have decided not to establish any more taxes, where we have implemented a tax review that will report in August. One of the terms of reference for that review is to examine whether the taxes, as levied now, are equitable and fair across the community. So there is a significant piece of work underway that I think will inform debate in this place in the future.

If the Liberal Party supports this appropriation bill tonight, if I can be optimistic, all Canberrans will benefit from a service delivery point of view or directly through the concessions regime and the work of government.

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGREAVES: Thank you, Mr Speaker. In the context of the cost of living implications for carers and for families, has the government provided any assistance to non-government organisations to address those cost of living implications, such as Volunteering ACT?

MS GALLAGHER: Obviously, in this budget there will be additional appropriation and indexation at, I think it is 3¼ per cent, for community organisations. We do spend millions and millions of dollars in support for the non-government sector. They do very, very valuable work. Obviously, Volunteering ACT would be in receipt of some of that assistance as well. I think that the work they do as an organisation is very important in supporting volunteers across the community.

Again, I think that the challenge for the Liberal Party is to support the budget that releases those funds, including potentially an additional \$10,000, depending on when we get the cheque. If it comes in before 30 June—

Mr Hanson: When we get the cheque?

MS GALLAGHER: The government; it will then be re-donated, Mr Hanson, to an appropriate organisation. But that money will flow through. Any opposition to the budget tonight will put that money in question and all of the work that those community organisations do on behalf of the ACT community.

Domestic violence laws

MS HUNTER: My question is to the Attorney-General regarding domestic violence laws. Unfortunately, disability group homes are not immune from acts of domestic violence, and the Domestic Violence and Protection Orders Act 2008 does not recognise the types of living arrangements which occur in disability group homes. Minister, why are you waiting for COAG to fix this gap rather than amending the laws in the ACT?

MR CORBELL: This is a complex area of policy development, and it is appropriate that, at all times—

Opposition members interjecting—

MR SPEAKER: Thank you, members; let's hear from the minister and give him a chance to answer the question.

MR CORBELL: It is always appropriate that we have regard to national developments in relation to this matter. That is the approach I am taking in relation to this matter. I do not rule out further steps being taken by the ACT, but it is important that we are properly informed of developments at a national level as well.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Thank you, Mr Speaker. Minister, will you commit to using the definition in the New South Wales Crimes (Domestic and Personal Violence) Act 2007 that is far more inclusive, and includes residents of residential facilities?

MR CORBELL: I am not able to commit to that today.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: What is the COAG time frame for action on this issue?

MR CORBELL: I would have to take the question on notice, Mr Speaker.

MS BRESNAN: Supplementary?

MR SPEAKER: Yes, Ms Bresnan?

MS BRESNAN: Minister, what community groups have approached you on this issue and what have been the outcomes of these discussions?

MR CORBELL: I regret that I do not have that information immediately to hand. I will have to take the question on notice.

Emergency services—headquarters

MR SMYTH: My question is to the Minister for Police and Emergency Services. Minister, there have been concerns raised in recent days about the design and capacity of the new headquarters for the Emergency Services Agency at Fairbairn. Representatives of two unions have expressed their concerns. Critical factors in the operations of any emergency services headquarters include high quality communications and capacity for growth. Why have the new headquarters for the ESA not been designed to accommodate growth or provide high quality radio communications?

MR CORBELL: They have.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Minister, have there been or are there any difficulties being experienced in the ESA headquarters using radio communications, especially the TRN, when inside the building?

MR CORBELL: Not that I am aware of, Mr Speaker.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Yes. Minister, are you aware that the windows in the ground floor of the new headquarters interfere with the operations of the TRN and, if so, what action is being taken to remedy the problem?

MR CORBELL: No, I am not, Mr Speaker.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Minister, are you able to confirm when the communications centre will be relocated to the new headquarters?

MR CORBELL: Yes. The relocation of the comm cen from its existing redundant site at Curtin to Fairbairn is well progressed. A range of project milestones are being met to ensure that the transition of comm cen from Curtin to Fairbairn is undertaken in a manner which maintains triple zero call taking capacity at all times. Obviously this is a sensitive move and it has to be planned effectively. The planning framework and the time frame the ESA commissioner has advised to me is that by the end of the third quarter this year he anticipates that Curtin will relocate back to Fairbairn.

Campaign finance reform

DR BOURKE: My question is to the Chair of the Standing Committee on Justice and Community Safety, Mrs Dunne. Mrs Dunne would be aware that on 19 November

2009 the Assembly referred the issue of campaign finance reform to the committee for inquiry and report. Can Mrs Dunne explain why the committee has not yet reported to the Assembly one year and seven months later? Can she also advise when the committee does actually intend to complete this inquiry and present its report?

MRS DUNNE: Mr Speaker—

Members interjecting—

MR SPEAKER: Order, members, I cannot hear Mrs Dunne.

MRS DUNNE: I believe the question is in order.

MR SPEAKER: It is in order, yes, I believe so. Mrs Dunne, you have the floor.

MRS DUNNE: I thank Dr Bourke for his interest in the Standing Committee on Justice and Community Safety. The Standing Committee on Justice and Community Safety has a range of responsibilities. Today, for instance, we reported on the annual report hearings.

Mr Corbell: On a point of order—

Members interjecting—

MR SPEAKER: That is enough, thank you. Stop the clocks, thank you. Mr Corbell, on the point of order.

Mr Corbell: The question was specifically about the issue of the report into campaign finance and Mrs Dunne is not speaking about the report. Mrs Dunne should be asked to remain relevant to the question.

MRS DUNNE: On the point of order, I recollect that Dr Bourke also asked me about the other work of the Assembly committee.

MR SPEAKER: Nonetheless, given that Mrs Dunne was less than 30 seconds into her answer and she has been asked about the workload of the committee, it is appropriate for her to discuss the workload of the committee.

Ms Hunter: Is that the ruling now, is it?

MR SPEAKER: It is always the ruling. You know that. Order, members, let us hear from Mrs Dunne.

MRS DUNNE: In relation to the workload of the committee, the committee did report on one matter today.

In relation to the specific inquiry, there was debate in this place in November 2009. The matter was referred by the Speaker, on the resolution of the Assembly, to the committee. Off the top of my head, I know that we started off that inquiry quite soon

after that. In February-March, I was certainly reading on the subject, as too I presume were my colleagues. We put out a request for submissions.

The committee has met on at least three occasions but maybe more. But I will check this and come back and provide further information. I cannot remember exactly but on three or four occasions there were hearings. There has been a range of material that we have considered. We finally closed submissions at the end of July last year.

As things are progressing on that, the committee has other responsibilities. It also has responsibilities in its other guise as the standing committee for the scrutiny of bills and subordinate legislation. The committee has reported on and is inquiring into a range of things. It is currently inquiring into prostitution, which we have to report on by the end of the year, and the Electoral Act, which we have to report on by the end of September, I think. This is another ongoing inquiry. We finished an ongoing inquiry only this week.

My secretary provided me with a second chair's draft, I think earlier this week, after I had received an initial draft about a month ago. I have undertaken, in discussions with my committee secretary, to try to finalise that draft by the end of next week so that it can be circulated to members so that we can begin the discussion on the final report.

MR SPEAKER: Dr Bourke, a supplementary question?

DR BOURKE: I have a supplementary question, thank you, Mr Speaker. Can the chair explain why it has taken exactly 12 months since the closing date for submissions to consider just 11 submissions? Do you, Mrs Dunne, consider that you have given this inquiry the priority it deserves?

MRS DUNNE: I do draw the member's attention and the Assembly's attention to the fact that both Dr Bourke in those comments and Mr Corbell in the comments he made today reflect upon not my work but the work of the Assembly and the Assembly's committees and directly on the work of Mr Hargreaves and Ms Hunter as well.

Ms Hunter, Mr Hargreaves and I work very hard on a range of inquiries. If Dr Bourke had listened, there are a number of extensive and ongoing inquiries for which we have held a number of public hearings, not just in relation to campaign finance reform but in relation to the review of the Prostitution Act and we are about to start hearings in relation to electoral reform.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Madam Chair, through this committee will you be inquiring into the massive conflict of interest the Labor Party has with regard to the community donations they receive through the Canberra Labor club?

MR SPEAKER: One moment, thank you, Mrs Dunne. Thank you, Mrs Dunne, the question is in order, you can proceed with your answer.

MRS DUNNE: Thank you, Mr Coe, for the question. There are a whole range of issues that are being covered by the committee inquiry. I am drawn to reflect on the tenor, I suppose, of the inquiry, which was highlighted by the submission by Mr Nick Xenophon, who quoted in his submission the finance and campaign director for President McKinley, and he said that there are two things about elections—

Ms Le Couteur: A point of order, Mr Speaker.

MR SPEAKER: Mrs Dunne, one moment, thank you. Stop the clocks.

Opposition members interjecting—

MR SPEAKER: Yes, I do not need guidance on the clocks, members. Relax. Ms Le Couteur, you have a point of order?

Ms Le Couteur: Thank you, Mr Speaker. I am just not sure that this whole line of questioning is in order. I direct your attention to standing order 241(d), which says:

a committee may resolve to authorise a Member ... to give public briefings ...

The last sentence is:

The committee shall determine the limits of the authorisation.

As this is a question without notice, clearly the committee has not authorised Mrs Dunne, and I wonder if this whole proceeding is, in fact, in order.

MR SPEAKER: I refer to *House of Representatives Practice*—

Members interjecting—

MR SPEAKER: Order, members! Thank you.

Mr Coe interjecting—

MR SPEAKER: Order! Mr Coe, please.

Mr Smyth interjecting—

MR SPEAKER: Order! I do not need guidance. I refer to *House of Representatives Practice*:

In any question to a chair of a committee it should be borne in mind that a chair should not make public pronouncements on behalf of the committee unless the committee has been consulted and given its permission beforehand.

Nonetheless, I think Mrs Dunne is open to answer questions about the conduct of the inquiry without necessarily drawing a conclusion about what conclusions the committee might draw. I suspect Mrs Dunne appreciates that difference.

MRS DUNNE: Yes, I am aware of that. I thank Ms Le Couteur for the reminder, but, as I was saying—

Opposition members interjecting—

MR SPEAKER: Order!

MRS DUNNE: The tenor of the inquiry can be summed up in some way by the quote from President McKinley's campaign manager when he said:

There are two things that are important in politics. The first is money and I can't remember the second.

This is the tenor of many of the submissions that we have received. We have received submissions in relation to the conflict of interest that some organisations have in relation to from where they receive money, and these matters will be considered appropriately in the inquiry.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Mrs Dunne, has the committee received any evidence on caps on campaign finance and what has that evidence said?

MRS DUNNE: Thank you, Mr Smyth, for the question. We have received a range of advice in relation to caps on campaign finance reform. I am sure all members are aware that there is legislation that has already passed in New South Wales and Queensland. There is also legislation in Canada which has received a great deal of support. There is some discussion about the constitutionality of that, and Mr Hargreaves touched on that yesterday in relation to the scrutiny report. In the United States, the free speech provisions in the constitution are quite different from those in Australia, and I think there is a general view that we cannot draw exact parallels to the capping laws in the United States. We could perhaps learn much more from other commonwealth jurisdictions like New South Wales, Queensland and Canada, where there are caps in place.

Mr Coe interjecting—

MR SPEAKER: Order! Mr Coe, you are getting very close.

Mental health facility

MR HANSON: My question is to the Minister for Health. In your statement of government priorities for 2011-12 you stated:

... these priorities will be progressed within the continuing work of Government—that is, they further our election promises.

In the lead-up to the 2008 election, you promised a secure mental health facility. In your 2011-12 budget this project was cancelled. Is this a reflection of your commitment to election promises?

MS GALLAGHER: As Mr Hanson knows and understands from the estimates hearings, the issues around a secure mental health unit, particularly in terms of this year's budget, were that the work came in just before the budget and the costings for the secure mental health unit had grown to, as I recall, between \$30 million and \$40 million for a 15-bed facility located on the former Quamby site. The government was not prepared to take a financial decision on that until we had done some further analysis of those costings.

We understand that there is a need for a secure unit. The site that has been identified is at Quamby but there was a difference between the funding allocated and what the costings came in at after the model of care had been determined and some of the preliminary design work had increased that project from about \$15 million, that had been originally appropriated, to between \$30 million and \$40 million. The government, quite rightly, has paused that project while we do some further analysis around demand projections and also the model of care for that service. So we have not broken a promise but we are being rigorous in our analysis for the final decisions that need to be taken.

MR SPEAKER: Supplementary, Mr Hanson?

MR HANSON: Given that it was meant to be delivered by now, when will you deliver on your promise to build a secure mental health facility?

MS GALLAGHER: What the government is doing is working in partnership with the mental health community, who made some very strong representations about not co-locating that facility at the Canberra Hospital site. That was the original decision that was taken, because of some of the economies of scale that could benefit the project between the secure unit and the acute adult mental health in-patient unit, which is almost drawing to conclusion—the construction period.

In response to some concerns from the mental health community around co-locating both of those services, and from other groups within the Canberra Hospital precinct about having the forensic mental health unit there, and around the space that was required to separate and provide reasonable allocation of outdoor space for the adult acute mental health in-patient unit, that was the decision the government took to move it.

Mr Hanson needs to understand that there has been a history to this and the decision making process that has delayed the project. We have then gone and consulted around—

Mr Hanson: You haven't delivered what you promised.

MS GALLAGHER: We went through a community consultation process about a number of sites—

Mr Hanson interjecting—

MR SPEAKER: Order! The question has been asked. Let us hear the minister's answer.

MS GALLAGHER: A number of sites, and I would imagine that if we had not gone out and consulted on an appropriate site for that the Liberal Party would be squealing about that as well. We have done that work. That work came back—that Quamby was the preferred site, for a number of reasons: its proximity to the Alexander Maconochie Centre, its proximity to the Canberra Hospital site and the fact that it is a designated purpose for that land. We then went through a process with the local community, who had some concerns around that. We have taken the decision that that is the appropriate site for it. We have now gone through the model of care negotiations— *(Time expired.)*

MR SPEAKER: A supplementary, Mr Coe?

MR COE: Minister, the ACT Labor 2008 mental health election policy states a commitment to mental health services. Your ministerial statement of priorities does not list mental health as a priority. Are you no longer committed to delivering mental health services?

MS GALLAGHER: I find it a bit rich to get this question from the Liberal Party. What was it—the lowest per capita mental health spending in the country when we came to government? The question was around commitment to mental health and what we have done is significantly increased the budget.

We have almost finished the construction of a brand new adult acute mental health inpatient unit. We have started new services in the community sector. We have worked with the Greens around the allocation of budget funding to provide more resources into community recovery and community-based programs. We are working with the commonwealth under the COAG mental health reforms that are underway.

We are extremely committed to the provision of adequate mental health services for our community but it also requires us to take those decisions, particularly decisions around forensic mental health, carefully. I think, again, the Liberal Party, if we do not go through rigorous analysis of why the costings for delivering that service have increased by 100 per cent, if we do not go through some analysis of that, we would be negligent in our responsibilities—

Mr Seselja: Point of order, Mr Speaker.

Ms Gallagher: I have finished answering the question.

Mr Seselja: So you are happy not to answer then?

Ms Gallagher: I have answered it.

MS BRESNAN: A supplementary.

MR SPEAKER: A supplementary, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, the costs you are referring to for the forensic site, and the increase in those costs, were they due to or as a result of suggestions from the government or from community organisations?

MS GALLAGHER: As I understand it, they relate largely to the model of care which has been determined in partnership with the community organisations. So it is around the quality of the facilities, the size of the facilities, the size of the outdoor space and what that space is used for. And it is a capital cost. It may be that that cost is quite reasonable, but I think in terms of the timing of the budget, we needed some more time to make some further decisions around that. In the meantime the money that had been allocated, which is obviously not going to be enough, was returned to the budget. But this is a very live discussion across government at the moment. My understanding is that it is the result of the collaborative work that has been done in determining the model of care.

Fitters Workshop

MS LE COUTEUR: My question is to the Chief Minister and concerns the lack of live music venues in Canberra. Chief Minister, I refer to your appearance on Chief Minister's talkback on 666 radio last Friday in which you acknowledged that Megalo's move to the Fitters Workshop had further decreased the range of venues available for live music in Canberra. Talking about choirs use of the Fitters Workshop, you went on to state:

... the challenge for the Government now is to find a way of making sure that they have a space where they can perform their choral activity ... that is if not as good, then the next best thing.

Chief Minister, what steps are you taking to find such a venue that is appropriate for choral performances in Canberra?

MS GALLAGHER: The work falls within Minister Burch's portfolio, and I know that she is working very closely with the arts community around this issue and trying to ensure that we are able to try to meet the needs of a particular group, the choral vocalists group, that are concerned about Fitters Workshop and the use of Fitters Workshop. My understanding is that the next best venue is the Albert Hall, and there are some issues around whether or not some improvements can be made to the Albert Hall to improve its acoustic capacity.

Mrs Dunne: The stage is too small; the acoustics are hopeless; air conditioning is hopeless.

MS GALLAGHER: Mrs Dunne has already analysed that option and ruled it out. So that is down to her extensive knowledge and being, no doubt, the assessor of acoustic quality in ACT community facilities.

The advice to the government at this stage is that the Albert Hall, which we believe is currently underutilised, would be one of the next best venues. Obviously there are some places at the School of Music, as I understand it, that have been refurbished as well, with improvements made to the acoustic qualities of those rooms.

What I said on the radio is true. The challenge for us now is to try and say that Megalo are going into the Fitters Workshop. That decision was taken a number of years ago, or two years ago, through the budget announcements. We have been working along that decision line. And, yes, there is a small group that are upset about that. Now let us see if we can meet the needs of that community and provide them with an alternative space.

MR SPEAKER: Supplementary, Ms Le Couteur.

MS LE COUTEUR: Chief Minister, what is the government doing to provide appropriate and affordable music venues for the broad range of Canberra musicians whose needs fall outside the existing venues?

Mr Smyth: Nothing.

MS GALLAGHER: Mr Smyth answered that question as well. We have got the experts on the other side. As I said, we are working, and Ms Burch is working as the Minister for the Arts, to try and deliver an outcome where, if we cannot make everyone a hundred per cent happy, we make as many people as we can happy. If there are further improvements that need to be done to the Albert Hall to bring that hall back to the kind of space and the utilisation rates that we are aware were around when I was young—that space was used constantly for musical performances. I certainly used to play music there all the time. If we could get it back to its heyday like that, that would be a fantastic outcome. I understand that there is some concern around the velvet curtains and the impact that that has on the acoustic quality of the building. That is something that Minister Burch is examining closely, and whether or not those velvet curtains are required as part of the heritage importance of that space.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, what impact have liquor licensing changes had on access to live music venues in the commercial space?

MS GALLAGHER: That is not a matter that I am across, Mrs Dunne. I have not received any representations myself about that matter, but I imagine that the responsible minister for the liquor laws may have and I am sure that he is happy to answer the question.

MR SPEAKER: Attorney.

MR CORBELL: I thank the Chief Minister. Contrary to claims made by the Liberal Party, the number of licensed venues in the ACT has actually gone up, not down, since the new liquor licensing laws were introduced. We had the claims from those

opposite that there was going to be this massive reduction in the number of licensed venues—

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: Order, Mr Corbell! One moment, please; stop the clocks, thank you.

Mrs Dunne: The question was very specific. It was about the impact of liquor licensing laws on live music venues.

MR SPEAKER: Thank you, Attorney. We will come to the live music venues.

MR CORBELL: In relation to live music venues, I know that they do not like the facts of the argument. But in relation to live music venues, the government is currently undertaking a review of the first nine months or so of the new liquor licensing fee structure. As part of that we are looking at individual venues to try to ascertain impact on individual venue type. That work is ongoing at the moment. As members would know, I will be reporting to the Assembly later this year in relation to that review prior to the determination of the fee structure for the next licensing period, which commences on 1 November.

What is very clear to date is that the total number of licensed venues in the territory has increased, not decreased, since the new liquor licensing laws took effect. What has decreased is the amount of alcohol-fuelled violence in our community. There has been a 30 per cent reduction in the number of people being detained by the police as a result of being intoxicated and disorderly and a 25 per cent-odd reduction in the number of people being arrested for alcohol-related incidents.

These are the practical results of Labor's reform, which is making the service of alcohol in our city more responsible, more effective and safer for our community.

MR SPEAKER: Yes, Ms Bresnan?

MS BRESNAN: Chief Minister, when will the government be responding to the recommendations from the Loxton review that refer to live music venues?

MS GALLAGHER: As I understand it, that matter is currently before government and will be coming to cabinet shortly. Ms Burch has carriage of it. She has taken over that portfolio in the last month. I cannot give you an exact date. It is currently before government.

Childcare—Flynn childcare centre

MR COE: My question is to the Minister for Children and Young People. Minister, can you update the Assembly on progress on building works at the Flynn childcare centre, which occupies part of the Flynn primary school?

MS BURCH: I thank Mr Coe for his question and interest in Flynn. This government over the last two years has invested \$8 million in the Flynn community hub. Last

budget there was \$4 million, particularly for children's services there. That will see Gumnut and Alkira relocate to the site. In this budget there is a further \$4 million to develop the rest of the precinct into a multigenerational community facility.

In regard to the works for Flynn children's services, we have commenced some internal construction work, and a development application was submitted to ACTPLA in April. I understand there were a handful of submissions on that, and that is being assessed now. I am aware of ongoing community commentary about the development of the site. I have met with Gumnut and Alkira, the two providers, who are very keen and are looking forward to moving into that site. I was on site with them a number of weeks, possibly a couple of months, ago. I am not quite sure how long ago that was. They were very keen and are looking forward to the move, and the families there are very keen to have the benefit of a redeveloped purpose-built children's services centre in Flynn. A number of the families that will attend those services are members of the local community in Flynn, so they are very supportive of the development indeed.

MR SPEAKER: Supplementary, Mr Coe?

MR COE: Yes, Mr Speaker. Minister, will you assure the Assembly that the new Flynn childcare centre will be operational by the beginning of next year as promised?

MS BURCH: That is certainly the commitment we have given to children's services and that is the commitment we have made publicly at many community forums. We have shared with the providers our approach and we are going as quickly as we can. There is nothing in front of me that tells me that we will not deliver that on time.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, will you undertake to report back to the Assembly on progress during each sitting period between now and the commissioning of the Flynn childcare centre?

MS BURCH: I also know that there is a recommendation in the estimates report about providing an update about community consultation and our broad plans for the Flynn community hub. We have agreed to do that, and that is certainly one I will come back with. I appreciate your interest in Flynn.

MR SPEAKER: Dr Bourke, a supplementary?

DR BOURKE: Minister, you have been talking about the Flynn site. Could you inform the Assembly about the progress on the government plans to create a new home for Alkira and Gumnut Place childcare centres, which I visited recently?

MS BURCH: As I indicated, we are relocating two services, Gumnut and Alkira into the Flynn community hub. I do understand, Dr Bourke, that you have been out there. I congratulate you for being very active in the short time that you have been in this place. I understand that, in the conversations that you had with the supervisors, again they reaffirmed their commitment and interest in moving to the site.

This is a commitment we made back in late 2009. One service, Gumnut, is in accommodation at Evatt, which the school needs for their increased preschool enrolments for next year. So we made a commitment at the end of 2009 to move Gumnut, and I am very pleased to be able to accommodate them.

Flynn is a significant local building. The school is a significant local building.

Mr Coe interjecting—

MR SPEAKER: Order, Mr Coe. One moment, Ms Burch. Stop the clock, thank you. Mr Coe, whilst I am sure you would argue that was a comment to your own colleagues it was clearly audible right across the chamber. You are very close to a warning. Ms Burch, you have the floor.

MS BURCH: Thank you. The Flynn site is a very significant building to the local community, which is why we are going to great lengths to ensure the heritage integrity of it. We are working with the heritage architect. Along the line, we continue to work with the original architect of the building to make sure that the principles of the original design are held intact.

Energy—solar rebate scheme

MRS DUNNE: My question is to the Minister for the Environment and Sustainable Development. Minister, in your letter of March this year, you stated in relation to the feed-in tariff:

Uptake in each category is tracked closely by the Government on a quarterly basis. Once the caps are about two-thirds taken up, this monitoring (and the publishing of the data to the public) will be undertaken on a monthly or more frequent basis and will be published on the department of Environment, Climate Change, Energy and Water website.

It is worth noting that the amended Act also provides for the transfer of caps between categories, should one or the other be over or under subscribed. This flexibility, along with public tracking of the update, will provide certainty to both industry and consumer participation and cushion the impact of the eventual winding up of the medium and micro elements of the scheme.

Minister, on 1 June, the government announced that ACT government rebates ceased as of midnight the previous day for the micro scheme. Minister, why didn't you keep your commitments you made in your letter and keep the community informed?

MR CORBELL: The government did do everything it feasibly could to keep the community informed. Of course, what changed during that circumstance, which Mrs Dunne did not allude to, was the federal government's decision to significantly wind back the level of rebates it made available for the up-front cost of renewable energy generators. We know that the federal government had foreshadowed one winding back of the renewable energy certificates scheme. It changed its mind and announced an additional renewable energy—

Members interjecting—

MR SPEAKER: Order! I cannot hear the minister.

MR CORBELL: It announced a subsequent and additional wind-back of the renewable energy certificates scheme, which reduced the multiplier quite considerably. For that reason, what we saw was, instead of a take-up of one megawatt every quarter, which was what we had seen for the duration of the scheme until the last month or so of the scheme's operation, one megawatt a week—a week—being signed up to the scheme. This was entirely unprecedented. It was a circumstance that was beyond the ACT government's control and, as a result, it saw the scheme subscribed in six weeks when it would have otherwise taken close to two years to occur. So that is what occurred, and that is why we had to see the sudden closure of the scheme.

Of course, now we see the Liberals and the Greens proposing to reopen the scheme and we are going to see another rush. I have received advice today from the Australian Solar Energy Society that would suggest that they expect that rush to see the scheme subscribed again, fully subscribed again, within six to seven weeks. So that is the sort of reckless law making that we are going to see this afternoon. We are going to see another rush and another sudden closure of the scheme, because the Liberals and the Greens are going to vote to reopen the scheme.

What we are also going to see is the complete closing out of medium-scale generation activities, because the reopening of the micro scheme and making the micro scheme eligible to the medium generator category will mean micro will be installed more quickly, because it is quicker to install than medium, and it will suck up the remainder of the allocation made available to the medium generator category. So we have got the Greens proposing a measure which is going to close out larger scale renewable energy generation and we have got the Liberal Party proposing to support such a measure; when they are on the record as consistently opposing the feed-in tariff scheme, they are reopening it. They are going to vote to reopen part of the scheme that they have consistently opposed for the last two years.

The government's policy has been clear. There are caps on each of the categories, and we do not want a situation where larger scale renewable energy generation is compromised. Mr Seselja knows, the Greens know, that there is already about six megawatts in the medium generator category that will have to be reallocated to the micro scheme to honour the existing contracts that have been entered into. That leaves eight or nine megawatts left in the medium generator category, and those opposite and those on the crossbench are going to vote for a measure that will give the rest of that back to micro, will compromise medium-scale generation, will compromise larger scale renewable energy generation in this city, and that is a tragedy. *(Time expired.)*

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Minister, why was business given no notice of this closure, and why was there no consultation with business as to the options for a more structured phase-out of the scheme?

MR CORBELL: Business were well aware that there was a cap; business were well aware that the cap was being approached. Business knew that, because every time they made an application to Actew for connection, they were aware of where they were in terms of the overall cap allocation. So business knew that.

The fact is that the industry itself contributed to the fast expiration of the cap because they promoted and undertook very aggressive marketing along the lines of “Get in quick; this is about to end.” That was the marketing strategy. We all know that. We all saw those flyers in our letterboxes. We all know that the industry itself was aggressively marketing and promoting applications because the scheme was about to end. That was the marketing strategy.

But the real challenge now is to see whether we are serious about supporting larger scale renewable energy generation and policy settings that encourage that. We hear Mr Seselja talk about larger, more efficient cost measures. We hear the Greens argue for more investment in larger scale renewables. Well, now is the time for those two parties to put their money where their mouths are and to support a policy setting that encourages larger scale, more efficient, cost efficient renewable energy generation and not continue to support elements of a scheme that have achieved their outcomes and where the transition now needs to occur. That is the challenge for the Greens and the Liberals this afternoon.

MS HUNTER: Supplementary?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, have you done any analysis on how many jobs will be lost and how many businesses will be closed because of the sudden closure of the micro scheme? If not, why not?

MR CORBELL: We know that in terms of the technical trades employed in this industry there is no shortage of opportunity for those technical trades. People who are electricians, people who have the skill sets around the installation of solar, will find ample opportunity as the industry makes the transition to larger scale renewable energy. You still need electricians. You still need people trained in PV, in the installation of PV, to work on medium and large-scale generation. So there is absolutely no question that people with that skill set will be highly sought after and will be able to make the transition.

For that reason, the government’s view very clearly was that the allocation and the emphasis of price support moving towards medium and large-scale renewable energy generation would provide sufficient employment opportunities. The real failure is the failure of industry to recognise that a cap meant a finite period of time for the micro scheme. We know that the smart operators in the industry were moving and have moved to make the transition to medium-scale generation and to look at the economic opportunities there. It is those businesses that failed to do that, even though they understood what the regulatory environment was, that find themselves in this situation.

But for people with the skill set, people who are electricians, people who have the technical skills needed for the installation of PV, those opportunities continue to be available because of the price support for the medium generator category. The real problem of course is that there will not be medium-scale generation because of the decision that appears likely to be taken later this afternoon to make micro eligible for that medium category. Micro will suck up all the medium generation capacity and then there will be nothing. There will be nothing.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Minister, given the concerns that you must have had about the amount that has been installed, why did you keep the price the same? You said earlier that you would adjust the price but you did not.

MR CORBELL: The price was retained the same for the reasons that I outlined when I made the determination. Those reasons remain valid today—that is, the potential impact in terms of price movements in the value of the Australian dollar verses overseas currencies could have led to a sudden and dramatic increase in the price of installation of PV. That would have had an impact on the market if the price had been dropped too low. So that was the view I took in relation to that matter. That view remains valid today.

But if the suggestion from Ms Le Couteur is that the best way of managing this would have been to reduce the price and, therefore, reduce demand, the reduction of price would have had to have been of such a magnitude—ie, down to 20c or 15c per kilowatt hour—to have eased pressure. This is because the real incentive for consumers was to get in to secure the renewable energy certificate rebates from the commonwealth before that scheme was substantially reduced on 1 July. That is what was driving demand—not the feed-in tariff price—and it is wrong to suggest otherwise.

Schools—investment

MS PORTER: Mr Speaker, my question through you is to the Minister for Education and Training. Can the minister advise the Assembly about what the government is doing to ensure we are renewing our public schools and building new schools where they are needed most?

MR BARR: I thank Ms Porter for her question and indeed for her longstanding interest in education in the territory. The government embarked on a significant reform of our education system in 2006 and we did so to ensure that we could meet the needs of Canberra's students, their families and the local economy into the future. These reforms have seen a record investment—an investment that since 2006-07, and incorporating initiatives in this year's budget, is approaching three-quarters of a billion dollars; the single largest investment in public education in the history of self-government in the territory. We are upgrading every single school in the public system, and we are building new ones where they are needed most.

The government understands that Canberra's population is evolving, the demographics are changing, and the education system needs to adapt to those changes. Changing how and where education is delivered is a very important part of service delivery. This includes ensuring that families who are moving into new suburbs across Canberra have access to high quality education facilities in their area. That is why the budget that is before us today and will be into the small hours of tomorrow will see the government invest a record \$835 million into our education system, demonstrating the priority that this government places on the future of young Canberrans in this city.

As part of this record investment we are continuing our significant program of capital works. We will be investing more than \$150 million in delivering upgraded facilities at our existing schools, and we are building new schools where they are needed most. I am sure all members are aware that Gungahlin is the fastest growing community in the ACT. With many young families moving into the new suburbs in Canberra's north it is critical that we provide education facilities to meet growing demand. That is why we have built the Gungahlin college and why we are providing \$105.3 million in this budget to deliver new schools in Bonner and Franklin.

The new Bonner primary school will accommodate up to 560 students from preschool to year 6 and will open for the commencement of the 2013 school year. We are also investing just over \$40 million in the new early childhood school in Franklin, which will complement ACT Labor's existing suite of early childhood schools, like the Southern Cross school in Ms Porter's electorate. This new facility in Franklin will provide 15 hours of free preschool and will be collocated with childcare facilities and of course the early years of primary school. It will cater for children from birth to eight years of age, with up to 120 childcare places and 300 places for students from preschool to year 2.

When you combine the government's investment in Amaroo school, Harrision secondary school, the recently completed Gungahlin college and the CIT learning centre and the two new schools funded in this budget, Bonner and Franklin, the government is helping to ensure that students throughout Gungahlin have access to the best possible education from the earliest years to year 12 and beyond.

As I said earlier, we are expanding our delivery of capital works to those areas of the city where we are experiencing growth in enrolments. That is why there is \$10.1 million in the budget to expand Macgregor and Majura primary schools, and I know Ms Porter is very well acquainted with Macgregor primary school, which is in her electorate. We will be investing significant funds in that facility. Another investment that Ms Porter has supported strongly is the forward design of a purpose built facility for the Canberra College Cares program that has been running so successfully out of Stirling.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Can the minister provide the Assembly with details on the progress of works already underway and some examples of the work that is planned to continue to provide ACT students with high quality education facilities into the future?

MR BARR: As I indicated in my previous answer, there are significant capital works projects underway across schools in the territory. Work is about to begin at Red Hill primary school, where \$7.35 million is going towards delivering six new classrooms, including some shared learning spaces, a new school car park and traffic flow improvements, landscaping, some lease separation works for the French-Australian preschool, a new school entry and administrative area and toilet refurbishment, and new carpet and painting for the early childhood wing.

Work is also beginning on the performing arts centre at Canberra college in Woden. This \$9.3 million facility will be used as a learning and performing space by students from the college, as well as, of course, by surrounding schools in the Woden valley and the local Woden community. It will include seating for more than 180, specialist studios for dance, music and drama, and improvements to existing access roads and car parks.

The 2011-12 budget builds on ACT Labor's record of high and well-targeted investments to upgrade our public schools. Some other examples in the budget also include a near \$2 million fund to upgrade and refurbish the hydrotherapy pool at the Malkara school. This investment will provide a modern, safe and therapeutic facility for students with a disability. It will help further engage their parents in their education and assist community organisations working with adults with disabilities.

The government also continues its upgrading of information and communication technology facilities in all ACT public schools. There is a \$2.6 million ICT investment fund in the budget that will deliver more interactive whiteboards, more new computers, more wireless access points and upgraded network infrastructure across the public school system. These are just some of the important works being delivered by this government in public schools to ensure that every ACT student has access to the highest quality education.

MR SPEAKER: A supplementary, Dr Bourke?

DR BOURKE: Minister, in the course of monitoring and developing the programs you have outlined, have you become aware of community views in relation to these programs?

MR BARR: There is no doubt that Labor's drive to further improve education in this city has widespread community support. There is not a school community, government or non-government, in this city that has not benefited from some combination of the federal government's building the education revolution program and the ACT government's capital works upgrades. There is not a school community, government or non-government, that has not benefited from our election commitment to provide support for parent groups by topping up their fund-raising efforts with a \$15,000 grant for primary school parent associations and a \$1,500 grant for preschool parent associations. There is not a single school community in the city that has not welcomed the additional boost in funding for education being considered in this place later today.

From the contact I have had with the Canberra community, across a variety of different education settings, there is very strong support for the government's record levels of investment in education. I do note that, although the Liberal Party opposes viciously the building the education revolution program at a national level, with the sorts of outrageous slurs on the good work that has been occurring within the building and construction industry, strongly supported by local school communities, there has been an absolute procession of members opposite prepared to turn up to the ceremonies to welcome the delivery of these capital works projects. Meanwhile their federal mouthpieces have been running around the country, deriding this significant investment in public education and, of course, in non-government education. And those opposite have been more than prepared to turn up for the morning teas and to turn up for the back-patting ceremonies but they never support the investment.

MR SPEAKER: Mr Barr, I think you are outside the scope of the question now, thank you.

Schools—Farrer primary school

MR DOSZPOT: Mr Speaker, my question is to the minister for education. I refer to the recent closures of the Ellyard building at Farrer primary school in late 2010 and again in June 2011 due to high levels of mould and dampness in the toilets. Consulting engineer John Skurr assessed the building in 2010 and noted that only one item from an earlier report on the building's moisture problems had been carried out. Minister, why wasn't work done earlier on the Ellyard building at Farrer primary school once Mr Skurr had submitted his report in 2009 identifying problems with the building?

MR BARR: Extensive work has been conducted on that site and indeed across all areas of the Farrer site. There has been a considerable amount of upgrade work. But it does go to highlight the challenges that school infrastructure, particularly ageing school infrastructure, places and it goes to highlight the importance—

Members interjecting—

MR SPEAKER: Order! The question has been asked.

MR BARR: It goes to highlight the importance of this government's investment in upgrading our public schools. In making difficult decisions as we did in 2006-07, we freed up a significant amount of money to invest in upgrading the quality of public education. At Farrer, along with every other school in the ACT, significant upgrade works have occurred. I note all the political posturing from those opposite; they have voted against every single increase in funding for education delivered by this government in successive budgets since I have been the minister for education—every single time. And at a national level they vote against every single initiative to provide money for schools to upgrade their building infrastructure.

The extensive work that has occurred at Farrer has gone to address the concerns that have been identified by those involved in assessing the particular issues in that ageing

building. Work is ongoing at Farrer and will continue until the problem is resolved. A number of independent health inspections have been undertaken. A number of further engineering reports have been undertaken to ensure—

Mr Smyth: Why wasn't the first one actioned?

MR BARR: All reports have been actioned, Mr Speaker. The Education and Training Directorate continues to work closely with the school community to resolve the issues in that ageing building.

MR SPEAKER: Supplementary question, Mr Doszpot?

MR DOSZPOT: Only one out of six was attended to, Mr Barr. Why did your department declare that the Ellyard building was safe for use two weeks before it was closed again this month?

MR BARR: The directorate did so on the basis of an independent health assessment.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, are you going to ensure that there is ongoing indoor air quality monitoring in place to ensure that the health of children and staff, particularly those with respiratory illnesses such as asthma, are safeguarded?

MR BARR: Yes, indeed. The health area are very actively involved in working with the education directorate on this matter and we will continue to very closely monitor the situation. Extensive works have been undertaken and there has of course been very close attention paid by a number of directorates within the ACT government.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Minister, when will the Ellyard building at Farrer primary school again be safe for use?

MR BARR: At the completion of the works that are currently underway, Mr Speaker.

Housing—waiting list

MS BRESNAN: My question is to the Minister for Community Services and is about the public housing waiting list. Minister, a report released by the Ombudsman on Monday recommended that Housing ACT develop clear policies and guidelines about which applicant should be referred to the multi-disciplinary panel so that they can then be on the priority waiting list. The ACT government disagreed with the recommendation. Minister, why is it that Housing ACT caps the priority waiting list at 150 applicants and lets officers use their own judgement about which applicants are worst off rather than making the priority list available to all those applicants that meet appropriate criteria for risk and hardship?

MS BURCH: I thank Ms Bresnan for her question. There was a report put out that highlighted some process and some throughput through the priority list. It focused on a particular story of a woman who was in housing stress who came through the department in late 2009, I understand. There were some internal processes that clearly, I believe, let this woman down. I think the woman was housed in about February—early 2010.

Since that time, Housing ACT has made some significant internal changes that have improved our systems and processes. We have certainly reviewed our letters and our correspondence that clearly outline to the applicant their rights of reply and where they can go should they want to challenge or question decisions. Also, we have gone into the staff who were making those assessments. We have upgraded those levels so that they are operating at a higher level and we have provided significant internal training as well.

We have also created the central access point at Conservation House. That will link government and non-government providers—

Ms Bresnan: Point of order, Mr Speaker. While I do appreciate the background that the minister is giving me, and I do thank her for that, my question was actually about why Housing ACT capped the priority waiting list at 150 applicants and let officers make their own judgement about who was worst off rather than going to the criteria of risk and hardship.

MR SPEAKER: Minister Burch.

MS BURCH: All applicants are assessed on their risk and their need. We have around 1,500 people on our waiting list. About 150 sit on the priority. There is another chunk in high needs and then another lot in standards. All of those are assessed on their need. They are not issued properties on a first in, first served basis. That would not be the way. In fact, we made those significant changes a number of years ago. Those in most need are addressed and provided with accommodation first.

MR SPEAKER: A supplementary, Ms Bresnan?

MS BRESNAN: Minister, how many applicants are with Housing officers waiting to be considered by the multi-disciplinary panel and then the priority waiting list?

MS BURCH: I do not have that level of detail. I am quite happy to take that and come back. Another reform or change we have made is that applicants are now managed by an individual worker, so one worker will follow the application process through. That will better allow those triggers that will happen in the circumstances to be identified and rectified as they come through.

MR COE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Regarding the ACT Ombudsman's report released earlier this week, were any of the issues raised in that report also raised in internal audit reports over the last few years?

MS BURCH: I do not know the detail of that but certainly we are an organisation that has ongoing reviews in its practice. As we can amend and make change for the better, we will continually do that.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, will you table the internal audit reports for the last five years?

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

Volunteering ACT

MR SPEAKER: Mr Hargreaves, a question without notice.

MR HARGREAVES: Thanks very much, Mr Speaker. I was not accustomed to the silence. My question is to the Minister for Community Services. Minister, in relation to the money given to Volunteering ACT, are you aware of applications and charities which were not successful or applications which were successful but did not receive the actual amount in their applications?

MS BURCH: I thank Mr Hargreaves for his question. I know that he is committed to supporting Volunteering ACT and community groups in Canberra. I do not have the level of detail in front of me about the number of organisations that missed out due to the Canberra Liberals accessing \$10,000 worth of funds. It is a fact that the Canberra Liberals accessed \$10,000 of worker funds—

Members interjecting—

MR SPEAKER: Order! Thank you, members.

MS BURCH: from Volunteering ACT, and those funds were meant to be—

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Yes. Minister Burch, one moment, thank you.

Mr Smyth: The minister has just admitted that she does not have the answer to the question and she said that she will take it on notice or get the information. Surely that is the end of the answer.

MS BURCH: I do not think I said I would take it on notice.

Mr Hargreaves: Point of order, Mr Speaker: I was not aware of any standing order which would require the opposition to be able to answer the question on behalf of the minister.

MR SPEAKER: Order! There is no point of order. The minister is free to answer the question within the bounds of the standing order.

MS BURCH: Thank you. Where I was going was that there was \$10,000. It is a known fact that the Canberra Liberals accessed \$10,000 worth of funds from Volunteering ACT. Those funds were targeted through the second appropriation for community groups that were providing a direct benefit to organisations. I do know—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson!

MS BURCH: Whilst I do not have the details in front of me of what Mr Hargreaves has—

Mr Hanson: Hand back your pokie money.

MR SPEAKER: Mr Hanson!

MS BURCH: You get pokie money. You do get that, Mr Hanson.

Mr Hanson: Mr Speaker, under standing order 42, I ask that Ms Burch address the chair.

MR SPEAKER: Yes.

MS BURCH: Through you, Mr Speaker, I just remind those opposite that they do benefit from funds from gaming operators. They also, I believe, back in 2001, gained benefit from tobacco companies. They seem to think that every gamer in the ACT is a problem gambler.

Members interjecting—

MR SPEAKER: Members, order! Ms Burch, I think it would be unhelpful for you to continue. The question, thank you.

MS BURCH: I will go to the question, Mr Speaker. I do know that SIDS and Kids, through the volunteer grants, got \$1,700. I do know that People with Disability got \$1,500. I do know that Karinya house got \$2,000. It is a bit of a question as to whether those opposite can go to those organisations and look them in the eye and say that the Canberra Liberals are worth five times more than Karinya house and the Canberra Liberals are worth more than five times SIDS and Kids support. I would not have thought so. I think it is a shame.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Thanks very much, Mr Speaker.

Members interjecting—

MR SPEAKER: Order, members! Mr Hargreaves, you have the floor.

Mr Coe interjecting—

MR SPEAKER: Mr Coe, you are now warned for repeated interjection.

MR HARGREAVES: Mr Speaker, my supplementary to the minister is: will legislation be necessary to prevent political parties from accessing grants directed at disadvantaged groups? Would other grants be affected by such legislation and have any of the other grants programs been examined to see whether the Liberal Party has accessed those as well?

MS BURCH: I thank Mr Hargreaves for his question. The director-general has written to Volunteering ACT seeking information about the grants process, to ensure that it was awarded on merit and it met the intent of the funding. He is seeking information about who got access to the funds and what services were delivered through those funds.

On the question of legislation, I think I need to wait until the investigation is completed. A mere return of \$10,000 back to the community benefit will not stop what is good due process in investigating how the Canberra Liberals accessed \$10,000 and thought they were warranted. So we will continue to explore who was in receipt of those funds and what services were delivered. I am also of a very strong mind to write to my colleagues, the other ministers, who also administer a series of community grants, to ensure that no political party can have access to a community grant. That has been an outright shame on this community. I have been approached by community organisations that have shared their absolute disappointment in the Canberra Liberals. I think it is for them to carry on their shoulders from this day that they decided that they were worth four times, five times, that of organisations such as SIDS and Kids and Karinya House.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, are you aware that the Leader of the Opposition showed strong leadership and ethics by handing back the money, despite the fact that it had been given to the party entirely legitimately?

MS BURCH: What I saw the Leader of the Opposition show was a denial that he was even aware of it when it was brought to his attention weeks before the story came out, because they put TAMS on the declaration instead of Volunteering ACT. What I saw

was the Leader of the Opposition going into denial, saying they did it through an open process, therefore, it was okay to get \$10,000 out of the community organisations. What I saw was the Leader of the Opposition saying words that people got petrol vouchers. There were 100 \$100 Woolworths vouchers. They can be used for petrol; they can be used in Big W; they can be used to purchase food. What I saw from the Leader of the Opposition was an absolute disgrace. A couple of weeks ago, with great pride, the Leader of the Opposition said, "We got 30 new members, and in my office I tick off every single one of them," yet he cannot see \$10,000 of a community grant coming his way.

Members interjecting—

MR SPEAKER: Order, Ms Porter has a supplementary.

MS PORTER: Minister, what is the impact of this amount of \$10,000 being denied to the truly disadvantaged in our community at a critical time, such as during the global financial crisis?

MS BURCH: I challenge any one of you over there to say that \$10,000 would not be benefiting a community organisation. Those over there have made that denial. They can continually interject around gaming but I remind them that they received gaming money. It is an attack on the club industry. What this is from those over there is an attack on the club industry, saying that every bit of income into Clubs ACT is from problem gamblers. Therefore, the eight per cent that they give to the community is from problem gamblers.

Members interjecting—

MR SPEAKER: Order, members. Let us have some silence in the chamber. The minister has the floor. We need to tone this down. Minister Burch.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, you are now warned for interjecting. I have just asked for some quiet. Immediately you interjected. Ms Burch.

MS BURCH: Clubs ACT provide eight per cent by way of community contribution. I ask those over there: where does that money come from? And if they want to make those claims, those fraud claims, against this side of the fence, then they make it against those clubs that are making those contributions to the community.

Director of Public Prosecutions

MR SMYTH: My question is to the Attorney-General. Attorney-General, on 31 May 2011 the secretariat circulated an amendment to the half-yearly performance report for the six months to December 2010 in relation to the Department of Justice and Community Safety, now called the Justice and Community Safety Directorate. The amendment indicated that the average cost per matter dealt with by the Director of

Public Prosecutions for the six months was \$2,491, compared to a target of \$1,238—representing a target overrun of 101 per cent. The explanation given was that the new case management system enabled more accurate costings to be made. Given the actual historical data that would be available as a guide for the development of budgets and targets, how could even a manual calculation be so wrong?

MR CORBELL: I thank Mr Smyth for his question. Of course the administration of the day to day affairs of the Director of Public Prosecutions office is the responsibility of the Director of Public Prosecutions, as an independent statutory officer. I would need to seek advice from him and I will provide an answer to the member.

MR SPEAKER: A supplementary, Mr Smyth?

MR SMYTH: Attorney, in previous years when comparing actual to target figures, how could it not emerge that there were significant variances, and why would alarm bells not be ringing as to those variances?

MR CORBELL: I refer Mr Smyth to my previous answer.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne.

MRS DUNNE: Minister, what have you done to satisfy yourself that all relevant cost components were included in the costing model and have you discussed these problems with the DPP?

MR CORBELL: I rely on the advice of the DPP in relation to these matters. I will provide further detail to the member once I have sought further advice from the DPP.

Mr Seselja: A supplementary, Mr Speaker.

MR SPEAKER: No, the Chief Minister has the call.

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

Mr Smyth: It is a supplementary.

MR SPEAKER: When we get around to the second round of questions, I think once the member with the original call has had their supplementary, the rest of them are discretionary. That is my understanding of the standing orders.

Mr Smyth: On a point of order, Mr Speaker, can you point me to what standing order that comes under?

MR SPEAKER: It is not in my memory, Mr Smyth. Just a moment.

Mr Seselja: You just referred to it.

MR SPEAKER: I cannot remember the numbers. It is not a skill I have in life. Mr Smyth, under standing order 113B the Speaker may allow two further supplementary questions from other non-executive members. In this case I opted not to.

Mr Smyth interjecting—

MR SPEAKER: Order!

Mr Hargreaves: Mr Speaker, that was an imputation against the chair, when Mr Smyth said “That’s because the Chief Minister told you.” I ask you to ask him to withdraw.

MR SPEAKER: Yes, I invite you to withdraw the imputation, Mr Smyth.

Mr Smyth: I withdraw.

Supplementary answers to questions without notice
Legislative Assembly—accommodation
Legislative Assembly—volunteers
Minister for Community Services

MR SPEAKER: In question time yesterday Dr Bourke asked me questions concerning details of any requests for additional office accommodation or space from MLAs and their officers, what the stated purpose or the need for those additional spaces or renovations was and what my response to them was. Ms Porter then asked a supplementary question asking me to table any documents relating to such requests, and Mr Hargreaves asked a supplementary about which members approached me for additional space or resources for volunteers.

I am aware of three instances where requests have been made by members’ offices for further office accommodation. Details of those instances in chronological order are as follows.

Firstly, shortly after being elected by the Assembly as Speaker in November 2008, I considered what arrangements might be possible to enable the four new elected ACT Greens to have access to a party room. I recall there were discussions held at the time with the government whip which recognised that the ALP would be amenable to holding its party meetings in the cabinet room, and accordingly the room on level 1 previously allocated to the government as its party room was made available as a party room for the four Greens MLAs. There are no documents relating to this matter.

Secondly, in early 2009 my office and the Secretariat participated in discussions initiated by the chief of staff of the Leader of the Opposition concerning accommodation for staff and volunteers in Canberra Liberal MLAs’ offices. I am advised that some of the substantive issues that were considered as part of those discussions included the possible removal of office partitions to provide greater flexibility and space utilisation, a proposal that the opposition be given access to the

members' lounge and the possibility of utilising the opposition party room by volunteers and some staff when not in use as a party room. A stated reason for their request for additional accommodation was that the number of staff and volunteers could not be accommodated in the available space.

On 23 September 2009 the opposition leader's chief of staff emailed me to again raise these issues. Permission to use the members' lounge was not granted and the proposal to remove and reconfigure certain office partitions was not pursued.

On 14 March this year the opposition leader's chief of staff emailed my senior adviser—following an earlier oral request, I understand—to advise that between then and mid-May the number of workstations required by the opposition for all staff, volunteers and interns would be 24, which was two more than the opposition had been allocated.

Following that request, I am advised that discussions ensued between the leader's office and relevant Secretariat managers to clarify the numbers of people to be accommodated. Those discussions identified that only volunteers who were formally engaged under the Assembly's volunteer policy could be counted, and at that time the Secretariat confirmed that it had records for just two such volunteers.

The total number of volunteers this calendar year in members' offices is seven. Under the Assembly's volunteer guidelines, proposed volunteer agreements must be approved by the Clerk or corporate manager. I have been advised that one of the conditions that the Secretariat will seek to verify before approving a volunteer agreement is that there is an appropriate workstation and adequate space is available.

The third instance is that in May this year, following the resignation of the former Chief Minister, a request from the executive to reconfigure the Chief Minister's, Deputy Chief Minister's and Minister Corbell's office to better utilise space was received. It was identified that the proposed rearrangement would also address and identify work safety risk and approval was granted for the rearrangement to proceed.

Finally, in responding to Mr Hargreaves's supplementary about which members approached me for additional space, I am mindful that any proposal to engage a volunteer could be regarded as a request for resources for volunteers. As such, I will table the list of volunteers engaged by the non-executive members in the Seventh Assembly as well as the documents I referred to in my earlier answer. I table the following papers:

ACT Legislative Assembly—Office accommodation—Copies of emails (5).

Mr Barr interjecting—

MR SPEAKER: Members, while I have the floor, I have been reminded twice in the last two days by the Clerk that there is no longer a Minister for Children and Young People; it is now the Minister for Community Services.

Mr Hanson: Mr Speaker, there was an interjection, I think from Mr Barr, saying that Mr Seselja had lied to ABC radio. I would ask that he withdraw that imputation on the Leader of the Opposition.

MR SPEAKER: I actually did not hear it. Mr Barr, would you like to—

Mr Barr: Yes, I withdraw.

MR SPEAKER: Thank you.

Asbestos Management Review—government response Paper and statement by minister

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

ACT Asbestos Management Review—2010—Government response.

This was presented to the Assembly on 17 February 2011. I seek leave to have the statement incorporated in *Hansard*.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Before you proceed and before the Assembly makes a decision on leave in relation to incorporation in *Hansard*, could I refer members to pages 162 and 163 of the *Companion to the standing orders*, where it talks about the incorporation of unread material in *Hansard*. Generally, this is not the practice, but I get the impression that there is a general amount of agreement about it today.

The reason why it is not the practice is that unread material may offend the rules requiring relevance and decorum of expression. Unread matter may contain offensive or libellous statements to which a member may have taken objection had the words been spoken. A member could, in effect, make a longer speech than the time limit allowed for. Delays, technical problems and increased costs of production of *Hansard* could result. And the practice is unnecessary because the printed material and public documents may be tabled and included in the papers of the Assembly for members to view.

If it is the view that the Assembly should incorporate this in *Hansard*, could I ask that, in accordance with the *Companion* at 10.46, electronic copies are provided to *Hansard* and that people, in doing so, would take into account the five dot-points that appear at the top of page 163 of the *Companion*. Chief Minister, you are seeking leave to incorporate the document in *Hansard*?

MS GALLAGHER: That is right.

Leave granted.

The incorporated document appears at attachment A on page 3180.

Paper

Ms Gallagher presented the following paper:

Territory Records Act—Review of the operation of the Act—Report No 2 on the progress and effectiveness of the implementation of the recommendations.

Financial Management Act—instrument Papers and statement by minister

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

Financial Management Act—

Pursuant to section 16A—Instrument authorising appropriation for payment of accrued employee entitlements within the ACT Long Service Leave Authority, including a statement of reasons, dated 25 June 2011.

Pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Department of Land and Property Services, including a statement of reasons, dated 23 June 2011.

Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Canberra Institute of Technology, including a statement of reasons, dated 28 June 2011.

Pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to various agencies, including statements of reasons, dated 23 June 2008.

I seek leave to have the statements around the Financial Management Act incorporated in *Hansard*.

Leave granted.

The incorporated documents appear at attachment A on page 3180.

Mental health services—review Paper and statement by minister

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

ACT Community Sector Mental Health Services—Review, dated May 2011.

I seek leave to have the statement incorporated in *Hansard*.

Leave granted.

The incorporated document appears at attachment A on page 3180.

Papers

Mr Rattenbury presented the following papers:

Petition—Out-of-order

Petition which does not conform with the standing orders—Curtin shops—Planned lease variation—Mr Corbell (1655 signatures).

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Agents Act, Associations Incorporation Act, Births, Deaths and Marriages Registration Act, Business Names Act, Civil Law (Wrongs) Act, Civil Partnerships Act, Classification (Publications, Films and Computer Games) (Enforcement) Act, Cooperatives Act, Court Procedures Act, Dangerous Substances Act, Emergencies Act, Fair Trading (Motor Vehicle Repair Industry) Act, Firearms Act, Freedom of Information Act, Guardianship and Management of Property Act, Hawkers Act, Instruments Act, Land Titles Act, Machinery Act, Partnership Act, Pawnbrokers Act, Prostitution Act, Public Trustee Act, Registration of Deeds Act, Sale of Motor Vehicles Act, Scaffolding and Lifts Act, Second-hand Dealers Act, Security Industry Act, Workers Compensation Act, Work Safety Act—Attorney General (Fees) Determination 2011—Disallowable Instrument DI2011-115 (without explanatory statement) (LR, 10 June 2011).

Animal Diseases Act—Animal Diseases (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-117 (LR, 9 June 2011).

Animal Welfare Act—Animal Welfare (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-118 (LR, 9 June 2011).

Domestic Animals Act—Domestic Animals (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-119 (LR, 9 June 2011).

Education Act—Education Amendment Regulation 2011 (No 2)—Subordinate Law SL2011-16 (LR, 20 June 2011).

Financial Management Act—Financial Management (Periodic and Annual Financial Statements) Guidelines 2011—Disallowable Instrument DI2011-130 (LR, 16 June 2011).

Health Act—Health (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-131 (LR, 20 June 2011).

Public Place Names Act—

Public Place Names (Casey) Determination 2011 (No 1)—Disallowable Instrument DI2011-116 (LR, 9 June 2011).

Public Place Names (Molonglo Valley District) Determination 2011 (No 2)—Disallowable Instrument DI2011-114 (LR, 9 June 2011).

Roads and Public Places Act—Roads and Public Places (Fees) Determination 2011 (No. 1)—Disallowable Instrument DI2011-120 (LR, 9 June 2011).

Road Transport (General) Act—Road Transport (Offences) Amendment Regulation 2011 (No 1)—Subordinate Law SL2011-15 (LR, 16 June 2011).

Stock Act—Stock (Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-121 (LR, 9 June 2011).

Training and Tertiary Education Act—

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 1)—Disallowable Instrument DI2011-123 (LR, 14 June 2011). No. 111—30 June 2011 1405

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 2)—Disallowable Instrument DI2011-124 (LR, 14 June 2011).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 3)—Disallowable Instrument DI2011-125 (LR, 14 June 2011).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 4)—Disallowable Instrument DI2011-126 (LR, 14 June 2011).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 5)—Disallowable Instrument DI2011-127 (LR, 14 June 2011).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 6)—Disallowable Instrument DI2011-128 (LR, 14 June 2011).

Training and Tertiary Education (Accreditation and Registration Council) Appointment 2011 (No 7)—Disallowable Instrument DI2011-129 (LR, 14 June 2011).

Waste Minimisation Act—Waste Minimisation (Landfill Fees) Determination 2011 (No 1)—Disallowable Instrument DI2011-122 (LR, 9 June 2011).

Standing and temporary orders—suspension

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

That so much of the standing and temporary orders be suspended as would prevent order of the day No. 17, Private Members' business, relating to the Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2011, being called on and determined this sitting.

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2011

Debate resumed from 22 June 2011, on motion by **Mr Rattenbury**:

That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (3.36): The government will not be supporting this bill, proposed by Mr Rattenbury, today in relation to the ACT electricity feed-in tariff legislation. I acknowledge that the approach is well intended but it can only be described as a simplistic solution to a complex problem in which there will more long-term losers than short-term winners and at the end no increased certainty for local industry.

Let me explain and provide some further background.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Before you do, Mr Corbell, I am sorry I cannot hear you because Mr Hargreaves and the Chief Minister are having a chat. So if they could keep it down. Thank you. Mr Corbell.

MR CORBELL: Thank you, Madam Assistant Speaker. The closure of the micro category of the feed-in tariff scheme arose from the unfortunate coincidence of two market situations. The first was the decision by the commonwealth government to fast-track its previously announced reductions in the subsidy paid under the solar credit scheme. Last December the commonwealth announced that the multiplier applied to its renewable energy credits would reduce from five to four from 1 July 2011, with further reductions amounting to \$1,200 from 1 July each year until 2014. However, on 5 May this year the commonwealth revised this schedule to provide for the 2011 reduction to be by a further \$1,200, with the overall effect of closing the entire program a year earlier, in 2013.

The effect of this announcement was an additional increase in upfront costs for a PV system of around \$2,400 per household and businesses installing renewable generators. For an average-sized system of around 2.5 kilowatts, this was about a 70 per cent increase in the cash payment to install a PV system. Consumer concern over this development was fuelled by heavy and aggressive industry marketing along the lines of “don’t miss out” and “get in now before the price rise”.

Further consumer uncertainty was created by the failure of some interstate base providers to clearly explain to customers the differences between the commonwealth deadline and the ACT electricity feed-in scheme. Perceptions were created that equated maximum benefit with lodging applications for both programs before 1 July this year. Members no doubt recall the heavy advertising campaigns that pushed the deadline aspect. In one local paper alone my directorate counted seven separate advertisements, and this was matched by TV and radio campaigns as well as direct marketing at shopping centres and drops to home mailboxes.

The second contributing factor which drove a massive increase in take-up was the closure of the New South Wales feed-in tariff and the fear and general and widespread uncertainty created by the announced retrospective tariff cuts, which have since been withdrawn, by the New South Wales Liberal government. This also meant significant supplies of solar generation equipment found itself excluded from its intended market and sellers needing to find a new market. As a result, heavily discounted systems were offered in the remaining market, the ACT. While some consumers did very well out of this arrangement, the overall result was to overheat an already expanding market.

What was the outcome of these market forces? The Independent Competition and Regulatory Commission reports quarterly and publicly on the take-up in installed capacity under the ACT feed-in scheme. The March 2011 quarterly report on the scheme indicated a significant quickening of growth, about twice the levels previously experienced. By the time the scheme was closed, applications were being received at the rate of about 400 per week, against an historical average growth rate of about 400 connections per quarter.

I do have sympathy for the local solar industry and the possible impact on them and their staff of the closure of the micro category. But it is fair to say that there was that information and aggressive marketing campaign undertaken by that same industry, local as well as interstate participants. This was done with full knowledge of the implementation of caps and of the role they themselves were playing in overheating the market, which was a significant contributor to the early closure of the scheme. Few participants could have been unaware of how rapidly the market was growing.

The act provides for a capacity cap to limit the liability of ACT electricity users to fund the scheme. Once the cap is reached, I am obliged by legislation to close access to the scheme. This decision was not made lightly. Special provision was made so that the consumers who had already made a formal commitment to an installation and had paid any deposit required prior to the 31 May cut-off could still lodge their applications and participate in the scheme. This was a fair and reasonable decision, ensuring that consumers acting in good faith were not financially disadvantaged. The government acted to protect consumers.

There lies the irony. ActewAGL distribution is still receiving large volumes of applications, although they are slowing. Those applications that meet the criteria of good faith contracts will be honoured. Once all eligible outstanding applications are processed, the eventual micro category is expected to be about 21 to 22 megawatts, requiring a transfer of between six and seven megawatts from the medium generator category. In effect, the micro category has already had about half the access that Mr Rattenbury is advocating.

Following this transfer allowed for under the act, the remaining medium category will only total between eight and nine megawatts. The Greens, and the Liberals it would appear, want this remaining cap also to be made available to microgenerators. This is offering false hope for ACT installers. Both parties gave scant regard to the interests or the financial risks of those parties for whom the medium generator category was created. The new category recognised that there were many residents whose premises were unsuitable for the installation of renewable generation, for example, people who rent, people with poor-quality sited buildings or structurally unsound ones for the purposes of installation of renewable energy generation.

Provision was made to support the creation of community-owned generators run by the community in which such persons could invest and share in the proceeds on a cooperative basis. Such cooperatives take time to form and larger installations are subject to more complex planning approvals and financing arrangements than

individual micro household ones. Such installations therefore take longer to come on line, remembering that the medium category itself only commenced in March this year.

Allowing unfettered access to the remaining medium cap by microgenerators would quickly erode the remaining cap and largely exclude from participation the very parties the category was introduced to benefit. Unfortunately, the inequities do not stop there.

The amendments proposed provide that any currently eligible applications not connected to the electricity grid by 1 September 2011 will only be eligible for a payment of 75 per cent of the current premium rate rather than the full 100 per cent announced by the government. I am advised that there are already 1,540 inspection bookings up to the end of August 2011 and more than 1,900 further applications are being processed.

As members would know, the ACT operates the most comprehensive safety inspection regime in the country. Installations are inspected for both safety and grid compatibility and any faults detected are subject to revisions and re-wirings as necessary before connection takes place. To expect the inspectors to give their careful attention to about 3,400 sites by 1 September 2011 imposes an unreasonable burden. Any of those installations, through no fault of their own, requiring additional work that takes them beyond the September deadline, under Mr Rattenbury's amendments, miss out and have to accept a lesser payment. Equitable? Fair? Hardly!

So what transition period is being offered by the Greens amendment bill? If we accept Mr Rattenbury's amendments, how long before industry soaks up this extension and asks for even more? The answer, I fear, is: not long at all. Even if the take-up rate dropped by 80 per cent from the high point we saw just prior to the scheme's closure, we will see the remaining cap reached in approximately nine months. Most likely, we will have reached the cap again by Christmas 2011. And that will be to the exclusion of any medium, as I mentioned. This offers no transition. It just offers another gallop towards a new cap and by every player in the market, not just local businesses.

The micro scale feed-in tariff has, in the government's view, run its course. I note here that there is access to a one-to-one tariff contract from at least one retailer in the ACT. For those residents wishing to install PV on their rooftop, there remains significant commonwealth support for PV2. This offers a reasonable return on investment and an effective hedge against any future electricity price rises. Of course, the ACT's lowest electricity prices in the country mean a slightly lower return for local PV owners than across the border, but that is a benefit to all consumers. Eventually, about 8,000 ACT households will be grid-connected through the micro category, and that is no bad thing. The micro category scheme has been a success.

But the government has long expressed its policy desire to transition to larger scale, more cost-effective renewable energy generation. I remind members that I have already advised of my intention to bring forward legislation later this year for that very purpose. Just today, my directorate released a discussion paper for industry on

how the government sees the innovative reverse auction process operating and seeking feedback from potential proponents.

That is the future for solar in the ACT. That is the future. The existing medium category and proposed large-scale category will see further growth in renewable energy in the ACT, and local industry has every opportunity to continue to be actively involved.

The proposals from the Greens and the Liberals today will not achieve the claimed outcomes. They simply offer false hope and will create another mad rush. The government opposes the bill.

MR SESELJA (Molonglo—Leader of the Opposition) (3.48): We find ourselves here today fixing the government's mess. What we are dealing with today is legislation that was probably always inevitable once this scheme was established in the form that it was. We have a scheme that was clearly unsustainable. It was so unsustainable and handled so badly by this government that in the dead of night it was killed, despite the fact that the minister had told industry that there would be a cushioning of the transition only weeks before that. That is at the heart of the problem we have. That is at the heart of the problem we need to address today.

We have got a bad scheme. It has not worked very well, but when you put in place a scheme people rely on it. Consumers sign up to it. People make business decisions on the back of it. We cannot just ignore that now. Whilst our concerns about the inefficiency of this scheme and the inequity of this scheme remain, we are faced with a choice. We are faced with a choice as to whether we leave it as is and see business suffer and taxpayers pay more or whether we seek to improve it, protecting consumers, honouring contracts, seeing electricity users pay less and giving some transition to industry.

We have chosen the latter path. We have chosen the latter path because the former path is the wrong way to go. We have to try and make this better. Unfortunately, when you have got a scheme that is so poorly thought out, this is the inevitable outcome. Consumers suffer; industry suffers. That is what is happening now. That is what we have to seek to fix. And that is what we will be doing through our amendments. Should our amendments be successful, we will be supporting the legislation.

We have not wavered from our fundamental reasons as to why we have been critical of the scheme. There are questions of inequity, the increase in the cost of living for ordinary Canberra families that is associated with this scheme, and issues of efficiency. As I said in February, and this is a quote from *Hansard*:

This is one of the most expensive ways imaginable to reduce greenhouse gas emissions.

It remains so. Our amendments make it somewhat less expensive, somewhat cheaper, and a somewhat more efficient way of reducing greenhouse gas emissions. We have heard from a number of experts giving criticism, including Andrew Macintosh from the ANU, who said:

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.

But we have. The government has. That is the policy dilemma we are faced with. That is the inevitable consequence of bad policy. Industries that rely on a heavily subsidised scheme do so at their detriment in the end. They can get benefits for a short period of time, as we have seen with other schemes; then, when they come to a sudden, screeching halt because they are unsustainable, we know that business suffers and we know that consumers suffer.

We recall the national green generators forum examination of the New South Wales scheme before it was scaled back, which found that the cost of creating jobs under the scheme was in order of \$130,000 to \$700,000 per year for each new job, which in our approximation is an extremely ineffective way to cut emissions.

That is where we find ourselves. Today's debate is about how we can make that better, how we can try and improve what is a very bad scheme. It is about providing some cushion for local businesses. But importantly, from our perspective, there are some principles that we believe have to be honoured. This has formed the basis of our negotiations with the Greens and with the government on this. They are these.

We believe that any changes to the scheme should see electricity users paying less. That is what our amendments will seek to do—see electricity users paying less. Any changes to the scheme should ensure that good faith contracts are honoured—and our amendments, importantly, will do that.

We believe that anyone who signed up in good faith to a government scheme, whether we agree with that government scheme or not—if they signed up in good faith, those contracts should be honoured. That is critically important. We should not be retrospectively taking away people's rights.

Thirdly, we believe that, going forward, there is a need to soften the blow for industry in a transitional sense. The industry should be on notice that this scheme will be coming to an end in a few months time, maybe longer. The reality is that the way it has been handled to date, where industry was told that they could expect it to go for another 12 or 18 months, and it came to a screeching halt in the dead of night, is bad policy and a bad way to handle things.

Businesses do need some cushion to scale up and plan for the future. At present, there are approximately 18 solar companies in the ACT looking to scale down. This is going to affect an industry of approximately 400 skilled workers. When concerns were raised by industry, this is the assurance they got from government, from the minister. He said:

Uptake in each category is tracked closely by the Government on a quarterly basis. Once the caps are about two-thirds taken up, this monitoring (and the

publishing of the data to the public) will be undertaken on a monthly or more frequent basis and will be published on the department of Environment, Climate Change, Energy and Water website.

It is worth noting that the amended Act also provides for the transfer of caps between categories, should one or the other be over or under subscribed. This flexibility, along with public tracking of uptake, will provide certainty to both industry and consumer participation and cushion the impact of the eventual winding up of the medium and micro elements of the scheme.

That is a letter from Mr Corbell dated 15 March this year. That is not what happened. There was no cushioning and there was not the flexibility that he referred to; there was just a screeching halt. That is no way to do policy. Industry, when they seek assurance from government, should be able to rely to some degree on the truth of that assurance. They make decisions on the back of that. They make decisions as to whether to take on employees on the back of that—and no doubt many did. And yet, just weeks later, we saw the scheme halted in the dead of night.

The minister anticipated 18 months, but the cap was reached in less than three months. They were caught by surprise, according to the government, due to the fast tracking, via the commonwealth, of its previously announced solar schedule to reduce its up-front solar bonus payment, and an excess of solar PV panels arising from closure of the New South Wales feed-in scheme. They just did not know how to manage this scheme.

It has been revealed by the government in a briefing that there is an excess now. We have been told different numbers, I have to say—even from what have been put on the table today. We are now told that there is an excess of approximately seven megawatts above the 15 megawatts for the microgenerator component, roughly costing the taxpayer an additional \$4 million. That leaves only eight megawatts for the medium generator component. Put simply, the scheme is broken.

The ICRC recommended a reduction in the premium to 39c, but Mr Corbell decided against it. We supported that. We said at the time again that we did not agree with this scheme, but that this premium rate should be coming down. It is too high, and it was kept too high for too long by this government. That helps to create those conditions.

We have seen a most extraordinary position from the minister today. He is saying—he said it in question time and he said it in his speech—“They were going out and marketing their products aggressively.” What do you expect them to do, minister? They are business people. There is a scheme in operation. They will market it to get people to buy their product. What else did you expect? It is an absurd rationalisation. The flip side is that you are saying to them, “You should not have been marketing your products. You should not have been aggressive.” That is business. There is a product to be sold; people go out there and advertise it in order to get people to buy lots of their products so that, God forbid, they can make a profit.

That is the way that this scheme has been set up. It has been set up on the basis of a large, unsustainable subsidy. That is a different matter. It has been set up on the basis of that unsustainable subsidy. But no-one should begrudge business or consumers

who take advantage of that subsidy. If the government makes a law and says, “This is going to be the subsidy”, it is reasonable that people make decisions on the back of that. Consumers make the decision to take it up; businesses make the decision to go into business, employ people and market the product on the basis of the schemes that are in place. Whether we agree with those schemes or not, it is completely reasonable for businesses to operate in that way.

For the minister to suggest that that is part of the problem—it is a pretty foreseeable part of the problem if that is the case. It was always foreseeable that there would be people advertising their product, sometimes aggressively. When you have got a very high and overly generous scheme, of course they are going to market that and of course people are going to take it up. And that is, of course, what has happened, but that is unsustainable.

The government’s position is that our amendments will spark the end of medium generators in the scheme—that microgenerators will crowd out the market. The government has claimed that the industry will suddenly be flooded again, and that this eight megawatts will be subscribed by microgenerators within five months. That does not take into account the legislation that is before us or the changes that the Canberra Liberals are proposing.

Under the changes that we are talking about, the scheme will no longer be as generous. The federal government has announced a reduction of the renewable energy certificate solar credit multiplier from five to three, effective on 1 July. For a 1.5 kilowatt system, the reduction in the multiplier would increase the up-front cost of the instalment from approximately \$3,650 to \$6,843. That is a significant increase, of \$3,193.

So there will be less of an up-front incentive, and under our amendments there will be a significant downgrade in the subsidy. That should operate to moderate demand. That certainly will operate to protect electricity consumers from paying too much. Our amendments will see electricity consumers paying less than if we did nothing. If we were to do nothing to this scheme and just let it go on as it is—if we were to vote against all this legislation today—consumers would pay more: over \$600,000 more per annum. Today, through our amendments, we will be saving consumers over \$600,000 a year compared to if we were to do nothing or if we were to take Mr Corbell’s approach. If we were to take Mr Corbell’s approach, everyone would be paying another \$600,000 extra—next year and for all of the coming years—as a result of this scheme.

So it is important that we apply those fundamental principles. How can we lessen the benefit to electricity consumers? How can we honour contracts? And how can we cushion the industry? That is what we believe needs to happen now—that a bad scheme needs to be made a little bit better.

The oversubscription is extraordinary. It calls into question how this government has managed that. I foreshadow what we will be doing to improve this bill before the Assembly today. We are proposing amendments to the Greens’ bill that will take away the 1 September 2011 start date, so that those who have a valid contract prior to

the cut-off date are not disadvantaged in accessing 100 per cent of the premium price. We agree with the minister, in his statements, in his speech, that we do not want to see people who, through no fault of their own, have not been installed by 1 September missing out if they have a good faith contract. It is absolutely fundamental that we honour those contracts.

We will impose a lower percentage of pay back, from 75 per cent to 66 per cent, from the date that was set for medium generators and from 1 June onwards for microgenerators. And we would restrict the minister to only decreasing the percentage for pay backs, not increasing it. That leaves extra flexibility for the minister to reduce the rate and potentially save more money for consumers.

Given the government's blow-out of seven megawatts for the microgeneration scheme, or approximately \$4 million, only eight megawatts capacity of the medium generation scheme is available, we are told. At the current rate determined by the government, and using the assumptions used by the ICRC to calculate the cost of the feed-in tariff scheme, the eight megawatts will cost approximately \$3.7 million.

If we allowed the micro scheme access to the residual medium capacity of eight megawatts at the rate of 30.162c, or 66 per cent, the maximum cost of this scheme will be approximately \$3.2 million. Our plan will save taxpayers up to \$686,000 per year.

For all those reasons, and whilst our amendments will significantly, we believe, change and improve this legislation—for the reason that there should be a cushioning of the impact for industry, for the reason that our bottom line should improve the scheme to see energy users pay less, and for the reason that we believe that all existing contracts should be honoured—that is the rationale for our amendments. For that reason, and to do those things and achieve those things, we will be supporting this bill in principle today.

MR RATTENBURY (Molonglo) (4.04): I would like to thank Mr Seselja and the Canberra Liberals for their support on this matter and the constructive way that we have been able to discuss the nature of the bill that I have put forward and the amendments that Mr Seselja has proposed.

This bill is about providing a softer landing for the Canberra solar industry. That is done in comparison to the overnight cut-off that we saw where, as I predicted in the debate on this matter in this place earlier this year, unfortunately we hit a situation where, overnight, the industry hit a brick wall after only three months. We had had a suggestion that there would be an 18 to 24-month period to reach the cap. After only three months, that cap was reached and the brick wall was run into in a very spectacular way. This bill is about ensuring that that is smoothed out.

I acknowledge the comments that Mr Corbell has made about the external influences on the ACT scheme. Some of those are difficult for the government to anticipate, perhaps nigh-on impossible. Nonetheless, the reality is that the situation we find ourselves in is largely an artificial crisis that we have created for ourselves—or at least that this Assembly created for the solar industry through the imposition of a cap on this scheme.

Feed-in tariffs, as I said in my earlier remarks on this bill, are designed to work in a way that winds the tariff down in order to adjust the incentive to the market and create a sustained industry. That is the way it has been done in other jurisdictions, and what we are trying to do with this bill today is some attempt to do that.

We have had considerable discussion with the industry players in preparing this bill and in seeking to think about what solutions we might put in place for the crisis that has been created. In that context, the industry has been reasonable. I have not had a strong perception of rent seeking, which you do see in many debates around government. We are certainly seeing it in a very different form at the moment with the fossil fuel industries around a carbon price in the federal sphere. But what the industry have sought is an orderly transition. They have sought the creation of a sustainable industry, and they have sought the protection of the investments that have already been made as well as the skills that have been developed. That is an important point to stress here, and one which Mr Seselja has picked up to some extent.

Operators in Canberra have set up a business on the understanding that this scheme was one the government was committed to, one that had a longevity about it. The cold-hearted reality is that people have gone out and have bought stocks of solar panels, they have spent time training their staff, and they have taken out leases on warehouses for periods of several years. These are all investments that people have made in good faith, and we have then seen a situation where the environment has been drastically altered around them.

I do not think that that is good policy and I do not think it is a good way to encourage industry in the ACT. It is something that this Assembly needs to look to ameliorate. That is what this Greens bill seeks to do. It has been clear to me in discussions with the industry that they have been very realistic about the sort of tariff that is necessary. They have not come and said, “Oh, we need this enormous price.” They have been very clear in saying that they have really developed skills in the last couple of years. The cost of panels has come down for a range of reasons. The efficacy with which they install the panels has improved dramatically. The skills of the staff have improved. In that context, those in the industry have been very realistic about what is needed to provide that softer landing.

All those members who witnessed the gathering outside the Assembly today—I am reluctant to call it a protest because it was perhaps the politest protest I have ever seen, if one was to call it that, and perhaps even the quietest—would have seen, simply from the placards—

Dr Bourke: Not like a Greenpeace protest.

MR RATTENBURY: Exactly. You could see from the placards that they were very realistic. They were saying, “We are happy to take a degression approach to this scheme. That is how they are meant to work. We are happy to acknowledge that we are making advances in our own efficiency. We are simply looking for a step-through approach.” The feed-in tariff scheme was designed to give the industry the launch pad and then set them on their way as a successful small business sector in the ACT.

As members may have seen in the media, and they may be aware of the conversations, the minister provided us with data yesterday on the consequences, in his view, of opening the medium-scale cap to microsystems, particularly his comments on the take-up rate and how long this will last. The minister has suggested five months for the scheme under his scenarios. I thank the minister for the data, but it is important to discuss the data. If you look through it, there are a range of possible scenarios. At one end of the spectrum, if we return to the take-up rate that we saw before, what might be called the pre-rush level, there is in fact 22 months of rollout there.

The bottom line is that there is a level of guesswork involved here. What we have seen in the last couple of months, and the minister has outlined this today, are some external influences which have had a very significant impact. The change in the federal multiplier has been the most significant; that, as it takes effect from tomorrow, will undoubtedly have a cooling influence. Mr Seselja has given us the numbers on that today, and that very clearly demonstrates the impact that is likely to have.

The bill that I have put forward suggests a significant reduction in the tariff. It was an error for the minister not to reduce the tariff when he made the determination earlier this year. It is perhaps easier to say in hindsight, but that was the case. My bill has gone further and suggested a further reduction in the tariff to reflect the increasing efficiency, the increase in the Australian dollar and those sorts of factors. Mr Seselja, in his foreshadowed amendments, goes a bit further. I think that the Greens will accept that; I think that it is a number that probably is sustainable for the industry as well. And it is a better approach than providing nothing at all. I note Mr Corbell's earlier comment when he said that this bill is a simplistic solution to a complex problem. Frankly, I would rather take a solution that is perhaps not ideal than completely ignore the problem. And that is what we are seeking to do here.

I think that is the approach. Taking the reduced premium, as I have touched on, is exactly how a feed-in tariff is supposed to work. The idea and the design of these schemes are to wind down the premium over time as the efficiency of the industry increases. That efficiency, as I have touched on, is in a number of forms, including cheaper panels and the like.

The problem we are dealing with here is an artificial one created by the imposition of the cap. What we should have seen through the feed-in tariff scheme in its ideal form was a winding down of the price, taking the heat out. As I said, that has become more difficult because of the moves in the federal arena. This bill going through today will see something more akin to that ideal design scenario.

I want to touch on some of the comments about the larger scale systems. I think that there has been some confusion here. Certainly in question time today the minister talked about the larger scale systems being compromised. I was interested in the minister's press release this morning. It was excellent timing to come out finally today with a press release re-announcing the large-scale solar energy auction.

We have made progress and there is now a discussion paper available online. I look forward to having a look at that in some detail. What I found interesting was that, if

you go back to 13 September 2010, the minister announced that the government would be launching a large-scale feed-in tariff with an auction capability and that the government would make 40 megawatts available to auction as the first tranche of the large-scale generation category. That was on 13 September last year. At the time, the minister said:

The Government anticipates this auction will occur in the first half of 2011 ...

Today is the last day of the first half of 2011, and what we have actually seen is the release of a discussion paper, a briefing sheet or whatever tag you want to put on it.

So with the compromising of the large-scale system, in fact the biggest threat to the large-scale system is the delay from the government in getting the legislation in place and bringing it before this chamber so that we can pass it and get on with bringing in those industrial-scale systems which are the ones that will provide us with a very significant uptake of renewable energy in this city.

The Greens stand ready to deal with that legislation as soon as the government is able to bring it before this chamber. In the meantime, we need a bit less commentary from the minister on the threats to the large-scale system. At the moment the biggest threat is the frustration from those who are waiting to invest that the ACT has not put its scheme in place. That is the threat to large-scale solar at this point. We need to get on with it. It is going to be complex legislation. The auctioning approach is one that has certain particular advantages for the ACT community in seeking out the lowest price, the best value we can get, but it is undoubtedly a complex approach as well, and one that will need careful consideration.

I simply wrap up by saying that there will be more to say at the amendment stage. The Greens will be, I foreshadow now, accepting a number of amendments put forward by Mr Seselja. I believe the minister will move an amendment on reporting, and we will be supporting that as well.

I suspect that this will not be the last discussion on this matter, particularly given the history of the discussion of the feed-in tariff in this chamber. It is ironic that the main problem we seem to have had is the willingness of the community to invest in clean energy. If that is the biggest problem we have this year in the ACT, I would be quite happy. The Greens, of course, are very pleased to see so much renewable energy being invested in in this town—to see Canberrans willing to put their own private capital forward to make that contribution to Canberra becoming the much-vaunted solar capital.

On that basis, I commend the bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 10

Noes 7

Ms Bresnan
Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson

Ms Hunter
Ms Le Couteur
Mr Rattenbury
Mr Seselja
Mr Smyth

Mr Barr
Dr Bourke
Ms Burch
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Porter

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR SESELJA (Molonglo—Leader of the Opposition) (4.19): I move amendment No 1 circulated in my name *[see schedule 3 at page 3178]*.

This amendment would ensure that the act commences on the day after its notification. The bill will commence on notification and this would amend the Greens proposal to have the new arrangements start on 1 September 2011. There are a number of reasons we have done that and the clauses work together. But in very simple terms, we wanted to make sure all contracts are honoured.

Our amendments will ensure that all contracts are honoured. Anyone who signed up to the scheme prior to 31 May will have those contracts honoured. We believe that is fundamental. We believe that people who act in good faith should not retrospectively have their contractual rights taken away from them. That is very important.

Those mums and dads who took advantage of the scheme before 31 May should get access to that rate and people taking up the scheme after that will get access to a lower rate. We believe that is a fair approach, we believe that is the right approach and that that is the best way to keep faith with the community. I commend the amendments.

MR RATTENBURY (Molonglo) (4.20): The Greens will be supporting this amendment from Mr Seselja. I think when we drafted the legislation we had the same intent. It is fair to say, though, that in thinking through it, Mr Seselja has made the improvement we had in mind.

I think that our approach would have done more or less the same thing but certainly there was a possibility that some people would not have their systems installed by 1 September. Whilst that may seem unlikely based on the evidence we have, I think that Mr Seselja's approach does ensure that that case may not arise. We will be happy to support the amendment as suggested.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clauses 3 and 4, by leave, taken together and agreed to.

Clause 5.

MR SESELJA (Molonglo—Leader of the Opposition) (4.22): I move amendment No 2 circulated in my name [*see schedule 3 at page 3178*].

This amendment proposes that microgenerator contracts signed prior to 1 June get the 100 per cent payback rate. After 1 June they get 66 per cent or 30.16c. Medium generators after a set date will get 66 per cent and prior to that they receive the original rate of 75 per cent or 34.2c. We are amending the Greens proposal to keep both micro and medium from 75 per cent to 66 per cent because of cost issues.

A feature in this clause specifies that the minister can lower the percentage but not increase the percentage. The aim here is to put downward pressure on the tariff percentages. The initial cost of this program at 100 per cent or 45.7c micro and 75 per cent medium to the taxpayers is \$7.5 million based on the ICRC's assumption. By decreasing the payback rate to 66 per cent for both micro and medium generators, it will cost significantly less than that.

These amendments are about consumers. It is about saying that consumers would be paying a significant amount. What we will do is lower that amount. I have put on record before my concerns about the costs to consumers. We cannot fix all of that because we do not have the numbers in the Assembly but what we can do here is to lessen them, and that is what these amendments will do.

As has been touched on, and we have spoken to industry about this in relation to cushioning, we believe that the 30c is more reasonable. It is still something that will allow industry to continue to operate up until this cap but it is a far more sensible amount, it is a far more affordable amount and it will take that little bit of pressure off Canberra families who are faced with very high electricity bills. I commend this amendment to the Assembly.

MR RATTENBURY (Molonglo) (4.21): As I have foreshadowed, the Greens will be supporting this amendment. Particularly when it comes to the price, as I indicated in my earlier comments, the Greens also sought to reduce the price because we believe that the efficiencies have been made in the industry. I think it is important to note that it rests upon all of us to ensure with this sort of scheme that we extract the maximum value for the community whilst chasing the objective we are, which is to boost the amount of installed renewable energy available in the ACT.

So on that basis I think that the numbers that Mr Seselja has proposed the industry will operate within will meet the objective that we are trying to meet here, which is to provide a step-down approach for the industry as their efficiencies improve.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.25): The government will not be supporting this amendment. Firstly, this amendment means that there will be a new rush for applications in the micro category. Members should be in no doubt about that. This still provides a payback period of around 10 to 11 years on a 20-year contract.

Mr Seselja: Do you want to keep it higher?

MR CORBELL: I heard you in silence, Mr Seselja. I will ask you to do me the same courtesy. This means that instead of a payback period of six or seven years, it is a payback period of 10 or 11 years, on a 20-year contract. Now tell me how that is not going to be attractive to people wanting to install PV? It is going to be very attractive. It is a very good rate of return.

The first thing that is going to happen as a result of this proposal from Mr Seselja is that it is going to lead to a massive flood of applications and a rapid uptake of the remaining cap, about eight megawatts. It is going to close out the medium generators. First of all, this compromises all of those business entities who have been planning the deployment of medium-scale renewable energy generation based on the price already determined by me under the act.

It throws all of their business planning out the window. Mr Seselja talks about providing certainty for businesses. What about those businesses who have been planning, investing and making financing decisions about the deployment of medium-scale generation? Where is Mr Seselja's consideration for them? There is no consideration for them. First of all, he is changing the price and, secondly, he is going to close them out of the market because he is allowing a flood of microgeneration back into the market, which will overwhelm the medium generators category. That is a real and significant problem.

Members should have no doubt that there will be a flood of applications and this change to allow the micro category eligibility again simply means that the scheme will have to close again. It will have to close very quickly. There will be no opportunity to honour existing contracts in the way that there was previously because there is no additional capacity to re-allocate without additional pass through to consumers.

Members need to understand that. Members clearly fail to understand that and they are creating a massive blunder that the government will have to correct in maybe two months, three months, or six or seven months. But I tell you that it is not far away, and it is certainly during the term of this Assembly.

Secondly, the assertion by Mr Seselja that reducing the price reduces the price impost on consumers is incorrect. It is incorrect because the scheme does not operate on the basis of price. It operates on the basis of installed capacity. The Australian Energy Regulator has already authorised a pass through equivalent to \$50 per household per year over the determination period which, if I recall correctly, is three to five years. I cannot recall the exact period.

Changing in the price does not change that pass through that is available to retailers. All it means is that potentially there will be more installation. You will provide for more capacity within the cap. That is all Mr Seselja's price change does. It certainly does not reduce the price impact on consumers. The price impact on consumers is already set and will be passed through over the period of time of the determination. So Mr Seselja's suggestion is just wrong in relation to that and he is fooling himself if he thinks otherwise.

Madam Assistant Speaker, those are the two reasons why the government will not be supporting this scheme. I just cannot believe that, firstly, one party that has argued against the feed-in tariff consistently in this place ever since they voted for it, I should add, back in 2008, and then changed their mind and argued against it, is now saying they want to re-open it to the category of installation which is the least cost efficient of any part of the scheme.

It is just such a contradictory approach, lacking in logic. It is lacking in logic and lacking in an understanding of how this scheme operates. We have from the other party in this place that argues for larger-scale renewable energy generation, the closing out of the medium generator category. Mr Rattenbury criticises me on the issues around large-scale solar, and we can have a debate about that.

But he failed to address the fact that his amendments mean there will be a rapidly diminishing opportunity for medium scale generation as a result of these changes. He fails to address that. In fact, he knows there is no argument for that. He knows that microgeneration is quicker to install. He knows microgeneration is cheaper to install and he knows there will be a massive rush by consumers to get in because they have seen the scheme once. They have been given a second chance by the Liberals and the Greens. They are going to make sure they get in because they know it is going to close again.

It is as simple as that, Madam Assistant Speaker. It is as simple as that. That is what will occur. The government has advice, verbal advice today from the Australian Solar Energy Society that suggests that they think it could be as high as a megawatt a week—a megawatt a week of applications coming through.

That means that you have just bought, in that worst case scenario, the industry an extra six or seven weeks. That is what it means. The important thing to realise here is that the government will have to close entry to the scheme ahead of the cap being reached because of the lag between applications going in and connections occurring.

That means that some consumers will have entered into contracts that will not be able to be honoured because of that. That will be entirely down to the irresponsible actions of the Liberals and the Greens today. I put that on the record now. The government will not allow itself to be held accountable for that. It will be down to the Liberals and the Greens for devising a revised scheme structure that creates that scenario. For all of those reasons, the government will not be supporting this amendment today.

MR SESELJA (Molonglo—Leader of the Opposition) (4.33): I think the minister is being very ungracious. He is being ungracious because we are fixing his mess. I think maybe just a simple thank you would be in order—a simple thank you. What he should be saying today is, “Look, I have stuffed it up. I have set up a scheme that was unsustainable. Industry suffered. There have been all sorts of upheaval as a result. Consumers are paying too much. Thank you for doing your best to fix my mess.”

That is what he should be saying but instead, in his ungracious way, he is saying, “Your fixing of my mess is not good enough.” In arguing that, he is arguing in a completely illogical way, Madam Assistant Speaker. His argument against this amendment is that if we support this amendment—he said this right at the start of his speech—it will lead to a rush.

I am not sure if Mr Corbell has read this amendment. What this amendment does is to actually reduce the premium rate. I would have thought that if you wanted a rush you would normally increase the premium rate, as he did with his 45c. That is what causes a rush. If you take it from 45 to 34 or 34 to 30, that is less likely to cause a rush, because it is a longer payback period.

So the minister does not actually understand the clause he is debating. He is either ignorant of it or he is choosing to wilfully misrepresent it. Either way, he is getting it wrong. What we are doing in seeking to fix this mess is to lower the rate. That is what this clause is about. If Mr Corbell wants to vote against this clause, he is voting for a higher rate. He will be voting for a higher rate if he votes against this clause because this clause lowers the rate.

Arguing black is white is not going to make it so. That is what Mr Corbell has sought to do here. I make it really simple for *Hansard* and for Mr Corbell: this clause will lower the rate. That will lead to less of a rush. That will lead to a more sustainable scheme than what we have at the moment. That is a better outcome and I think that any sensible person in this chamber would therefore support such a clause.

Question put:

That **Mr Seselja's** amendment be agreed to.

The Assembly voted—

Ayes 10

Noes 7

Ms Bresnan	Ms Hunter	Mr Barr	Mr Hargreaves
Mr Coe	Ms Le Couteur	Dr Bourke	Ms Porter
Mr Doszpot	Mr Rattenbury	Ms Burch	
Mrs Dunne	Mr Seselja	Mr Corbell	
Mr Hanson	Mr Smyth	Ms Gallagher	

Question so resolved in the affirmative.

Clause 5, as amended, agreed to.

Proposed new clause 5A.

MR SESELJA (Molonglo—Leader of the Opposition) (4.40): I move amendment No 3 circulated in my name, which inserts a new clause 5A [*see schedule 3 at page 3178*].

This rather simple amendment relates to the relevant date. I commend it to the Assembly.

Amendment agreed to.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.41): Pursuant to standing order 182AB, I seek leave to move an amendment to this clause as it is minor and technical in nature.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name, which inserts a new clause 5A [*see schedule 2 at page 3177*].

In discussions with the Liberal Party and the Greens yesterday, whilst we could not reach agreement in relation to the substantive matters of concern to the government, issues relating to reporting were discussed. As I indicated I would, I am introducing an amendment today which allows for reporting in relation to a number of applications and connections under the scheme to be reported on a monthly basis, consistent with the reporting that already takes place. This is reporting that already takes place but which is not currently mandated in legislation. As the government indicated yesterday, we are quite happy to put it into legislation even though it already occurs.

Mr Seselja proposes some other reporting requirements, which are not consistent with the national reporting and account data collection obligations of electricity retailers pursuant to the national electricity law. So the government does not agree with that approach but it is happy to mandate into legislation that reporting which is already occurring and which is consistent with the relevant obligations of companies under the national electricity law.

MR SESELJA (Molonglo—Leader of the Opposition) (4.43): The opposition is happy to support this amendment. What I would have done, had I had the call, was move my amendment which did beef up reporting requirements. I will not be moving that amendment once this goes through. But the rationale for that was to move to monthly reporting because that was one of the problems. The reporting was not onerous enough. I put it that, in order to improve this again, we needed some beefed-up reporting requirements. We put those forward. The government then circulated an amendment that would take a different approach, a similar approach though not as wide ranging.

We accept the advice that the government has given in relation to some of their broader reporting requirements. But the principle is one we support. I think it is very important, going forward, that the minister takes this seriously rather than, as he said to us across the chamber, just taking bets on how many megawatts—

Mr Corbell: You misrepresent me again, Mr Seselja.

MR SESELJA: Actually I do not. All of us heard what he said. He said he has got a bet going in his office as to how many megawatts it is going to be per week. Instead of taking that reckless approach to it, what we want, and what the community deserves, is a responsible minister who will do all he can to keep them informed, to monitor and therefore to adjust, as he has the opportunity to do—he has the opportunity to adjust; our amendments allow him the opportunity to adjust down—but the onus is on him to make sure that that reporting is rigorous and that the community and the industry get the maximum amount of information so that we do not see the same stuff-up that we have seen in the past.

So we are happy to see beefed-up reporting requirements, because that is what we have put forward. And on the basis of the information the government has given us in discussions, we are happy to accept Mr Corbell's revised amendment which would take a slightly different approach, though similar approach, and therefore not move our amendment in relation to reporting.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.45): I am not going to allow Mr Seselja to childishly misrepresent me in the manner he has just done. I was not for a moment suggesting that the government would be monitoring uptake in the manner of a betting activity. That is a complete misrepresentation of what I said. My comments were in relation to the speculation, both within the government and the broader industry, about how long it is going to take to reach the cap. I said that I reckon we will be keeping a book on how quick the uptake will be. But that is not the monitoring arrangement and to misrepresent me in that manner is completely false.

The fact is that Mr Seselja is in denial. He is in denial that there is going to be a rush of applications. He seems to think that what he is doing today is responsible. It is not responsible. It is completely irresponsible.

The fact is: whether it is seven weeks or seven months, during the term of this Assembly this scheme is going to close again. It is going to close again. They were on notice before. They were on notice when the cap was introduced. Mr Seselja, you have done a complete back-flip on this issue. Here you are standing up, holier than thou, "Feed-in tariffs are inefficient. Feed-in tariffs should not proceed. Feed-in tariffs should be shut down." Now you are voting to open it up again. That is what you are doing today. You are a complete hypocrite on that matter.

Mr Smyth: On a point of order, Madam Assistant Speaker.

MR CORBELL: I withdraw the word “hypocrite”.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Thank you.

MR CORBELL: I withdraw.

Mr Smyth: It is not consistent with the standing orders or *House of Representatives Practice* to make statements knowing full well that you will withdraw them and get away with it.

MR CORBELL: I have withdrawn it.

Mr Smyth: I ask that you warn him not to do it again.

MADAM ASSISTANT SPEAKER: Thank you, Mr Smyth. Mr Corbell, you have the floor.

MR CORBELL: I withdraw it.

Flip-flopping is becoming an art on that side of the chamber. We saw it earlier this week in relation to the debacle that was the application for funding for volunteers from Volunteering ACT. We see it again today on this matter.

That is the situation the Liberals and the Greens are creating today, a rush, another rush of applications. This is not about a sustainable landing. This is about creating another rush which will end just as dramatically as the last period.

MR SESELJA (Molonglo—Leader of the Opposition) (4.48): Firstly the minister asserted that he did not say what he said, which was that his office was taking bets, was taking a book. He then in fact challenged me to a bet. This is how he approaches this issue.

But taking up the other issue that he addressed, which is that industry was warned, when industry asked in March what was happening, this is what the minister said. These are his own words on 15 March 2011, just weeks before the scheme was shut down:

Uptake in each category is tracked closely by the Government on a quarterly basis. Once the caps are about two-thirds taken up, this monitoring (and the publishing of the data to the public) will be undertaken on a monthly or more frequent basis and will be published on the department of Environment, Climate Change, Energy and Water website.

It is worth noting that the amended Act also provides for the transfer of caps between categories, should one or the other be over or under subscribed. This flexibility, along with public tracking of the update, will provide certainty to both industry and consumer participation and cushion the impact of the eventual winding up of the medium and micro elements of the scheme.

That is not a warning. That is an assurance that he was going to have a smooth transition, that it would not come to a sudden halt. They were not warned that it was

about to come to an end, and that is at the heart of the mess that we have to fix. We have to fix this minister's mess again. It means making a bad scheme a little better and it means helping industry through a difficult time. That is the responsible thing to do.

The irresponsible thing to do is what Mr Corbell is doing: firstly to assure industry that you are going to smooth the transition and then not do it; and then, when you stuff it up and when you kill it in the dead of night, it is to do nothing. That is irresponsible. And we, as legislators, have a responsibility to take action in those circumstances. It is a scheme that this government put in place, it is a scheme that this government mismanaged and it is a scheme that if not remedied would hurt this industry and would unreasonably affect people in this transition.

Far from acting responsibly, Mr Corbell has not. And that is why it is really important that we do fix this up. What Mr Corbell did in the lead-up was to give assurances that things would be okay. They were not. What we need to do is actually provide the transition that Mr Corbell failed to provide.

MR RATTENBURY (Molonglo) (4.51): I would like to briefly comment. The Greens will be supporting Mr Corbell's amendment. I think it is broadly similar to that which Mr Seselja had in mind, with some subtle differences. The principle of either amendment is quite the essence of the matter, which is really to improve the reporting requirements. As I touched on earlier, I think that in some ways probably the government was caught out by surprise by the speed with which the first part of the cap was taken up. I think it is understandable in some ways, given the external factors, that they did get caught out to an extent there, but I think that points us to a need to learn from that and to put in place more rigorous reporting requirements, more regular reporting requirements and more publicly transparent reporting requirements so that both the minister or the department and the general community have a clearer sense of what is happening and therefore what we might anticipate is coming in the future. So the Greens will be supporting this amendment.

Proposed new clause 5A agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Question put:

That the bill, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 7

Ms Bresnan	Ms Hunter	Mr Barr	Mr Hargreaves
Mr Coe	Ms Le Couteur	Dr Bourke	Ms Porter
Mr Doszpot	Mr Rattenbury	Ms Burch	
Mrs Dunne	Mr Seselja	Mr Corbell	
Mr Hanson	Mr Smyth	Ms Gallagher	

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Appropriation Bill 2011-2012

[Cognate paper:

Estimates 2011-2012—Select Committee report—government response]

Debate resumed.

Proposed expenditure—Part 1.8—Shared Services Centre—\$9,546,000 (net cost of outputs) and \$5,570,000 (capital injection), totalling \$15,116,000.

MR SMYTH (Brindabella) (4.56): The committee made some nine recommendations in the area of Shared Services. I will not go through them all; I would just recommend that members do read them. They covered a number of areas.

We found out that Shared Services is now Shared Services ICT—SSICT. It is an interesting acronym. I would like to point out to members that Ovum has recently done some questioning of the shared services concept. There have been some articles published about it recently which basically say that the savings are not really there; that most public servants are not happy with what is occurring and really do not see the value of what is happening. There was a small article in the *Canberra Times*, I believe, which said:

... shared services, such as centralised IT departments, do not save enough money to make them worthwhile. “The move to shared services does involve upheaval and invariably means changing software applications, which in turn can require system and data migration and all the complexity that this entails,” ... The survey shows also that many public-sector agencies worry about losing control of key business operations by moving to shared services.

What we did learn about in particular in Shared Services was the issue of procurement. We had a long discussion on the issue of the Jerrabomberra and Rivers fire sheds. Mr Speaker, you will be amazed to learn that the actual building costs of the project were only 59 per cent and the rest of it went on contingency and management fees. And you do have to question that high level.

We have asked that the Procurement Board conduct an immediate review of the processes, and that has not been agreed to by the government, which I think is a shame. It is an interesting project. There have been a number of complaints. All of the blame has been placed by the minister on the contractor, as I guess you would, as an incompetent minister who has never delivered a capital works project on time, on budget or on scope. Yet it is the volunteers at the Jerrabomberra and Rivers fire sheds who will live with the failures.

I think it is a rather disappointing decision by the government not to accept that recommendation. There are things to be learnt here. Something went wrong. When you end up with a shed where you cannot back your truck in and open the doors on either side or you have finishes that are not acceptable then I think there are some questions to be asked.

There is, of course, the issue of the great big government office block. If Shared Services pick up their fee, which is about four per cent normally, \$16 million will go to Shared Services. I think it would be great to have a clear statement of what role Procurement will play with such a project. And if they do get it, they had better deliver, and deliver well, for a fee like that.

In regard to the Assembly, there were a number of issues raised. I do note that on the procurement of IT equipment for the Assembly, the government has in fact agreed to a number of them, and that is good to see. There was quite a bit of kerfuffle caused by the so-called “refresh”. The refresh had no consultation with staff; it led to the introduction of new keyboards, European rather than American, which I have been told staff do not like. In my office there is consternation. And there are OH&S issues attached to that. I think Shared Services ICT, or SSICT, could learn a thing or two from the mistakes which took place with this Assembly project, and I look forward to the government, with the recommendations they have actually agreed to, carrying out those recommendations.

MS LE COUTEUR (Molonglo) (5.00): Shared Services was previously part of TAMS and now, as part of the new administrative arrangements, it forms part of the Treasury Directorate. I understand that 500 ACT government staff are going to be located in Gungahlin and not with the other ACT government staff in Civic. I have heard the rumour that this is going to be Shared Services, and it would be helpful if the government could confirm, or otherwise, that rumour.

My next concern—and it is one of my more major concerns in some ways—is the naming, in terms of all of the parts of Shared Services, but particularly in terms of ICT. We used to have InTACT, and we may or may not have loved InTACT but at least (a) we could pronounce their name and (b) we knew what on earth people were talking about. With the new name of ICTSS, it is unpronounceable, it is unmemorable, and I strongly suggest that the government retains the old name. I think that the people who work for the government and use InTACT will retain the old name, so why don’t we do it officially?

Another thing I am concerned about is the current mode of replacement of computer screens and keyboards in the ACT government. We were told in estimates that the current business model involves refreshing the entire computer “fleet” every four years, and this was justified on the grounds that it was most cost effective.

I have to think this is somewhat unnecessary and wasteful. Particularly, we should note the fact that the ACT’s landfill rates are going up and their recycling rates are going down. The minister for TAMS did say that the growth in e-waste was one of the reasons that the quantity of waste has decreased in the ACT. The TAMS minister did call this “intractable” waste. So my question is: why is the government needlessly contributing to this intractable e-waste?

The current business model manifestly does not consider the environmental impact of replacing working equipment. There are different estimates of the relative environmental impact of computer manufacturing versus computer use, but the energy

use of manufacturing is at least 50 per cent of that of use. So what sort of example is the government setting for other agencies and for the wider Canberra community? To simply replace the entire set of equipment because it is cheaper to send staff only once seems to be absurd. It is a serious oversight, but it is one I am glad to see that the government has acknowledged in its response to the estimates committee recommendations.

The argument that it is cheaper on the basis of staff time also seems flawed. InTACT officers already come and go into agencies to fix existing equipment. Why can't this existing service simply be extended to replacing equipment when it wears out? Equally, keyboards and screens are things which these days are simply replaced by users. Most of us can manage to plug the USB plug in for our new screen. Also, could any still serviceable equipment that is removed from ACT government agencies be passed on to charity groups in the region? There is a lot of it that is still usable.

I am heartened, however, to find that the government have taken notice of some of these concerns in their response to the estimates recommendations. They have agreed to review their current four-year wholesale replacement model, including exploring options to retain equipment that is still working satisfactorily. They have also agreed to consider environmental whole-of-life costs as part of this. The question really is why this was not already happening, given that the government have made at least written commitments to green ICT initiatives. It is something I have been talking about for years, and I just do not understand why the government have not already done it. Those were recommendations 51, 52 and 53.

Going to recommendation 54 of the estimates committee, this is another one which I have been banging on about for all the time that I have been here, and I am very glad that finally the government has agreed that Shared Services ICT will include investigation of a thin client computing model as part of our ongoing strategic planning activities.

I know that, last time we had a discussion about this, the ICT people were of the belief that their network was not up to it, and I hope that this will not be the excuse again. They simply appear not to have looked at the issues involved and the potential serious cost savings.

As I have previously raised, the commonwealth government Australian national audit report on sustainability in ICT practices reported that zero or thin client trials had indicated power savings of up to 83 per cent. In the context of the ACT government's commitment to 40 per cent greenhouse gas reductions by 2020, an 83 per cent energy use saving, which can be done at no additional cost—in fact, a financial saving—is something that I suggest the government should be looking at.

For those of you who do not know what on earth I am talking about with zero or thin clients, you have a screen and a keyboard on your desk, but all the intelligence—all the brain, as it were—is back in a central server. That is a lot easier for IT staff to manage. It is a lot more secure, and it is a lot cheaper because the keyboard and the screen last a lot longer than a central processing unit. It also saves more energy

because you are not creating heat out of the CPU in your air-conditioned area. You are creating the heat more efficiently back in the server farm or the data centre where you can deal with it in a much more efficient manner.

I have concerns, though, through hearing that a five per cent IT saving is projected due to significant innovation and productivity gains in the new building. It is great that we will have gains in the new building, but the new building is six years away. Why are we waiting for six years? Why don't we make the IT gains as they become available, as technology improves, as ways of working improve? I particularly think this is relevant because InTACT's current policy is to replace equipment every four years. We will go through, on this basis, a complete equipment refresh before we move into the new building. So waiting until then seems silly.

Moving back to the present, as distinct from six years time, one of the open questions in this portfolio area is how InTACT, or ICTSS, interact with the new government information officer. I am really looking forward to seeing how this happens, how it changes ICT planning and how it leads to a more open government.

There has been a lot of discussion in the past week about open government after the Chief Minister's bold announcement. Given that, and given the Government 2.0 motion earlier this year, given the JACS committee's freedom of information report earlier this year, we certainly have a need for a very competent government information officer.

In this vein, I would also note the government's stated commitment to open-source software. Unfortunately, this seems to be more in principle than in actuality. I have tried to have Firefox and have failed here in the Assembly, and I understand this is the case throughout the ACT government.

I will now move on to procurement. There are a few issues with this. Mr Smyth has touched on some of them, but I will keep talking on the subject. I refer to the mismanagement of the sheds for the Jerrabomberra and Rivers Rural Fire Service brigades. There is the question of why the e-waste contract went to MRI in Sydney rather than Renewable Processes, which is a Canberra-based organisation which employs people who, among others—not all of them, but among others—have mental health issues. And there is the significant public concern about previous waste contracts, with the public accounts committee asking the Auditor-General to consider investigating them as part of the PAC's report on procurement.

To give some detail on these waste contracts, NOWaste claimed that they want to lead nationally in recycling, and the government has also publicly committed to take social enterprises into consideration in all tenders since June 2010. However, in awarding e-waste contracts to a Singaporean company in 2009 and a Sydney company in 2011, both of which did not process e-waste either locally or sustainably, or have any social procurement aspects, it seems that social and transport environmental impact issues were not taken into account.

Also, a local company, Renewable Processes, which has significantly invested in establishing an e-waste recycling facility to allow local processing and social

employment—(*Second speaking period taken*)—wrote to the estimates committee and reported that they had got differing advice from different agencies about a potential e-waste contract with the ACT government. Procurement Solutions did not give them any information, while NOWaste was assuring Renewable Processes that they would be getting contracts awarded to them. Renewable Processes planned their business around the expected work. However, twice significant contracts were instead awarded to companies which do not process locally.

Business and industry development in fact granted Renewable Processes an ICON grant for its innovation in the e-waste field but there was no coordination—and, I suspect, no communication with NOWaste or Procurement Solutions.

Ms Hunter yesterday moved a motion on social procurement, so I will not repeat the arguments that she went through yesterday. I will simply say that it is an area of procurement that I am also very much concerned with. Given the time at which we will finish tonight, I will not repeat that.

I will, though, go into some of the government's responses to the PAC committee report on procurement, given that this has only just come out. Of course, they are totally relevant to shared services procurement. I will look specifically at the recommendations that were not agreed to. Firstly, recommendation 18 was that an explicit reference to sustainability be included in section 22A of the Government Procurement Act 2001 as a matter which must be considered in pursuing the best value for money objective. In their response the government simply equate whole-of-life costs with achieving the most sustainable option. They contend that as the act already requires consideration of whole-of-life costs, such as costs associated with the purchase, operating and disposal, the most sustainable option overall will be selected.

I do question this logic as routinely environmental and social costs are never factored into these aspects. For example, the carbon emissions from transporting materials from interstate, or worse from overseas, are rarely factored in. Similarly, energy and pollution costs are again rarely factored into the costs of production and disposal. What are considered to be whole-of-life costs need to be expanded on to include better consideration of these. Until this happens, simply considering whole-of-life costs will not lead to sustainability.

I note that the Chief Minister this morning announced that the government now has a new framework for triple bottom line evaluation. I hope that looking at that may improve our procurement process.

I am happy that the government has agreed to recommendations 16 and 19. Recommendation 16 says that the government should be required to select goods, services and works on the basis of triple bottom line impacts. It recommended that guidelines be developed. Possibly the Chief Minister's framework will assist with this. Recommendation 19 related to an assurance that all officers undertaking procurement activities receive training on sustainability in tender development, selection and when engaging with suppliers on sustainability matters.

In relation to the government's elaboration of their responses to these recommendations, we commend the government on considering sustainability to be an important factor in responsible fiscal expenditure. We also commend the government on thinking that whole of government contracts will lead to better sustainability outcomes in that sustainability impacts will be better identified and measured and that that will lead to changed purchasing behaviour.

However, returning to the point I have already made, I wish to stress that considering whole-of-life costs does not automatically equate to achieving sustainability. I would also like to see more detail about how the government envisages a whole-of-government approach will lead to better sustainability accounting and ultimately changing purchasing behaviour.

I will make a few additional comments on some of the recommendations that were agreed to in principle. Recommendation 20 was that the Government Procurement Act 2001 be amended to include a statement that purchasing decisions must have regard for potential social benefits. I do commend the government for agreeing to this principle but I would like to see a bit more commitment to translating this into action. As noted yesterday, the government already has this commitment but it has not been translated into significant action, although hopefully, as a result of Ms Hunter's motion yesterday, it will be.

I would also like to comment on recommendation 14, which was simply "noted", which was about the ongoing issues with waste, and a potential Auditor-General's inquiry into this. It has been a very sad and murky process. With the Chief Minister's annual report directions, I am glad that the government is at least noting that they should be amended to specify reporting on compliance with sustainable procurement requirements. I am glad that the government will consider the feasibility of developing sustainable procurement monitoring and reporting systems in the context of budget considerations.

As I said, given the Chief Minister's announcement this morning of a triple bottom line framework, I hope that this is a sign that these are progressing. It is a pity they have not happened yet. That is all I have to say at this stage about Shared Services.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (5.17): The restructure of the one public service has resulted in some changes to names. We now have Shared Services ICT, Shared Services Procurement, Shared Services Human Resources and Shared Services Finances. I am sure people will work out easy ways to say the names of all of those four particular business units in time.

The creation of Shared Services, the government believes, has provided many benefits to the ACT government—to its agencies, directorates and staff. These benefits can be summarised as financial savings in excess of \$20 million which have already been returned to the budget plus ongoing savings through the contributions from the efficiency dividend. There have been changes to systems and process reforms; improved and consistent reporting across government in HR recruitment and finance;

whole-of-government innovations such as a training calendar, customer portal, jobs website and whole-of-government panel contracts; environmental benefits such as the desktop shutdown program; improved compliance with statutory obligations; greater consistency in processes and procedures; and more transparency.

This budget does again incorporate a second round of savings and reform from Shared Services as envisaged in the original model when it was implemented. Those savings relate to improving business processes and systems in HR and finance areas, and are expected to deliver another \$4½ million once fully implemented. The estimate for this budget year is \$2 million.

The government does believe that there are further significant improvements in the efficiencies of services delivered by government that will allow the government to make further investments in direct services to the community. I do know that it was an area in the committee's report. The government has been very generous in its response to the estimates report; we have agreed to a number of the recommendations in this area. In fact, we agreed 51, 52, 53 and 54—all agreed by the government.

I hear the point made by Ms Le Couteur: why haven't they already been done? The benefit of the estimates process, if there is one, is that these issues can be identified and picked up. If they have not been done, we can take the opportunity and the advice of other members in this place to have a look at our own systems and improve on them. I am a genuine believer in constant and continuous improvement in government services. I think this is an excellent example of the government, the Assembly and the estimates committee working together.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.9—Superannuation Provision Account—\$144,047,000 (capital injection), totalling \$144,047,000.

MR SMYTH (Brindabella) (5.20): I would like to start by acknowledging the expertise we have in the ACT in managing the superannuation provision account. I note that the projected peak in liabilities is still estimated to be in 2030. It is encouraging that, despite the global financial crisis and other events, this objective remains the same. But I also note that the proportion of liabilities that are funded has increased to an estimated 53 per cent as at today, 30 June. This represents a sound increase from the low point of 45 per cent that was reached in the financial year 2008-09. I note the projection for the proportion to grow to 56 per cent by June 2015, but I also observe that, depending on movements in interest rates, the discount factor can have a significant influence on this proportion. But we will not speculate on interest rate movements, will we?

It is good to see that Totalcare is basically finally resolved. I note with some interest that in relation to the High Court decision on the Cornwell case there are questions of potential outcomes from this decision and implications for the ACT in relation to any payments for longstanding liabilities. I also note that there is a Senate inquiry into this matter; we will await the outcome. I note the government's response. I think by the end of November we have asked for a report on this. Of course, that will depend on

the government's ability to look at what happens and try and determine what factors will affect the ACT.

It also raises the matter of how the ACT is a shareholder in various companies and can participate in company activities. We have had a few questions on that issue during the week—such as assuring that appropriate governance is maintained. There will be more on that when the PAC reports on its inquiry into ethical investment. I commend the appropriation to the house.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.22): I would like to start by responding to the Treasurer's response to questions without notice yesterday. I was concerned on a number of fronts.

Firstly, I was concerned by the comments that it was up to fund managers to vote in the best interests of the territory. I take it that this is the immediate financial interests of the territory rather than any broader public interest type considerations. It is a concern that the Treasurer appeared to indicate that the ACT executive did not have a role. This is a disappointing position. I sincerely hope that the Treasurer will reconsider the position and ensure that the territory meets its obligation to act consistently with the laws and policies of the ACT in all its dealings.

If we think it is worth legislating to protect human rights here in the ACT, surely we should act consistently with that to protect human rights for everyone. Surely, if it is worth reducing greenhouse gas emissions here, it is worth advocating for that everywhere. The previous Chief Minister was very vocal in his concerns that we should acknowledge and recognise the rights and contribution of Indigenous people here in the territory; surely that should apply equally across the world to all indigenous people whose lands and livelihoods are under threat. The Greens believe that we have an obligation to do these things in whatever way we can; one very tangible way is to exercise our right as an owner of the companies who offend these basic principles and force them to change.

The next point of concern was the Treasurer's answer when she said:

I have had it explained to me in detail that that is not actually how these motions are dealt with at meetings and that there is not specifically a motion that deals with child sex exploitation that shareholders then vote against or vote for. I can honestly say that Treasury and our investment advisers do not attend meetings and stand there and oppose votes on the floor on specific motions like that.

The Treasurer needs to clarify that advice, because it is simply incorrect. There is no magic in this. There are motions put, just as there are motions put in this place, and shareholders vote on them. Of course, Treasury officials are not standing there putting up their hands on the proposals. There are systems for proxy votes; in many cases these are online and very easy to access.

I doubt that Treasury contemplated these votes. The question on notice I asked recently was about things like recognising human rights, addressing the impacts of tobacco addiction, and reducing greenhouse gas emissions and other environmental harms. I am confident they never contemplated the votes; I would be horrified if they

did. Rather, I suspect it was just left to fund managers who have never engaged with these issues.

The point I am making is that this is something the ACT government can do, just as many governments across the world have been doing for many years. Whilst we may not be doing it actively, we are effectively, as the Treasurer put it, standing there on the floor opposing action to address these terrible harms that are highlighted in these motions. We did vote in the plainest and truest sense of the words against action to try and prevent the children of people living in poverty from going hungry because their parents are addicted to cigarettes.

There are a range of mechanisms, and these differ across the world, that ensure that beneficial owners can express their views. For example, in the UK the law provides for beneficial owners to vote directly on resolutions and not just exercise their rights through fund managers. This capability does not exist in the US, and beneficial owners do have to instruct the legal owners and exercise their rights to determine the voting right that attaches to the ownership of the shares. The ACT is able to vote yes on the simple question of whether a particular company should do something, for instance, to address child sexual exploitation in their operations.

I urge the Treasurer to clarify the advice she is getting, because what she said yesterday is simply incorrect. We have not oversimplified the issue; I urge the Treasurer to get further advice on that point. That is a very important matter.

I would also like to make the point that while, as the Treasurer said yesterday, the ACT could be said to be leading the way amongst Australian jurisdictions, the bar is very low. Other governments such as Massachusetts and California in the US are in some cases the ones driving the resolutions for reform. I also make the point, as I am sure I have done before, that the world's largest sovereign wealth fund, the Norwegian government pension fund, has a very active ethical investment policy. The \$525 billion dollar fund has an active screening policy that carefully considers which companies they will and will not invest in and how they engage with companies when concerns are raised.

That brings me to another point the Treasurer made in response to our questions that was particularly concerning. It was the issue that, because we have such a small holding in any particular company, our vote is insignificant. The extension is, of course, that it therefore does not matter what we do. Apart from the obvious concern that we should be standing up for our values, there are tangible outcomes from our votes that the Treasurer obviously is not aware of.

We should care about the principle and we should be prepared to do whatever we can about things that are harmful or abhorrent. I really do not understand why a government that prides itself, and rightly so, on standing up for human rights principles is not prepared to do just that on behalf of other communities and make the point that we think that a particular practice is unacceptable. Even if there is no tangible outcome, which is not the case, why does the government not want to stand up and say, "We think that a particular company should do something to stop child sex trafficking", or that a company should recognise the human right to water and ensure that it does not deprive people of that right as a result of its operations?

Apart from the principle of the issue, which I honestly would have thought was enough anyway, there is a real and tangible outcome. Typically these resolutions are developed over a long period of time in consultation with a range of stakeholders, community groups and the companies themselves. They are part of a long campaign of action to address the particular problem. When the resolutions are finally put at a shareholder meeting, it is only to companies that have refused to engage and respond to the concerns. In the US a resolution must get at least three per cent support in order to be put again the next year, and in the next year it needs an additional three per cent, and so for each year following. So whilst we may only be a very small shareholding in the company, our vote can make a big difference. It can just get us over the line. It may well be that our vote is enough to determine if the campaign to stop child sex trafficking, for example, can continue. I should also make the point that ordinarily, if they manage to get 15 per cent support, it is considered a win and this is usually enough to effect change in the company.

The next point is that for the various fund managers and financial advisers who give advice on these issues to other investors, the fact that governments sign up to them is significant. They can advise their clients that this or that government, as well as this or that institution, are supporting the motion and there is a flow-on effect from this.

Shareholder activism is very important. Given that the government has to date said that it does try to engage with companies to bring about change, I cannot understand why they would not want to avail themselves of the most direct form of engagement by doing that and driving change.

Let me go briefly to the Delta Air Lines resolution. This was about developing a policy to address child sex trafficking in their operations. Typically, when the ICCG withdraw resolutions it is because the company have agreed to respond to the issue. It is typically a win if the resolution is withdrawn. That may well be the situation in this case; if so, I am very pleased with the outcome.

I am also a bit disappointed that the government did not have the opportunity to support the resolution formally, because it is an issue of great importance and, I would have thought, probably the easiest resolution to support. I will say, though, that I do intend to ask how we have voted in other motions. Now is the season in the US, and the Greens will be following up on the issue.

On the other outputs from the superannuation provision account in the budget—I am very pleased that implementing changes is one of the listed priorities; I am very pleased that the government has accepted the need for change. The Greens are very much looking forward to working with the government on this matter. We are very confident that we can achieve real progress on this issue and use our investments for better environmental and social outcomes while at the same time maintaining strong financial returns for the community.

I hope that by this time next year we will have a much more actively managed portfolio, that the government will be able to report on the social and environmental, as well as governance, resolutions it has supported and, further, that we will no longer

have shares in a range of companies and activities that are not consistent with our Human Rights Act and other laws of the territory as well as being inconsistent with the values of our community. We will be supporting this appropriation.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (5.32): In speaking briefly on this line in the budget, let me say that there is a lot of work being undertaken by the superannuation unit in Treasury in actively managing the territory's growing superannuation liabilities. Fully funding the defined benefit superannuation liability over time remains one of the key financial objectives of the territory.

The government is committed to the effective management and eventual elimination of the unfunded CSS and PSS defined benefit employer superannuation liabilities through a funding plan that is reviewed. The 2011-12 appropriation for the SPA of \$144 million continues the government's commitment of fully funding the defined benefit superannuation liabilities of the territory. Currently the liability is estimated to be 53 per cent funded by financial investment assets as at 30 June 2011.

A major task for the 2011-12 financial year will be to complete the triennial actuarial review and the superannuation liability funding plan review. These reviews will be utilised to revise the superannuation funding plan.

The current funding plan is to fully fund the defined benefit superannuation liabilities by 30 June 2030. The review will comprehensively reassess all the financial and demographic assumptions underpinning the liability projections. I highlight that, again following on from Ms Hunter's speech, ethical investment issues and financial management practices are being considered by the public accounts committee. The government keenly awaits the conclusions and recommendations from the review, and we will look at them closely as we work our way through any changes that need to be made to the way our investments are currently handled.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.10—Territory Banking Account—\$214,000 (capital injection) and \$17,848,000 (payments on behalf of the territory), totalling \$18,062,000 be agreed to.

MR SMYTH (Brindabella) (5.34): The territory banking account—the TBA, as it is affectionately known—is used to manage the general government investment assets and debt liabilities. What I consider to be an important issue at the TBA relates, in the first instance, to transparency. I made similar comments last year and I will repeat them this year: openness and transparency appear to be our watchwords, and they apply here as much as anywhere else.

I would appreciate understanding what changes have taken place underneath the aggregated figures that are shown in table 6.1.1 in budget paper 3. Some further detail in budget paper 3 would assist our analysis and preclude questioning on a similar line each year at estimates.

As I said last year—I made quite extensive comments on this matter—it highlights what I consider is the need for there to be more explanation in the budget papers about important matters such as the TBA. What is at present provided is a rather broad, rather technical explanation of the TBA and other matters. There is no insight into, for example, why such a large variation occurred in the balance in the TBA between one budget and the next.

I would add that it would be helpful if the balance in the TBA could be related to appropriate balances that are included in the annual financial statements in budget paper 3. This information would enhance accountability and transparency, and it would facilitate analysis by those who are interested in the matter. I commend the line to the house.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.11—Health Directorate—\$896,185,000 (net cost of outputs), \$282,739,000 (capital injection) and \$727,000 (payments on behalf of the territory), totalling \$1,179,651,000.

MR HANSON (Molonglo) (5.37): That is a lot of money. We do talk about health a lot in this place, and I think we should. If it is not the most important area that we should be looking at, then certainly it rates up amongst the top areas, and I think that all parties in this place would agree with that.

We certainly have some positive aspects to our health system, and I think that we will discuss those at some length in the estimates process. In particular, I think that the point that the minister and I agree on is that the staff that we have here, be they doctors and nurses and across our whole health staff, the administrators as well, are outstanding staff in our health system.

But it is my job to point out where I think that we are failing and where we could do better, in particular in light of this budget. Although it is not the biggest line item, probably the biggest future item that was flagged in this budget, with I think \$4 million, was the future growth in our public hospital system, that being a subacute hospital and an expansion of Calvary Public Hospital.

It is worth pointing out that the process to get to this point where we have a broad understanding of what the government is going to do can only be described as a fiasco. We had the plan to purchase Calvary hospital, the \$77 million plan, that was leaked in the media after the government denied before the last election that there were any plans. Indeed, there was a heads of agreement that the government had sought from the Little Company of Mary. Then we went through a process where that really fell over, I think in large part due to the lack of consultation and the failure to really sell the scheme, because it did not make any sense. They were using an accountant's justification for what should have been a health proposal. We then went through a number of options. There were four options. Then we came to a sort of resolution,

I still have some concerns with where we are at. This came out in the Calvary process. I was expecting to see more evidence released by the government that relates to the

composition of what is going to comprise these new hospitals. If I can go back to some work that was done in the Calvary inquiry, there was a question asked by the chair of the health committee:

And the mix of acute and subacute beds was part of the same calculation?

This was in relation to what comprised the 400 beds. The minister answered at that point:

That was part of that work. Within beds, I guess, you have your subacute beds, you have your acute beds and around that you have a level of higher capacity beds—intensive care and high dependency beds. All of that has been looked at unit by unit ...

I will say that again:

All of that has been looked at unit by unit across Health. It is a component of cancer beds, renal capacity—I think they are increasingly using chairs in renal. We have gone to each unit, in a sense, to try and predict what the level of bed needs will be.

So the minister certainly gave the impression that some very detailed work had been done bed by bed on what comprised that 400. Indeed that went to the point of the questioning in the Calvary inquiry. I asked:

The options paper defines that as a number and it talks about the number of subacute versus acute. You were talking about the fact that you have actually refined that in more detail down to renal beds, high dependency beds and a whole bunch of bed categories ...

et cetera, et cetera, and then I said:

Could you provide that to the committee please?

The minister said at that stage:

I think at the moment it is subject to cabinet processes. In a way, I have tried to deal with that ...

and so on. I then asked for some more detail around the 400 beds and Ms Gallagher said:

We have done the analysis. I have not just said that we have done it; we have done it.

Further:

At the moment we are going through budget cabinet and a lot of that information is subject to budget cabinet processes. I think it is fair to allow the cabinet to consider that.

So we went on with a fairly lengthy discussion about the fact that the government had done a lot of analysis, that they had worked out what that 400 comprised and they had

done it down, as the minister said, to renal, and cancer beds. They had gone unit by unit to predict what that was. We have not received that information.

In the estimates process we then discussed that further and we had a recommendation:

The Committee recommends that the ACT Government provide to the Legislative Assembly, by the first sitting day in August 2011, a detailed breakdown of the 400 beds, by type, that form part of its plan to expand Calvary Public Hospital and establish a sub-acute facility.

The response is remarkable:

Not agreed.

So in the era of open and accountable government, something that the minister said that she was going to provide once she got through the budget process, she is now saying:

Not agreed.

But the explanation is what is quite remarkable. It is:

The figure of 400 beds was an indicative figure and did not represent the final number of additional beds across the ACT. These numbers will be updated to take into consideration demographic changes, changes to technology and changes in treatments such as the Capital Asset Development Plan ... over the next 10 years. The final breakdown will not be determined until further planning is completed.

So we were led to believe by the minister, through the Calvary inquiry and through the estimates process, that there was an enormous amount of detail that backed up their proposition for the expansion of the hospital system. We asked for that and the minister is now telling us that it does not exist; it is just an indicative number of beds. So the question is: have they done the analysis and, if so, why are they not giving it to us? If the answer is that they have not done the analysis and, as they are saying, it is just an indicative number, it is just a guesstimate, then it appears that we are planning to spend in the order of \$800 million and we are being asked to sign off on what the plan is for the north side hospital solution based on some indicative figures.

I must say I am very disappointed. I thought that we were going to get a breakdown of the government's analysis that the minister said she had done. Now we are not, and the explanation is that it is either implausible or it is a real problem. It probably goes to what Deloitte Access Economics said when they talked about the government's analysis. I will quote from their review:

A lack of transparency regarding touted benefits, gross failings in analytical rigour, and inadequacy in consultation methods is not a recipe of consistent, sound policy formulation or for economic or socially desirable outcomes.

When it comes to the expansion of the north side public hospital beds, I think we have got a long way to go and we have got a lot of scrutiny of this government to go before

we can assure ourselves that they are actually doing the right thing, because it would appear that the government is either hiding the facts or does not want to release them.

Another aspect that has come out over the course of the budget is the changing emphasis from the government—and I welcome it—towards our elective surgery waiting times and our emergency department waiting times. There is no question that back in late 2008, 2009 and 2010, when I was first in this place, when we raised the problem of waiting times, the government was somewhat dismissive. I quote from a press release by the minister back in 2009:

It is also important to recognise that elective surgery is just one measure of the health of the public hospital system.

There was a lot of discussion around this, and the minister would downplay the importance of waiting times. I think that focus has changed. I think she does recognise the importance of that, based on the numerous motions we have had in this place and the Auditor-General's review and through the discussion in the media. I welcome that. But I think what we can see is that there is still a long way to go. The government has talked about doing things in both elective surgery and emergency departments. I note, and I welcome, the funding in the budget for both of those areas.

But when you look at the statistics, I think it is important to make sure we understand the reality of what is going on and separate that from the rhetoric of the government that we are achieving the results when necessarily we are not. When you look at the results from the last quarterly reports for our emergency departments, category 1 patients are being seen immediately. That is good, that is as it should be.

But for category 2, these are people that should be seen within 10 minutes, the percentage of people seen on time has worsened from 82.5 per cent to 80.2 per cent. For category 3, that is urgent, they should be seen within 30 minutes, that has worsened from 60.8 per cent to 55.6 per cent, and that is 20 per cent below target levels. For category 4, semi-urgent, the patients who are meant to be seen within 60 minutes, the percentage of people has worsened by 3.8 per cent and is now 52.9 per cent, which is 17 per cent below targets.

There is a staggering increase in the number of patients who did not wait for treatment and simply gave up. That figure has increased by 14 per cent and is now 6,030 people, which is 753 more than the same period last year. *(Second speaking period taken)* I think it is pretty clear that there is more that needs to be done there and I know that we will continue to hold the government to account on that.

The government has recently announced the volunteer program. I think that it has probably got some merit and I look forward to seeing more about that. But I need to emphasise that the sorts of volunteers they are talking about are really to treat the symptom, which is people waiting for an inordinately long time in the emergency departments. They will be providing sort of welfare aid to people that are waiting, in many cases, for up to a day in an emergency department. That is treating the symptom. I think that is necessary and I think that is probably a good idea. But it is not actually treating the problem, which is the fact that they are waiting that long in the first place.

If I can then turn to elective surgery, I think we have to recognise that much of this is a problem that has been created under the current government, that the median waiting time for elective surgery has gone from 40 days to 73 days. I do recognise that there has been a significant increase in demand, but this is a government that has failed to keep up with that increase in demand. It is not just me saying that. I quote from the Auditor-General's review:

ACT Health conducted an internal review of the outpatient service at TCH and a draft report ... found deficiencies in strategic planning, inconsistent application of policies and procedures across the OPDs and ad hoc processes for managing the waiting lists, and poor and inefficient communications with clinicians, consumers and staff.

And probably more damning:

The strategies implemented by ACT Health have not been adequate to address increased demand, and reduce the waiting lists for elective surgery.

So what you are seeing there is the Auditor-General saying quite categorically that the problem that we have with the increasing waiting times is down to Katy Gallagher and that when her government took over there was not a problem. Now there is. There was an increase in demand. We know that there was an increase in demand but there was also an enormous increase in funds that have gone into the health system. It is about how that money has been managed, how that money has been spent. What the Auditor-General has told us is that strategies implemented by ACT Health have not been adequate. So that is disappointing. The minister was asked a lot of questions on the target, and this is a response from her in question time:

... so the target to focus on for how good your elective surgery system is performing needs to be are people having their surgery on time ...

And I will quote again from the latest quarterly report. For category 1 patients, their waiting time has increased by one day in comparison to the same period last year. For category 2 patients, it has increased by two days and by 11 days since 2007-08. Category 3 patients are waiting 43 days longer than they were in the same period last year. So you can see that people are waiting longer.

The minister will say, "It's because we are focusing on the long waits; that is what we are doing that is different." But back in 2007 she was saying exactly the same thing. In 2007 a press release said:

"The previous Health Minister and myself—

and I imagine that was Simon Corbell—

have asked for all the long waits to be addressed off the waiting list," she said. "So what we're seeing is, we are specifically targeting those people who have been waiting more than one year or more than two years for their surgery."

She said that she was doing that and that Simon Corbell was doing that before her. She has been saying now that this government for over five years has been addressing the long waits, and that is why they have not got to the median wait list. But when you actually look at the long waits, on the last statistics I saw, 15 per cent of patients had been waiting over a year, which is five times the national average. So it is pretty difficult to believe Katy Gallagher when she says, “Oh, we’re focusing on the long waits; that’s the problem; that’s what we are doing at the moment,” when she has been saying the same thing for four and five years, and the Auditor-General is saying that it is her strategies that have been inadequate to meet demand.

We saw some other things in the budget, or should I say we did not see some things in the budget. One was the secure adult mental health facility. The reality is that that was the promise. I will read to you what ACT Labor said in the lead-up to the ACT election:

A new secure adult mental health facility (\$17.403 million). This funding will provide for the running of a secure mental health facility from mid-2011—

it was going to be open right now—

to meet the needs of forensic and non-forensic consumers of mental health services who require additional safeguards to ensure their safety and that of the community during the period of inpatient care.

They are now saying that the cost of that has blown out, I think, to about \$30 million. And I think a really good point to take away from this is that the government will often say to the opposition, “Your costings are not right.” They criticise us for our costings.

Let us be very clear here that the government went to the last election with a promise. They said that this was going to cost \$17 million and they have blown it. They promised one thing and they failed to deliver. This was meant to be open now, and it was meant to cost \$17 million. It is still not open. It has been taken out of the budget. There is now no appropriation for that very important facility. They are now talking about a cost that is almost double. Just remember, when the government, in a year’s time, are saying, “The opposition’s policies don’t stack up in terms of the amount of money behind them,” how badly Katy Gallagher got it wrong on this one, when she wants to be so holier-than-thou come election costing time.

We could also look at the numerous rollovers that have occurred—not just projects that have been cancelled, but the cost blow-outs and delays—across a range of projects in Health totalling \$63.1 million. This is not unique. Last year that figure was \$50 million, and the year before it was \$57 million. Some of the facilities which are either being delayed or which have been delayed—and we have had cost blow-outs in—include the integrated capital region cancer centre, the enhanced community health centre at Belconnen, the adult health inpatient facility, the women’s and children’s hospital, the new Gungahlin health centre, the refurbishment of the existing health centre at Tuggeranong and so on.

So it is disappointing that, on the back of projects that blew out in time and money, like the hospital car park, we are seeing again a failure to deliver from this government.

Ms Gallagher: There was no blow-out on the car park, and you know it.

MR HANSON: There was a significant blow-out on the car park, from \$29 million to \$45 million, and just saying, “We changed the scope, we changed this or that—

Ms Gallagher interjecting—

MR SPEAKER: Order! You will have a chance in a minute, Ms Gallagher, thank you.

MR HANSON: This is, again, a minister who is trying to come up with excuses, no different from Simon Corbell’s: “It ain’t my fault, gov.” If you go to an election or you go out and you promise something and you fail to deliver that and then you come back and you have projects delivered a year or two late at twice the money, then I think you do have to take responsibility for that.

It was disappointing that we did not see anything this year in the budget for general practice. I know that there have been previous amounts put through, and we are waiting, as part of one of the recommendations from the budget, to see how that \$12 million has been acquitted. But one thing that struck me as odd was that the government had put money in the budget previously for GPs. We had a task force which was established by the government in response to the Legislative Assembly’s inquiry into GPs. But Katy Gallagher said during the estimates process:

In relation to GPs, Mr Hanson, you know very well that this government has no control over the number of GPs in this place.

But I think that it is fair to say that although we do not control a number of the levers, there is much that we can do. Indeed, the government, by signing off on the recommendations of the taskforce and allocating \$12 million in a previous budget, seems to have agreed back then that there are things that we can do, but now Katy Gallagher is saying that there is nothing that we can do.

It was an odd conversation, such as the conversation we had where Katy Gallagher said in the estimates process that the real problem she had with what was going on at the Alexander Maconochie Centre in terms of health was smoking. I agree that that is a problem. We want to reduce the amount of smoking. But what is more worrying, I think, is the fact that so many are shooting up heroin or that so many have hep C or other blood-borne viruses or that so many have some sort of substance abuse issue or other issues.

I could quote endlessly from Burnet about the problems in terms of inadequate blood-borne virus testing, in terms of the way hep C is not being tested correctly, and how the strategies are not in place for people with drug problems or mental health

problems, but Katy Gallagher's concern is smoking. I think that is quite remarkable and goes against this government's priorities and Katy Gallagher's priorities.

I think that the opposition now has been able to shift this government's focus towards the waiting lists. I think Katy Gallagher now understands that elective surgery waiting lists are important and emergency department waiting times are important, and I am glad to see that she has done that. I think we were able to turn the conversation somewhat towards GPs, with the Legislative Assembly's inquiry and the resulting taskforce, but it is now a matter of whether she can deliver. Based on the evidence that we are seeing from this budget, she has failed.

At approximately 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Sitting suspended from 5.57 to 7.30 pm.

MS BRESNAN (Brindabella) (7.30): While the Greens support the general tenure of the health budget, we do have concerns about the continuing proportion of funding on acute, over-preventative and primary healthcare services and the lack of emphasis on health equity. Just last week the New South Wales Bureau of Health Information released a report entitled *Chronic disease care: a piece of the picture*. The report found that serious chronic heart and lung conditions were responsible for nearly 30,000 potentially avoidable admissions and 170,000 bed days in New South Wales public hospitals last year.

The admissions could have been avoided through disease prevention or, after someone had developed the disease, preventing its escalation to a point where they needed to be hospitalised. The report also found that people living in the most disadvantaged socioeconomic groups were more likely to be admitted to hospital for such illnesses. In this year's budget the government has dedicated the majority of growth funds towards tertiary health care, with \$8 million for intensive care, \$17.5million for acute services and \$10.5 million for surgical services.

The Greens do not wish to imply that extra funds and acute services are not needed, as we know that more is always needed when it comes to health and the demand is almost infinite. It is for this very reason that a move to increase investment in preventative health measures is essential. The Greens are concerned that we are not seeing this shift through an increased investment in preventative and primary health care.

Rehabilitation, aged and community care, for example, received \$4 million in growth funds, and chronic disease management received \$3 million. The ACT is increasingly seeing diseases related to issues of diet and inactivity, such as heart disease, obesity and diabetes, accounting for significant parts of the burden of disease and healthcare expenditure. Last December the ACT Health Council expressed concern that if more was not done to reverse the trends on obesity, particularly in younger people, the ACT was likely to see a decrease in life expectancies. This is a major warning signal that more must be done at the preventative end of the health spectrum.

The Greens are also concerned that people on low incomes suffer significantly worse health outcomes than people on middle and upper incomes. The report *Health lies in wealth*, released last year by Catholic Health Australia and the National Centre for Social Economic Modelling, found that if people in the most disadvantaged areas had the same death rate as those in advantaged areas, up to two-thirds of premature deaths would be prevented.

It also found that the most disadvantaged are at least twice as likely to have a long-term health condition and in some cases up to four times more likely. While Canberra does have a high average income, people on low incomes or those who rely on government assistance are disproportionately impacted by the increase in costs of health care.

With regard to mental health, the amount of growth funds appropriated has increased, and greater attention is being focused on this area. There has been an increase in funding each year in the budget for mental health and there was significant funding in this budget. This is relevant. As we know, mental health is one of the highest contributors to the burden of disease and is on the increase.

The Greens are particularly pleased that two initiatives in the parliamentary agreement have had successful trials and now have recurrent funding. Those initiatives are mental health training for teachers, police officers and emergency workers and providing additional staff to the ACT Magistrates Court's forensic mental health liaison team. Most of the new funds appropriated to mental health through this budget are directed towards acute rather than community services, which is a point that has been made by mental health organisations and the community sector.

Assisting people in the community and stopping them from a hospital admission is important in all areas of health. This is also the same for mental health. Stopping someone from going from one crisis to another and being admitted to hospital in that process is vital to helping people remain well and connected to their communities, friends and family. Investing in community-based and run services is one of the major ways to achieve this. The health minister tabled the community sector review today. I hope that the review outcomes will be reflected in future funding to the community sector.

One key area where further work is needed in the ACT is for an increase in permanent accommodation places for people with a severe mental illness that also provides around-the-clock on-site assistance. I am very pleased to see that the housing and support initiative is expanding and that Health are looking at what is being done in New South Wales with their housing projects. However, other options like this are needed.

As I understand it, around 15 people have been treated through the HASI program but we know that there is a great demand in the community. I have heard from many parents asking what housing options are available for their adult child who has a severe mental illness, and there are not many long-term options.

The Minister for Health stated in the estimates hearings that mental health made up about 7.9 per cent of the total health budget and that the non-government sector was 14.2 per cent of that. I am waiting to see how much will be spent on capital and recurrent funds and also hope to soon receive answers to my questions on notice regarding these issues.

Mr Hanson has already raised the forensic mental health unit. The forensic mental health unit is an acute project for which there is a dire need. Mental health organisations have been calling for this facility for a number of years. It was incredibly disappointing to see ACT Health remove funding that was allocated to progress this project.

I understand that the government put a hold on the project, as has already been discussed today in the chamber, because of the \$30 million cost estimate to build the unit. I would argue that you need to consider the cost to the community of not having this facility and having people inappropriately sentenced to the AMC when they just should not be there.

I do not accept the suggestion from the government that the ACT does not need a secure mental health unit, or that the need is not there, I should say, and that there is not demand. To quote the 2004 feasibility study conducted by the Victorian Institute of Forensic Mental Health:

From the range of consultations and the background material provided to us, it was clear that there is a well defined need within the ACT to contain and 'treat' mentally disordered people who are involved in the criminal justice system.

The study also noted that, at a minimum, 10 to 15 beds were needed—most likely 15 beds—if the stand-alone unit was built. We know anecdotally that there are people currently within the AMC with major mental health issues who require specialised treatment and that the AMC is essentially not equipped to be able to provide that specialised treatment on the level that is needed. I note that the estimates committee recommended that the ACT government provide a time line for the completion of the promised secure mental health facility, and I support that recommendation.

I would also like to refer the Assembly to statements by the Tasmanian government about the Wilfred Lopes Centre, a secure mental health unit that government established in 2006:

Most people with mental illnesses do not commit crimes. But when someone who is seriously mentally ill does commit a crime, Tasmania is not made safer by locking them in prison and then releasing them back into the community with their mental illness inadequately treated. We make Tasmania safer by providing professional and highly specialised mental health treatment in an appropriate and secure health setting so that their condition is well managed before they are discharged.

Another point that warrants the development of a secure mental health unit in the ACT is the recent Hamburger review of the AMC and the concerns about the crisis support unit. The unit required review, according to the Hamburger report.

The government has often talked about the benefits of not sending ACT prisoners to New South Wales and this should also be the case for people with a severe mental illness. The government's commitment to building a secure mental health unit is an issue that the Greens are extremely concerned about and will continue to lobby on.

With regards to elective surgery, this is a much-discussed topic. The Greens support the extra funds dedicated to this area. However, we do not want to lose sight of some aspects which impact this area. For example, a shared waiting list is needed between medical practitioners to assist patients being treated in a timely manner. It is important that both private and salaried doctors at the Canberra Hospital take ownership of the policy so that there is cooperation between all parties and at all levels.

On the issue of birthing, the Greens believe the government should be applying a far greater level of accountability between private obstetrics and private midwifery and question why the government is not promoting Medicare rebates now available for private midwives. Unfortunately, the outcomes for women choosing acute care are not subject to the same level of scrutiny as those choosing midwifery. The Greens have a longstanding commitment to safe, sustainable maternity care and, through that, increased access to midwifery care.

The estimates committee recommended that the ACT government consider the inclusion of a birthing centre in the development of the new acute hospital or at the new subacute facility. This is something that has also been recommended by the Health Care Consumers Association. The government in its response to the estimates report has said that a midwifery model of care can only be located with an acute facility. The statement by the government is not evidenced-based and it is behind New South Wales policy in particular. *(Second speaking period taken.)*

It contradicts the federal maternity services review and denies ACT women a model of care that is supported by the World Health Organisation. There is no evidence to suggest that a midwifery service must be co-located with a service that provides anaesthetic and obstetric services. The majority of women do not require specialist care. While we need a system that enables the care to be accessed sufficiently when required, including the majority of women in acute facilities when they are healthy does not maximise safety. The Greens are concerned that this response is out of step with contemporary practice.

The Ryde Midwifery Group Practice operates as a stand-alone service in metropolitan Sydney. The outcomes of Ryde midwifery practice have exceeded those of acute setting and that service received a risk management award from the New South Wales Treasury-managed fund, the government's own insurer. I would urge the minister to seek advice that reflects the experience of other jurisdictions, research evidence and the needs of woman.

I raise another point on birthing. Through this budget the government has appropriated \$7 million in new funds to obstetrics and midwifery for the women's and children's hospital but is not making use of federal funding being granted through

Medicare for private midwifery. We are concerned that there seems to be a resistance to promoting this service and what other views may be influencing this position. Both myself and Ms Hunter will follow this issue closely.

With regards to nursing services, the Greens are very pleased to see the funding of a prostate cancer support nurse. I know that the prostate cancer support group has been lobbying for this for some time. I am very pleased to see that this service will now be available to them. The Parkinson's support group are also very pleased to see a Parkinson's support nurse funded in this budget. Many Canberra patients have had to make trips to Sydney for treatment. Hopefully this is a good step towards seeing them get the service that they need locally. These actions may only make up a small amount of funding but they mean a great deal to the patients and can make a huge difference in helping them get timely advice for their illnesses.

The Greens do welcome advancements on the new capital region cancer service and recognise the help that this will provide to a number of interstate patients. We are concerned, however, about the low number of people with a terminal illness such as cancer who are able to remain at home. Despite about 80 percent of patients preferring this option, a far smaller number are able to, due to the availability of community health services. We note that the palliative care strategy is to be renewed and released next year. This is something we have raised in the past and the Greens will be hoping to see some positive and significant advancements through this review.

The issue of Calvary hospital is one that the Greens raised through estimates. This issue was in relation to Calvary Health Care being technically insolvent at the end of the 2009-10 financial year. The technical insolvency relates to whether Calvary or the ACT government is responsible for a number of employee entitlements. Many people I believe would assume that Calvary was responsible. I look forward to the government providing an update on the outcome of the negotiations in this matter.

On the new acute hospital and the proposed subacute facility, the issue of role delineation and clarification about what services will be provided and where is an issue which still requires an outcome. The Greens would hope not to see certain services ruled out at the subacute facility, such as the possibility of having a birth centre. We would hope to see evidence-based decisions made on the location of services along with input from the community and key organisations such as the Health Care Consumers Association.

As I have stated before, I do believe it is important that residents in the north of Canberra have the full range of services available to them. I do not believe it is adequate or appropriate to state that someone can get into a car and drive across town to the Canberra Hospital to access other services. With Calvary now being the proposed site for the major acute hospital in north Canberra, basic services that are available to residents in the south of Canberra should also be available at that site.

If these services such as reproductive services, which include basics such as access to contraception and other services such as IVF, cannot be provided at Calvary due to the ethos of that organisation, then they should be provided on the Calvary site in another suitable location or at the new subacute facility. This is something both the government and Calvary should agree to.

The Greens believe that the ACT government should have ownership of the Calvary site. The Little Company of Mary does have the lease for another 70 or 80 years, so the issue will possibly come up again. I can say pretty safely that it will. Future governments hopefully will be able to eventually gain ownership of that site.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (7.46): I thank other members for their contributions to this debate. They have spoken about the level of expenditure that is included in this line; it is the largest single directorate spend, of \$1.179 billion in this financial year, and growing at a rapid rate. This is one of the most challenging areas of government and, as Mr Hanson says, perhaps one of the most important areas of government.

That is why you see that in this year's budget the areas of focus continue to be the major areas of demand. It is about additional increased critical care capacity; about increased acute beds across the hospital system; about meeting the operating costs of the expansion of certain services, such as the women's and children's hospital; about the increase in demand for elective surgery; and about the fact that demand for our cancer services continues to grow and will continue to grow as our community ages. There is, of course, more money going into chronic disease management.

We can have a discussion about how much of the health budget goes into these particular areas, but in the last couple of budgets in particular there has been a focus on preventive health and chronic disease management. We have also signed up to the national partnership on preventive health. Over the coming years the people of Canberra will see a number of new services rolled out to try and encourage healthy living and healthy lifestyles.

There is some money in the budget—a single line there—for a blood supply plan, again around increased demand for particular services. There is also some money to implement the Assembly's decision on ACT roadside drug testing, which Health has a role in in terms of analysing samples. We have currently funded the programs that were started as a trial or a pilot program under the parliamentary agreement. The feedback I get, particularly around the forensic mental health court liaison team and also mental health training in relation to Emergency Services staff, has been extremely positive.

The government do provide a gross funding envelope across the forward estimates for the Health portfolio. This is funded at about six per cent per annum. We top up, where we need to, the additional expenditure going into funding, particularly for our public acute services. This year in the Treasurer's advance, you will see that there was additional expenditure required for the Canberra Hospital and Calvary Public Hospital relating to the extra demand they have had in the last six months of the financial year.

In terms of some of the other areas that members have commented on, in particular north-side hospital options, I understood that we released this document with the estimates committee answer around the beds and the make-up of the beds. That is included in the capital costings document, which you should have been provided with, as an attachment to a question. But it is certainly on the website.

Mr Hanson interjecting—

MS GALLAGHER: I signed it off as a question on notice. It came as an attachment, and it is called the capital costing document for the 400 beds. It is also on the ACT Health website. And that does go through the bed numbers. I think the issue in the recommendation of the estimates report is that, and it is true, the 400 beds were an indicative figure for the purposes of determining the most appropriate way to provide for those 400 beds. What we are trying to say is that there will be additional beds on top of those 400. The 400 was used to examine the different options as an estimate of the bed requirements; it does not include the fact that we will have to grow beds at the Canberra Hospital as well.

As we progress that work, it will be refined year by year as changes are made. All it takes, for example, is a change in a certain cancer treatment, and we have seen it in the last couple of years, which significantly affects the demand for a particular type of cancer treatment or the way that treatment is administered, which will have an effect on your bed numbers. So the bed numbers will change. We know we need more, and we know that they will be in excess of 400, but over the 10-year rebuild of the hospital system, as we progress some of that work—indeed, the work we have agreed to do with LCM Health Care over the next six to 12 months—we will refine that even further. They have made some changes to their private hospital which will enable us to potentially open public hospital beds in the existing space of the Cavalry Public Hospital, or the Calvary hospital area, which will have an impact on the capital numbers as well.

I think it is fair to say that these numbers will change a little as that work is refined, but in terms of the costings I was very happy to release those costings. I did not release them at the time, and I have gone to this in the past. With the approach of the consultants by the Little Company of Mary Health Care and the view, I think, that they were trying to protect their ability to provide acute beds on the north side of Canberra, they took a particular view around the discussion paper the government put out. But that is in the past.

LCM Health Care and the government are working closely now to deliver a truly role-delineated and integrated health system for the ACT. I remain hopeful that we will be able to achieve this. It will come down to some pretty difficult discussions about what gets done, where it gets done and when it gets done, but I think there are some easy and quick areas where we can carve off some work that will deliver more integration than we have had in the past.

The \$4 million in this budget will go to developing some of those options about where a subacute hospital should be, how it should interrelate with the acute system, and exactly what bed numbers are required and where they are placed. There are obviously a couple of locations that spring to mind. There is the University of Canberra as a potential option; there is also looking at and examining the capacity on the Little Company of Mary Health Care's lease or Calvary Health Care's lease on the Bruce site. The Bruce site is slightly constrained by some of the significant trees that they have on that site, and that may impact on the capacity to use the available land for new buildings.

I have met with the chair of the Little Company of Mary Health Care in the last month. We have written to staff in the last week, explaining the work that is underway between the government and Little Company of Mary Health Care to progress the agreement that has been reached in principle about how these matters need to be handled. One of the most important outcomes for the people of the ACT is that whatever new buildings go on the Bruce site, they will be owned by the people of the ACT, which is currently not the case for the hospital that is there at the moment.

It is also important to note that I am doing some work around offering a full range of health services on the north side of Canberra. Perhaps the second most obvious issue that was raised during the consultation around the future of hospital services on the north side of Canberra was the fact that there are some restrictions, particularly around family planning services, that are offered out of the public system on the north side of Canberra. I accept that we cannot provide those on the Bruce site, but we will be looking for other alternatives to provide that service so that women on the north side of Canberra have access to publicly funded family planning and advice services, which many women have lobbied me about.

In this budget, in terms of capital expenditure, we are seeing the real commencement of the capital asset development plans—finalised work. We have seen things such as the surgical assessment and planning unit; the walk-in centre; the neurosurgery suite; and the car park, which is fully opened now. Just for the record—and I know Mr Hanson is going to keep saying this for another 16 months, and I will keep replying—the \$29 million was for a 1,000-car car park on the north side of the campus; the \$45 million was for an 1,800-car car park on the other side of the campus that met our needs for a whole lot longer. It was not a cost blow-out; it was double the scope.

Mr Hanson interjecting—

MS GALLAGHER: There were savings to be had. The original, 1,000-car car park which was originally going to be built was only going to meet the needs of car parking requirements for 2012. We now have a car park in place that delivers what we need for 2016.

Mr Hanson interjecting—

MS GALLAGHER: That is the additional car parks. They have been more than replaced by the Yamba Street car park and the additional car parks that have been provided.

Mr Hanson interjecting—

MS GALLAGHER: Our parking requirements—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Chief Minister, this is not a conversation with Mr Hanson.

MS GALLAGHER: Our car parking requirements, and I will keep saying it for as long as Mr Hanson keeps saying it, are met until 2016. It is an important part of the redevelopment. Every time we do additional redevelopments or additional developments on that site, the car parking requirements have to be taken into account. The car parking requirements are addressed and complete.

There is a lot more work to be done this year. We have got the work that is being done on the women's and children's hospital. The acute adult mental health in-patient unit will be finalised. There will be some additional work within the hospital. There will be some of the significant implementation of the e-health agenda, including one of the first steps of having the hospital move to wireless technology, which I know will be received very well by everybody who works in the hospital. The cancer centre will start; I think the DA has been lodged for that. The new Gungahlin health centre—Manteena, as I understand it, are the contractors for that, and that work will start very soon, as will the Tuggeranong health centre and the Belconnen enhanced community health centre.

A directorate that is dealing with an incredible demand in terms of service delivery is also managing the largest infrastructure project on behalf of the ACT government and the ACT community. It is a very significant program. Once these projects are finalised, we will need to move to the complete rebuilding of the tower block at the Canberra Hospital. That will form the start of the very significant second stage of the hospital redevelopment. That will happen hand in hand with the new subacute centre and the refurbishment work that is going to be required at Calvary.

I know that there will be a lot more discussions on health in the Assembly, particularly over the next 16 months. I look forward to them. But I would also like to thank all the staff across the Health Directorate for the excellent work that they do, not only in managing the new capital program but in maintaining the service delivery that they do under very intense circumstances.

DR BOURKE (Ginninderra) (7.59): I welcome the money allocated in this budget to boost cancer services. The \$10.9 million which will be provided when this budget passes will result in more doctors, nurses and radiation therapists being available to help those with cancer. There probably is not a household—not one household—in Canberra that remains untouched by this disease. We all know someone—a family member, a friend, a work colleague, a neighbour—who has received the shattering diagnosis. Unfortunately, the number of cases in Australia has doubled in recent years. And as the population of the ACT increases, so will the number of people diagnosed with cancer. ACT Health's cancer services currently have three linear accelerators which provide radiation treatments. I am proud that, as a result of this budget, a fourth linear accelerator will be added. This will increase access for patients who need this service.

I have talked before in this Assembly about male health and its challenges. As I said then, blokes are often not good at looking after their health. Males make the least use of preventive services and often delay presenting to a doctor until their situation is acute or, in the case of cancer, well advanced. Therefore I am very pleased that this

budget will fund a new position of prostate nurse care coordinator. The prostate nurse care coordinator will coordinate the care of patients with prostate cancer, including support, information and assistance to patients and their families undertaking the cancer journey. This position will cover diagnosis, treatment and palliative care if needed. It will assist people to navigate the health system and give them a fixed reference point.

The capacity of the Capital Region Cancer Service is being greatly enhanced in this budget.

This government is investing in health and the wellbeing of all Canberrans, and I congratulate it on its commitment.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.12—Justice and Community Safety Directorate—\$232,130,000 (net cost of outputs), \$46,570,000 (capital injection) and \$145,559,000 (payments on behalf of the territory), totalling \$424,259,000.

MR HANSON (Molonglo) (8.03): I will be speaking to two areas—ACT Policing and ACT corrections. I will turn to corrections first. It is obviously a topic that has received much discussion in this place over the past couple of years. In the budget we have seen a number of issues relating to some of the points that the opposition has been making. Firstly, there is capacity—that there is money there to scope the capacity of the jail, what number of prisoners we have, what number of beds we need going into the future.

The point needs to be made again, and I will continue to make it, that the only reason we are doing this is because Simon Corbell decided to break an election promise to deliver a 374-bed prison which was due to cost \$110 million and in fact delivered a 300-bed prison for \$130 million. And the 300-bed prison has basically squeezed every single bed that they can count, including those in the sick bay and the transition accommodation.

In 2007 he told the estimates committee of this Assembly that that would give, in its current bed configuration, sufficient capacity for 25 years. We know that that is not true. He was saying that basically to cover the fact that they had got rid of the 74 beds which would have given us the capacity that we need in the jail.

The point I have made before, and I will keep making it, is that they knew at the time that the jail would not have the capacity because they said, in answer to a question on notice from Mr Seselja, that the capacity in 2009 would be 247 prisoners. Mr Corbell said to me in annual reports in November last year that they always knew that that would be the case, that it would be full at about 250; 245 in actual fact I think was the figure. Because of the difference between beds and the number of prisoners you can get in there, they always knew it was going to be full at about 245 or a measure like that.

The point is that, when you add all those facts together, as I said the other day in this place, what it tells you is that when they said this had the capacity for the number of prisoners we have got for the next 25 years, they had enough information at that point to know that that was not true. They clearly had sufficient information, if you add all of those up, to see it is not true.

What we know from this budget is that we are going to pay the price for that decision that was made a number of years ago. We are going to pay the price in terms of new facilities at the jail. We just await the bill. Meanwhile, we have seen that the minister has not delivered on a number of aspects of the jail that were promised, including a gymnasium and a chapel and choir place. That is an issue that has been discussed in some detail.

But the cost of the prison keeps growing. We have seen the money to fix up the problems outlined in the Hamburger report and other areas, and the cost of the prison now in terms of capital seems to be approaching \$140 million. Madam Assistant Speaker, if you were to look at the opportunity cost of that \$140 million, you are talking about, just in interest—money that could be used elsewhere—about \$10 million a year, or close to it.

You need to add that to the cost of prisoners. You need to realise that when we sent prisoners to New South Wales there were not those other costs. That was \$263 a day. But you have to add to that cost of \$422 that it now costs us the opportunity cost of about \$10 million, which would blow out the cost of a prisoner per day to close to \$550 a day. That is an extraordinary amount of money. It is way more than in any other jurisdiction. It is way more than was promised. In fact, when Mr Stanhope brought about this project, I think it was in 2006, he said that it would cost us no more than the amount for sending prisoners to New South Wales. But what we know now is that it costs us twice the money.

The question is: are we getting value for money? I think that we all understand here that we have a responsibility to look after the people that we incarcerate. We have a duty to them and to the community to do as much as we can to make sure that they are rehabilitated, so that they do not reoffend. But when you look at the results from the Hamburger report and the results from the Burnet inquiry, I think it is quite clear that we are not getting value for money.

There was the claim that this was going to be a prison that was different from all other prisons and that it was going to be human rights compliant. When you look at some of the problems that this jail is plagued by, there are comparisons made with New South Wales, where they are not getting access to the through-care, to the counselling, to the educational programs and the recreational programs; prisoners say that they are bored. I think it was Mr Corbell who said that part of the program of this jail was to give them a busy time, to keep them occupied. That is certainly not happening, particularly with the number of lockdowns they have had. So it is quite clear that we are not getting the value for money that we wanted and we are not doing the service that we could for our prisoners.

A couple of issues came up specifically during the estimates process to do with the removal of the superintendent. We have been through that last week. The superintendent was clearly dismissed; he was removed from his position. He said that due process was not followed. He said that he feels like the political scapegoat. He said in part he believes that it was because of his opposition to an NSP. They are very serious allegations that have been made by a very senior officer within corrections—indeed, the most senior front-line officer that we have, running the AMC.

For him to make those allegations I think was worthy of further investigation. I think there are some systemic issues that were addressed in the Hamburger report about the continuity issue and the strong leadership that needs to be provided at the AMC if we were not going to see safety and security problems. And that is an issue that we need to look into. I am, again, disappointed that the government and the Greens did not see fit to inquire into that issue. I have spoken with him since that decision was made and he is disappointed.

I think a major part of his disappointment is twofold. Firstly, he has real concerns for the staff at the jail and whether there will be the appropriate leadership now to take them forward, particularly in light of the empowerment that this whole issue has given to prisoners. Secondly, there has been a taint, a smear, on his reputation. And after 34-plus years in corrections services, both here in the ACT and in New South Wales, it is a smear that you will not have a chance to rectify. So he is very disappointed.

We have also seen Bill Aldcroft from Prisoners Aid make a statement to Mr Moore's inquiry, basically saying that he asked prisoners about it in an objective way, not in the subjective way that others who are advocating for an NSP will want to do. There are many groups going to that jail who want an NSP and who are pushing for it, not least Mr Moore, who is a very strong advocate for an NSP. But if you actually ask the question objectively, of the 150 prisoners that he asked the question of, 100 per cent gave the answer that they do not want an NSP.

Recently, since the estimates inquiry, we saw the staff present this Assembly with a petition. As I understand it, the petition made it very clear that the staff objected to an NSP. The reasons have been well outlined but principally it was due to safety. All staff who were available to sign it, barring one or two, signed it. So the overwhelming majority, upwards of 90 per cent, objected to an NSP. That is a fight that we will continue on behalf of the prisoners, on behalf of the staff and on behalf of the community.

Turning now to ACT Policing, just like their corrections colleagues who have a very difficult job, who work hard out at the jail in very difficult circumstances, so do our police. I had the privilege with Mr Seselja and Ms Hunter to go out on a tour of the town with Chief Police Officer Quaedvlieg. I thank the minister for inviting us to do so. It was a fascinating tour. We met many of the officers out there on the street who were dealing with the problems that they deal with in Civic. We got to see the RAPID technology and a number of other situations that the police find themselves in, including at the watch-house, and it is clear that they are doing a great job.

I turn to the document that the Chief Minister put out last week in terms of increased police presence. This was a question that was raised in the Assembly in terms of the numbers that will be on the street. I know that there was some confusion around that. *(Second speaking period taken.)* There was a quote from Assistant Commissioner Quaedvlieg with regard to the number of police that will be on the street. The point is that, although there are changes in the FTE, with the actual number of police on the street he said that we are currently running at about 1,010 FTE. That is in terms of the numbers on the street, as I understand it. But the number that he is going to get on the street is 1,000 to 1,005 in reality. So we have to look at those figures to see whether there will actually be an increase in the number of police on the street. It is always very difficult to understand what the FTE means in terms of police on the street because of the rank profile and so on.

One initiative that we did see in the budget was the rollout of random roadside drug testing, and that is a great thing to see. That will keep our roads safer. I notice that Simon Corbell is now a convert to random roadside drug testing. Despite supporting the government's position that it was "red-necked" and it was a breach of human rights, he is now a convert. In fact, in the *Canberra Times* of 8 May he said that the ACT introduction "matched best practice policing in other jurisdictions". I think it is fantastic that we have that. We can hopefully put the resistance from the Labor government behind us. I am encouraged by the way that the police are rolling that out and I know that their view is that it will ultimately save lives.

We have seen the further slippage or the slippage in the Belconnen police station—a blow-out of \$4.5 million. I understand there are reasons for that and we have been through those, but it is disappointing that we are seeing another project under the responsibility of Simon Corbell blow out in its cost.

We have asked in the estimates committee report for accountability indicators to be included in the budget. This is an issue that occurs every year. Because of the purchase agreement and the way that ACT Policing is essentially done by way of a contract through the AFP, we do not see the same visibility and accountability indicators in the budget as we do for the other output classes. When you are considering the government as a whole, it would be very useful if you were able to do that. I do understand that that is done in annual reports, but just as it is done for every other output class both in annual reports and in the budget, I think it would be appropriate that we have that opportunity in the budget. I would not imagine it would be that difficult. We have just renegotiated the purchase agreement with ACT Policing and the AFP. I think that would have been an opportunity to incorporate that. So I express my disappointment.

Many of these issues have been well canvassed in the Assembly and in the media. We will continue to ensure that the government addresses the problems that need to be addressed, both in the AMC and the broader issues of corrections and in ACT Policing. As a final note I again commend the hardworking staff that we have both in corrections and in ACT Policing on the extraordinarily difficult job that they have to do.

MR SMYTH (Brindabella) (8.16): The 2011 budget contains 10 per cent growth in funding for Emergency Services, and that is to be commended. We see additional resources for the Ambulance Service and the Fire Brigade, which of course I welcome. I am relieved now that there is some action underway on the station relocation project. Members would remember that the government received the final report in August 2008, and here we are in June 2011. So we look forward to that.

The estimates report had six recommendations on this part of the budget. It is pleasing to see that the government has agreed to five of them and has noted one of them. Part of the recommendations look at the sheds, and I will leave that to members, but of course Tidbinbilla shed still remains a concern. It has been rolled over from 2010-11. It is scheduled for completion in November 2011. So it will be interesting to see if that timetable is met. Maybe the minister can give us an update when he closes.

As members would be aware, there have been some concerns about the new headquarters at Fairbairn for some time. I think what we will see, and I suspect we will continue to see, is concerns with this headquarters for some time into the future. The latest debacle really is that we now have some unions questioning the capacity of the new HQ. It was interesting, having asked the minister the question this afternoon as to why they have not been designed to accommodate growth or provide high quality radio communications, that there was a two-word answer: "They have."

This is another one of Mr Corbell's special infrastructure projects that is not on time, it is not on budget and it is not on scope. The original project had something like 3,400 square metres. Again, as is so typical with all of the projects that Mr Corbell touches, this one was reduced to 2,800 square metres and we have now got a number of the unions complaining about the facility and capacity into the future. One of the things that you need when you have an emergency, particularly if you have a big emergency like the 2003 fires, is extra space where we can bring in extra staff as required.

I also raised concerns this afternoon about the integrity of radio communications from the new HQ. I am told that probably for about 12 months they have been aware that there are problems with communications, particularly using the trunk radio network from the ground floor. I am surprised that the minister is not aware of this. Apparently, it is something to do with the metal in the windows. I am not sure what the exact problem is but perhaps the minister can enlighten us. I understand that consideration is being given to replacing the windows so that they can at least have some use of particularly the trunk radio network from the ground floor. Again, it is another capital works that has not come to fruition easily under this minister.

Indeed, with respect to the two new sheds for Rivers and Jerrabomberra, there has been much said about them, particularly about the Jerrabomberra shed and its ability to house trucks and allow people to actually get out of their units when they are inside. If members go to questions taken on notice, the answer from the minister is quite amusing in many ways. But that is what we are used to here from this minister.

In both of those sheds I think there are significant problems. Recommendation 133 is that the Auditor-General conduct a follow-on audit into all aspects related to the move to Fairbairn. Perhaps to that we should add the sheds at Jerrabomberra and Rivers, because I know a number of the volunteers have concerns about what is going on there. There really is a question about the role of shared services procurement in all of these projects.

We heard during the hearings some very sad discourtesy to the Bushfire Council. These are volunteers. They are individuals with great expertise. They do a great deal in protecting the ACT, yet none of them were aware that the minister was to advertise and seek a new council and potentially put them all out of their job that they have volunteered to do. When he was asked, "Why did you put the ads in without telling these individuals?" the minister said:

They were aware that it was the government's intention to—let me put it this way: they were aware that it was my intention to only reappoint them for a limited period of time.

It still does not let the minister off the hook in regard to the basic courtesy of at least writing to the council—a short email would not have hurt—saying, "Please be aware that on the coming weekend we will have an advert in the paper seeking people who would like to be on the council." It does not cost much but I think it is a shame that the minister did not act in a courteous way at all.

As we heard yesterday the emergency services commissioner is warning that there is potential for a big grassfire season in particular this year. It is eight years since the disastrous 2003 fires. In that time we have had a couple of years with some decent rainfall. There is a lot of growth. As you drive home from work you can all see that the curing has commenced. Potentially it will be a big season.

My concern is that we have a minister who does not seem interested in the portfolio. For years the Ambulance Service was neglected and we had that very sad report from the Auditor-General about the state of the Ambulance Service. We have had some response to that. There have not been too many colleges for new Fire Brigade officers, so it is good to see that there are some in this year's budget.

We have taken a dreadful amount of time to build three sheds. Two of them really are not as good as they could be and one has not even started. So the story goes on. You do have to question the strategic leadership that the minister gives. You do have to question the way in which the minister governs this department. And you do have to praise the commissioner and all of his staff, all the professional firefighters, ambulance drivers, the SES officers, the RFS staff and the volunteers for the work that they do, because their work is not being made any easier by this government and in particular by this minister.

MS BRESNAN (Brindabella) (8.23): I will address the Corrections area of this portfolio. There are some underlying issues running through the Corrections portfolio that concern the Greens. Most reports indicate that the first years at the AMC are

progressing well and that there have also been some positive outcomes such as the establishment of the therapeutic community at the AMC, which I think is a particularly positive and good program and should be supported into the future.

The ACT government has appropriated \$620,000 in new funds through this budget for the purpose of examining capacity issues at the AMC. I note that the government has to respond to a motion of the Assembly on this issue by 25 August. The motion was passed on 9 March. To that original motion proposed by Mr Hanson, I made amendments which ask that the government examine whether it is ever the case that prisoners are sentenced to the AMC because rehabilitation programs in the community are full. I do hope that people sentenced to a community rehabilitation program are not being denied that because of a lack of funds for community rehabilitation.

In response to the Burnet and Hamburger reports, there are two key issues that I remain concerned about and would like to see progressed further. They are mental health services for people with a severe mental illness and general access to counselling services. The Hamburger report recommended the government review the crisis support unit. The Greens are concerned about people being held in the crisis support unit because they cannot access the therapeutic treatment they need to recover, all because they require care which cannot be provided in the general prison setting.

The Hamburger report also highlighted safety concerns for staff and detainees at that unit. It may be the situation that people are being placed in this unit for their own safety also. This, I believe, points to the need for a forensic mental health unit. It is likely there are people in the AMC who should not be in the prison and should be in a facility where they are getting appropriate care.

Another key issue is the need to increase the availability of general counselling to the prison population, as inmates need access to general counselling. If emotional or other problems are to be resolved, we must give inmates the ability to talk through their problems and come to a personal solution or emotional resolution with appropriately qualified staff and people. The government has said they are working to strengthen counselling services but I am unsure whether they have actually agreed with the Hamburger report's recommendation to employ a principal psychologist for the AMC. I believe that is a point which requires clarification.

An issue which was not addressed in great deal in the Hamburger and Burnet reports but which remains problematic is the lack of service provided to women in the AMC. My office recently attended a women in prisons quarterly meeting which highlighted the lack of access to medical, educational and recreational services. The government said in that quarterly meeting that it was taking steps to rectify these problems, and the Greens would like to receive an update about that so that we can be assured that women in the AMC are not denied access to services because of their limited numbers.

It is also disappointing that the chapel and quiet place at the prison will not be developed. Through this budget, the government has removed \$400,000 for the development of these sites. When a person is in prison it can be a time when they do

look to their spirituality for support, and limiting an inmate's access to appropriate places to practise this seems contradictory to the goal of rehabilitation.

I will make one very brief comment on the NSP because obviously this is also a program which comes under the Health portfolio. Again I would urge that all stakeholders engage in the review that is being undertaken and look to the evidence on this from overseas where NSP programs operate.

I would also like to address the issue of wheelchair accessible taxis, which sits within this directorate. One of the biggest difficulties people with a disability have in the ACT is access to transport, wheelchair accessible taxis being a prime example. For too long people who use wheelchairs, especially electric wheelchairs, have had ongoing problems with the transport system. This has left them socially excluded and experiencing difficulties going about daily tasks such as social, educational and health activities.

Through this budget the government has declared its intention to improve the wheelchair accessible taxi regulatory system and while I sincerely hope these aims are achieved, I do have some doubts and would still hope that the government does not rule out looking at having a salaried driver model as a way of achieving much-needed improvements. Already the ACT government spends significant funds on subsidising the current wheelchair accessible taxi system. Essentially we have a social service being run on a for-profit basis, and this does not deliver the type of service people with a disability need and deserve.

The government has appropriated around \$600,000 to establish a centralised booking system and will look to introduce tougher sanctions for non-compliance with service standards by operators or drivers. The question is: when you put together all the existing subsidies and costs to run the wheelchair accessible taxi service it may indeed be comparable and more efficient and effective to run a salaried driver service. The report prepared for the government on the taxi industry did not actually cost this model which was put forward by the WAT consortium, representing disability advocates and groups.

The Greens requested answers from both JACS and Community Services about the total amount the ACT government spends per annum supporting the wheelchair accessible taxi service. The answer received was not clear, but we can assume it is somewhere in the vicinity of \$3 million per annum.

The estimates committee has recommended that the Justice and Community Safety Directorate report on the level of effectiveness of the wheelchair accessible taxi regime in their annual report. I note Mr Stanhope, the previous minister for transport, stated that if there were not dramatic improvements to the WAT service within two years the government would look at a salaried drivers model. So we do hope the government will keep to that promise.

I want to briefly make some comments about road safety, given that transport regulation now sits with the portfolio of Attorney-General. Through the estimates process I asked a number of questions about the vision zero strategy, including about

the way it is linked to sustainability. I was pleased to received an answer that the government would develop and implement travel demand strategies to reduce per capita private vehicle travel, and hence overall crash risk.

I am very interested to receive further information on these travel demand strategies and I agree with the statement from the government that reducing per capita private vehicle travel will reduce crash risk. In fact, it is about the best way to improve road safety because public transport travel is much safer. So I would strongly encourage the government to ensure that its vision zero strategy does focus on reshaping Canberra's transport patterns. The government has a central role to play in this.

I am also looking forward to the government implementing the 40-kilometre per hour speed limit trials in shopping areas of Woden and Gungahlin. These are an important part of the vision zero strategy. Slowing traffic recognises how critical speeds are in crashes involving vulnerable road users. On this note, I want to say that the Greens do remain disappointed that the government has not extended these reduced speed areas to community facilities. I believe that a genuine dedication to the vision zero philosophy requires this. At the very least, it requires a trial. I believe the consultant's report as well as the abundance of other evidence around this issue is a justification for this.

I also want to point out that there is only a small amount of staff in the new directorate actually working on road safety. I believe three staff have moved over from TAMS and that they also have multiple issues to work on. I believe we need more dedicated resourcing to road safety. It is an important issue, as well as a broad one, and involves interaction across government. I am interested in the government developing a separate office for road safety which could approach road safety in a holistic way.

I draw the government's attention to a recent road safety inquiry held in the UK which pointed out that particularly because of the complexity of the cultural change required with respect to road safety, a holistic approach is required and that a separate road safety office or road safety commission is recommended.

MR RATTENBURY (Molonglo) (8.32): When I started my budget speech last year with regard to the Department of Justice and Community Safety, as it then was, I said that the Attorney-General faced a challenging year in 2010-11 because there were a number of unique issues facing the department and, therefore, him as the minister. It is quite useful to stop and remember what the issues last year were and to reflect on what has occurred in the intervening 12 months. Of the five issues I highlighted last year, I think it is fair to say that there have been some mixed results. There have been some good results, there have been some delayed results, and there have been some outright bad results and missed opportunities.

Let's start with the good news. Last year's budget saw increased funding for emergency services communication centre staff, and this is very important in the context of the provision of ambulance services and followed the recommendations of the independent Lennox review. The funding was welcome last year. However, at that time, I made a point of stressing how important it was that the government follow another significant aspect of Lennox, which was that front-line ambulance staff

needed better resourcing this year and that Lennox saw it very much as a two-stage process. I said at the time that if the number of call centre staff was going to be increased and the centre better resourced, it followed that front-line staff must be resourced well enough to attend the calls they are directed to by the call centre.

Front-line staff were better resourced in this year's budget, and I welcome that commitment from the government for \$21 million to pay for 30 new ambulance officers and five new ambulances. This is a good demonstration of how governments can best respond to issues. The government have taken the time to engage an expert to conduct an independent review. They have listened and responded to the recommendations over subsequent budgets. The review was not forgotten about after the first budget, and resources were delivered as recommended. I welcome the way the government has worked through this issue of ambulance numbers and funding.

Let me turn now to late night police. The last 12 months has also seen promising work done by the late night police that were funded in the budget last year. This time last year I discussed the importance of the police taking an educative and preventative approach to their work. There are sometimes concerns that when police numbers are increased there will be an increase in arrests. This can occur in places where the police do not have an impact on the levels of crime but, instead, there are simply more police out on the beat and more arrests occur. Thankfully, this has not been the case with the ACT's late night police.

During estimates—and he has on a number of other occasions—the Attorney cited a 26 per cent decrease in alcohol-related offences over a four-month period. That certainly is a welcome figure. However, I think everyone readily acknowledges that it is only an early indication and the results cannot be said to be definitive. That said, hopefully it is indicative of a trend that will continue. Certainly the licensees who I have spoken to have welcomed the new late night police. The licensees recognise that a safer nightlife is better for business and better for the late night economy overall.

However, the liquor reforms are not without problems. The fees are too blunt and need to be revised in the next six months. The Greens have lodged with government a better fee structure that more accurately reflects risk. As the fees currently stand, an 80-person pub is treated the same as an 800-person nightclub and assumed to pose the same level of risk.

As for the off licences, there is more that can be done to make the fees fairer and more accurate. For example, a bottle shop that deals in \$500,000 of alcohol per year is 20 times smaller than a supermarket that deals in \$11 million of alcohol a year. However, the fee paid by the supermarket is only 2½ half times larger. It is quite clear from those figures that they need to be recalibrated.

Another issue discussed last year was the backlog in our courts. As members will no doubt recall, last year's budget contained funding to create a virtual district court. That proposal was not ultimately successful, I guess because both we and the Canberra Liberals were not convinced that it would be an effective way of addressing court backlogs. Instead, the Assembly has since passed a number of other reforms designed to gain the most efficiency out of our existing court resources.

We have passed legislative changes to ensure that more minor matters that face a sentence of two years or less are heard in the Magistrates Court, and the Greens and the Liberals fought hard to ensure that this reform was human rights compliant and did not trample on the importance of jury trials.

Government data shows that the reform will reduce the number of trials being run through the Supreme Court by up to 26 per cent. This is an important step in assisting in the Supreme Court to work through its backlog. There have also been changes to the bail process to ensure more bail matters are heard appropriately in the Magistrates Court before being able to progress to the Supreme Court.

Recommendation number 131 of the estimates committee deals with the issue of the backlog and recommends that government publish their backlog target for both next year and the year after that and outline their strategy to meet those targets. I think the government could respond in one of two ways to this recommendation: they could either say that the district court was their strategy and the Greens and the Liberals blocked it, or they could seriously engage on this issue by outlining the measures that are already in place and if they intend to pursue any other further initiatives. I sincerely hope they adopt the latter option, because this is a serious issue and it is too important to simply drop the ball or run slogans on it because the government did not get their way on the district court.

We operate in an Assembly with a minority government, and the way to most effectively work with that is to recognise that we need to have ideas that can attain majority support. This fact cannot stand in the way of continuing work and dialogue on the problems at hand, and I look forward to the Attorney's response to recommendation 131.

Another area of discussion last year was the need for a community legal centre hub and some improvement to the accommodation situation, and in this area this year's budget is a disappointing missed opportunity. I discussed this a little last night in the debate on the Economic Development Directorate, but this is really the place to air the issue more thoroughly. It is a well-known problem around Australia that some people cannot get the legal representation they need. The ACT is certainly not immune from this problem. People fall through the gaps because they cannot afford a private lawyer but also do not qualify for legal aid. They are left to fend for themselves by appearing unrepresented in court or are forced to forgo altogether the advice that they need.

The Greens believe that part of the solution is to invest in community legal centres. For every \$1 invested in a CLC, \$100 is saved at later points in the justice system. That is because community legal centres take a preventative and educative approach to their legal work. They aim to minimise reliance on courts to resolve disputes. Community legal centres in the ACT are being held back from reaching their full potential because, quite simply, they do not have adequate office space to work from. They operate from very cramped conditions at Havelock House and, in fact, are forced to turn away offers of private lawyers who want to work a day a week pro bono, or free of charge, because they cannot offer them a desk.

We were hopeful the government would commission a feasibility study into possible solutions, but, unfortunately, that has not occurred. For a budget billed as working smarter and delivering more, that is a real disappointment, because investment in community legal centres is a smart use of government funds—you really get tremendous impact from a relatively small investment.

I was disappointed in the Attorney when he said at estimates that, essentially, the community legal centres have brought this issue on themselves because they have not approached the federal government for assistance in the past. He thought it was inappropriate that only the ACT government be asked to provide office accommodation assistance. I must say that I think this was a get-out-of-jail clause the Attorney attempted to use. It may be the case that the busy community legal centres have not approached the federal government, but I do not think this should have precluded the ACT government from a feasibility study at the very least where it could have approached the federal government and discussed the issue with them and perhaps even sought a joint response.

In a budget that spends \$5.6 million on feasibility studies in 12 months, room could have been found to examine the options for the community legal centres. It is in everyone's interests that investments like this be taken up by government because it is a smart use of public funds. We will certainly continue to lobby for action on that front, and I am pleased to see that recommendation 132 from the estimates committee sets out one way the government could work on this issue during the 2011-12 financial year. I certainly endorse that recommendation on behalf of the Greens.

MR ASSISTANT SPEAKER (Mr Hargreaves): I remind members that that is unacceptable, and members will turn their mobile phones off or give their guns to the sheriff before they come into the chamber. Mr Rattenbury, you have the floor.

MR RATTENBURY: The Greens put a budget submission in for construction of a community legal centre hub to house our community legal centres. (*Second speaking period taken.*) Whilst we appreciate that this is a tight budget and that the upfront construction costs could not be found, nevertheless, we think the government has missed the opportunity to at least do a feasibility study which could have set us on the path even if this year's budget was a tight one.

I commented last night that it is unclear to me exactly what the government's position is on the provision of facilities and accommodation for community organisations in their many guises. I guess I do not see the clear difference between a group such as the Canberra Raiders and the community legal centres—they are both not-for-profit community organisations, and the Attorney spelt this out to some extent in estimates when I asked this question. I was actually given a raspberry in the estimates process for daring to question the funding for the Raiders, but that was not really my point. Whilst it is often the way in this place that, when someone gets uncomfortable, you get a bit of a verbal, there is a fair debate to be had about whether the government providing facilities for the Raiders is appropriate or not.

My simple question is: what is the government's policy on the provision of assistance with accommodation for community organisations? At various times the Attorney has suggested it is not even the government's role to facilitate this. I am sure some members of the committee would suggest the same thing about the Raiders. A little bit of consistency would be appropriate.

Back on the topic of unmet legal need, I would like to acknowledge in the budget the legal aid funding, and we will come back to that later this evening. Legal aid is a part of the solution to our unmet legal need, and the funding is welcome, but it is only part of the solution. There will be people who still do not qualify for legal aid and yet cannot afford a private lawyer. For those people, the community legal centres are extremely important, and I trust we can continue to look for ways to ensure the community legal centres are as effective as they can possibly be.

I concluded my speech on Justice and Community Safety last year by saying:

The Greens think the best answers to these issues are still ahead of us, and we look forward to engaging with the government, with the opposition and with stakeholders, as we continue to grapple with the task of making Canberra safer and more just.

That is still an accurate thing to say. The best answers to the problems of court delay possibly still lie ahead of us, although I hope some of the changes the Assembly has passed will make improvements. Certainly the best answers to unmet legal need are still ahead of us. On that basis, I look forward to the next 12 months of continuing to seek out those answers and encouraging the government to act on them once they have been identified.

MRS DUNNE (Ginninderra) (8.45): I think I will start my comments in relation to the Justice and Community Safety Directorate perhaps in a similar place to where I started some of my previous comments on some of the other agencies, and that is that the government is proposing to spend in the near future more than \$400 million on a great big government office block, but at the same time the community legal centres, as Mr Rattenbury has said, are occupying extraordinarily substandard facilities, mainly in Havelock House, and now the Women's Legal Centre has its work split between its offices that it has at Havelock House and those at the old homestead in north Lyneham, which is even less accessible to clients and harder to manage for the Women's Legal Centre. As I said before, this is of course against the background of the government wanting to centralise its public servants in the gold-plated, great big government office building.

I think that it behoves members who have not visited them to take the time to go and visit the community legal centres at Havelock House and see the conditions in which they work. It is not a pretty sight. The first occasion that I was there the staff at the Women's Legal Centre showed me the kitchen, where the drain had essentially corroded and they had a bucket under the S-bend to catch the water. That has been fixed but some water still goes straight out through the wall and into the garden behind it. They have concerns about the fact that the area is constantly wet and is

probably undermining the foundations of Havelock House as well. Some work was done on that because I made representations at the time, but it is still not fixed.

There are other areas where some tenants had to vacate part of the space because in the floor above them in Havelock House the showers were leaking and every time someone had a shower those on the floor below had a shower too. They have a very cramped, shared meeting space. Interns and people doing special projects have got tiny, little workstations around the edge so that if someone is having a meeting, then it is not possible for people to do their work at those work stations. It is an appalling situation.

I think that the approach of the Attorney-General, which is to say, as he said yesterday in question time, no other government in Australia does anything about accommodation for community legal services, infers, "So why should we?" We should be doing something about this because we should be valuing the services provided by community legal centres.

It is the case that one community legal centre is better off than the others. Street Law and the community services that they provide have been able to co-locate in the new office accommodation for the Legal Aid Commission because they sort of grew out of some work that was done in the Legal Aid Commission. They are fortunate but they are still disconnected from other community legal centres. It does not necessarily always work to their benefit, but they do have better office accommodation.

I think that this needs to become a priority for this Attorney-General. The message, it seems that I am hearing, is quite clear. Members of this Assembly would like to see this government start to get its act together on behalf of the community legal services. And there are recommendations, as Mr Rattenbury has said, in the estimates report that should be acted upon. There is not a requirement for the government to spend money, there is a requirement to undertake an option study and a feasibility study and report back to the Assembly. That is not beyond the wit of even this Attorney-General.

Other areas of concern that I have relate to the reduction in funding for what I would consider mainline organisations like the DPP and Parliamentary Counsel. We heard during estimates for instance that the DPP is going to lose \$78,000 and the PCO \$58,000. The attorney at one stage said, "It's only \$78,000, Mrs Dunne." That \$78,000 is a fair way along the way to a salary for another lawyer at the office of the DPP.

It defies logic in a way to consider that two budgets ago the government was crowing about putting more resources into the DPP's office. "We've got a new DPP. We've put more resources in. We're going to make sure that we improve the performance rate and the success rate of the office of the DPP by staffing it appropriately." That lasted all of two years. Now we are cutting and, by the admission of the DPP, and probably to the discomfort of the Attorney-General, that will result in staff losses at the DPP.

In addition, we are seeing \$58,000 by way of efficiency dividend coming out of the Parliamentary Counsel's Office. I notice that the executive director of the Justice and

Community Safety Directorate did say in this regard, “We were looking for efficiencies in things like stationery and the like but if we cannot find the efficiencies in stationery, then we will have to start finding it in front-line services.” It is interesting that you get one message from the ministers and the government saying the efficiency dividend should not affect front-line services, but in a way what more front-line service can you find than the Parliamentary Counsel’s Office?

To ensure that our statute book is of the highest possible quality, to ensure that it all works, is an onerous and important job and all of us in this place and the people of the ACT depend upon them to get it right. But Mr Corbell washes his hands and says it is not really a problem for him; it is up to the agencies to find where they make the cuts. But I would submit that making cuts to the Office of the Parliamentary Counsel is not in the best interests of the people of the ACT.

I am concerned about some of the issues that are arising in the Office of Regulatory Services. We have had the back-door attempts to reform the security industry through an omnibus bill, with the no ticket, no start; you have to get the union’s tick off before you can get a security industry licence.

I am also concerned whether the Office of Regulatory Services is well enough equipped to deal with the blue card arrangements in relation to proposed working with vulnerable people’s legislation. I am also concerned, because I am starting to sense that there is a proliferation of these schemes. While Minister Burch is struggling to get the working with vulnerable people’s legislation off the ground—and I will speak more about that when we get to Community Services—I did notice today that the minister for education is introducing amendments to the Teacher Quality Institute process, which is all about police checks.

I do start to wonder: if we are going to set up this agency within the Office of Regulatory Services, why don’t we have a unified approach to police checks, having one agency do it? And I am concerned that we have the duplication of services. I did note that the attorney, in the introduction to a bill this morning in relation to the security industry, was talking about the cost of implementing fingerprint scanning technology and some hundreds of thousands of dollars to buy fingerprint scanning technology, presumably for the Office of Regulatory Services. (*Second speaking period taken.*) If the police already have this technology, are we duplicating our effort?

Mr Rattenbury dwelt at length on the courts and the issues in relation to courts and tribunals and the backlog in the courts. This is an issue which shows that this Attorney-General just cannot get things done. He sort of takes the attitude, “I’m from the government and I can get things done.” But look at his record. Last budget we had the virtual district court, which was more than a virtual flop from the day that it arrived. There was nobody in this town, apart from Mr Corbell and his advisers—presumably his advisers think it is a good idea—who had a good word to say for the virtual district court. The Bar Association, the Law Society, individual lawyers lined up to take a shot at the virtual district court. The Greens, the Liberal Party, no-one had a good word to say for a flawed and ill-considered proposal.

You look at how ineffectual the minister was in dealing with this. He put out a discussion paper. And everything was on the table for discussion, except the one big-ticket issue. So the first that anyone in the community knew about it was when the discussion paper was launched and, "Oh, by the way, we are going to introduce this at such and such a time," by the beginning of this year. It took until September for the Greens to come on board and realise that it was a pretty rum idea. And that finally killed it for Minister Corbell. It was a spectacular failure. And this was the iconic moment for Simon Corbell in his administration of justice.

The administration of justice is a very important issue. There are people languishing on remand for years because they cannot get into the courts, and the only solution that Simon Corbell could come up with was a fundamentally flawed solution. He did not consult about it, he got smacked down and he has been smarting about that smack-down ever since. But we still do not have the solutions.

We had another suggestion for dealing with the backlog in the courts, which was another smack-down from the Greens, the Liberal Party and just about everybody in the legal community, again saying how flawed it was, where this attorney was prepared to oversee a situation where anyone accused of an offence that had a penalty of less than five years would have it dealt with summarily. That was entirely and completely inappropriate. It was pleasing that sense prevailed in other places and we have managed to maintain the rights of people in the ACT.

Yes, it is important to address the backlog in the courts. I have said people are languishing for a long time, waiting for their matter to be heard. But do we trample on other sets of rights to do that? Do we take away century-old rights because this minister cannot get it done?

There are issues in relation to the treatment of the Victims of Crime Assistance League and their service contract with the government. There have been two occasions in successive years in which the future contractual arrangements were uncertain six weeks before the end of the contract. This is unfair. This is completely inappropriate. If the minister and his agency do not want the Victim of Crimes Assistance League to do the work that they are currently doing, put them out of their misery and tell them, "We don't want you to do it. We're not going to fund you anymore." Give them some certainty. Allow their staff to make appropriate arrangements.

It is not dissimilar to the treatment of the solar industry. He is not prepared to give people a soft landing, and so six weeks before their contract is about to be renewed these people have no idea whether they have a job. This has happened two years in a row. It is quite clear that the minister and his agencies have concerns with the organisation, but they do not do the decent thing, they do not talk to them about their concerns and they do not talk to them about their contract. And this is an unacceptable way to behave. It is not fair to anyone. And when you consider the length of time that this organisation has been working for the community in the ACT, they deserve better treatment than they have had from Simon Corbell.

There are also issues in relation to the Human Rights Commission. There are the issues about the fact that again—and it was discussed in the annual reports hearing and the JACS committee reported upon that today, and it was discussed again in the estimates—the Human Rights Commission are treated as part of JACS for the purposes of budgeting and as a result they too take the large, high-level efficiency dividend rather than an efficiency dividend for small organisations.

The Human Rights Commission have a number of problems, and I have been very critical of their performance in some areas. For instance, when I asked for their service delivery standards documents just before Christmas last year I was told that I could not have them because they were not up-to-date. I asked for the service delivery standards that they were using. I found that they were service delivery standards that had existed before the Human Rights Commission was constituted in its present form. It eventually took four months to produce a three-page service delivery standards document which was eerily similar to the previous version which had existed since, I think, 2004.

I think that this is an organisation that is lacking in resources. We have heard time and again the commissioner saying that it is very difficult for her to conduct human rights audits in important places like the Alexander Maconochie Centre and the Bimberi Youth Justice Centre. As a result of the motion of last year and amendments brought about by Ms Hunter, there is now a human rights audit being conducted into the Bimberi Youth Justice Centre but we still have not seen a human rights audit of the sort that many in the community are wanting to see into the Alexander Maconochie Centre. If you are going to have organisations like this and you charge them with doing particular things, it is incumbent upon the government to fund them to do it. And we are seeing a government who is not prepared to do it.

In the couple of minutes remaining to me, I will touch on the failure of this government again to address the Supreme Court building. Again, it is all right for the government to build itself a bright, shiny, new central office building out in this car park, with an executive wing and a panic room and an air bridge to this building, but when you look at the constraints under which the officers and staff of the Supreme Court work, in a building which is a heritage piece—there is no doubt about it—the air conditioning is appalling, the facilities and the cell facilities are appalling. The issues that we have had with court security have to be addressed in a building which is not fit for that purpose. But the government is on the never-never. “One day we’ll get around to the Supreme Court building.” They have to make some decisions but they cannot make decisions while they have actually focused all their money on a \$432 million house of hubris out in the car park here.

The people of the ACT, the institutions of the ACT, deserve much more attention from the government and the government should be paying much more attention to the institutions that make this community work rather than building a gold-plated office block for themselves.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister

for Police and Emergency Services) (9.05): I thank members for their contribution to the debate on this important appropriation this evening. The government's initiatives in the Justice and Community Safety Directorate again indicate its strong commitment to the delivery of better services, expanded services to deliver a safer Canberra and a fairer Canberra for all its citizens.

It is a significant investment in this budget which has largely been ignored by all of the opposition speakers. In particular, the investment in our emergency services is a very important investment. Thirty front-line ambulance service paramedics, five new ambulances and updated equipment are provided to increase service delivery as we see increased demand for services for our ambulance service. An amount of \$22.5 million has been provided over four years to ensure that our ambulance services continue to be able to meet the growing demand in our community.

Of course, there is also additional money to recruit and train firefighters, with \$1.1 million to recruit and train 32 new firefighters for the ACT Fire Brigade. This anticipates a significant level of retirement in the fire brigade in the coming years. There is new equipment for our fire brigade, including upgraded safety and breathing apparatus and equipment to respond to hazardous materials, with \$2 million being provided over the next four years.

Of course, there is also the very important work of preparing the ground for where new emergency service stations go over the next five, 10 or 15 years. There is a need to comprehensively readjust where our fire and ambulance stations are to make sure that they are able to meet demand in the future.

The government has completed all of its analysis now in relation to where the best locations are to maintain and improve fire and ambulance cover for the city as it continues to grow. The funding in this year's budget, \$4 million, will allow government first of all to engage with the community, explain the results of the analysis and what the options are, and undertake detailed analysis of individual sites. All this due diligence needs to be done before the design work can commence. This is an important body of work. I am very pleased that the government has agreed to funding for this significant medium to long-term task of upgrading and relocating all of our fire and ambulance stations across the territory.

The government is also providing additional capacity for the Emergency Services Agency communication centre, upgrades to equipment as existing pieces of software and hardware reach the end of their operational lives and new capacity for the State Emergency Service to deal with flooding incidents with new high capacity pumping equipment to deal with flooded buildings and other such situations.

I turn to the justice side of the equation. There is no doubt that the delivery of justice services remains a challenge. We continue to see serious concerns in relation to delays in our Supreme Court. It is not for lack of trying on the part of the government as to how we try to resolve these issues. The government maintains its very strong position that fundamental structural reform of the way our courts operate is essential if, in the medium to long term, we are going to be able to address the problems with listing, delays and the hearing of matters in our courts, particularly in the Supreme Court.

The reluctance of other parties in this place to accept structural reform remains a serious concern for me. I think only in time will other parties recognise that structural reform is required. With that said, important work continues to be done. I am very pleased that the Supreme Court, represented by Her Honour Justice Penfold and the director-general of my directorate, Ms Lee, are currently finalising the review of listing practice in the Supreme Court. I hope it will identify new ways to manage listing and undertake listing practice in the court which can improve the efficiency of the court and deliver more timely access to justice as a result.

Turning to some of the critiques raised by other members in the debate tonight, in relation to community legal centres, the government is sympathetic to the circumstances of the community legal centres. That is why we have provided them with practical assistance in terms of the repair, upgrade and some modification to their existing premises to accommodate additional personnel and additional space at other locations such as north Lyneham.

We will continue to engage in this. But as I said in the estimates committee process, the choice I had as attorney when it came to the justice portfolio was a stark one: demand for additional legal aid services and the need to provide funding for that or demands for money to pay for rent and buildings. Quite simply, for me it is no contest. I am quite up-front about that. The delivery of additional resources for legal aid services must come first because that is direct practical assistance to people needing legal representation.

Whilst I understand that the accommodation pressures on the community legal centres are a real and legitimate concern to them, I cannot put money for buildings and rent ahead of money to provide additional support for legal aid services. That remains my position. We will continue to identify every possible avenue to assist the community legal centres but in the difficult context of prioritising funding in the budget process, I am confident that we have taken the right decision.

I turn to the issue of the Alexander Maconochie Centre. There is no doubt that the Alexander Maconochie Centre has faced a challenging period during its first year or so of operations. This was to be expected. But as the report by Mr Hamburger confirms, the government has managed the transition well. We have been able to deliver a world-class facility which, whilst not without its challenges and problems, has delivered a safe and secure operational environment and is delivering on many of the elements of the objectives to deliver rehabilitation and world-class human rights compliant capacity in the first 12 months of this centre's operation.

Of course, additional funding is being provided to assist with identifying and rectifying a number of the issues raised by Mr Hamburger in his report. They include issues around enhancing security systems and the delivery of improved staffing arrangements. These areas are being funded in this budget. The government, as members would know, has agreed in principle to all of the recommendations made by Mr Hamburger.

That, I think, shows the government's commitment to addressing this issue seriously and to progressing it consistently. I think the work of the new executive director of Corrective Services and her team, along with the other members of the AMC task force which I established following the receipt of Mr Hamburger's report, is standing us in good stead. I thank them for their work and we will continue to use their advice and guidance as we move forward with the implementation of all of those issues. The Justice and Community Safety budget is a strong budget for Canberra, a strong budget for a safer and more just community. I thank members for their support of it.

Finally, Mr Speaker, I think there is one project that is very much worth mentioning. It is often passed over. The government is close to completing the delivery of the new forensic medical centre for the ACT, or the morgue as it is more ubiquitously known. I do not know whether any members have visited the existing morgue, the Kingston forensic medical centre. It is an extremely old, dilapidated facility.

When I first became minister I visited the Kingston facility. I was very concerned to see the state of that facility that was developed back in the 1960s. I could not imagine being a relative of somebody who was deceased, being taken to that facility and having to deal with the physical surrounds of that facility. The staff at the Kingston forensic medical centre do an outstanding job. I am referring to the ACT Policing liaison officers who are based there as well as the forensic medical technicians and the forensic pathologists. But it was overwhelmingly time for a new facility.

I was pleased to visit that new facility in the Phillip area earlier this year when it was under construction. This new forensic medical centre is in a much more central location. It will be a modern facility and I am very pleased that in this budget we provide an additional \$1.5 million to finalise the procurement of the equipment needed for that facility to commence its operations.

The delivery of that facility will provide greatly enhanced facilities for the bereaved families and friends. I am very proud of that effort. Proper quiet spaces, proper viewing rooms to view the deceased, proper counselling spaces are, I think, absolutely essential when families of the deceased and friends of the deceased face the horrible prospect of having to go to the forensic centre to identify a loved one or to view the body of a loved one.

That is something which I am confident is going to improve the level of service delivery for people in those circumstances. I am very pleased that we are providing the funding to complete that last piece of work to see that centre open later this year. I commend the appropriation to the Assembly.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.13—Sustainable Development Directorate—\$73,992,000 (net cost of outputs), \$25,946,000 (capital injection) and \$1,693,000 (payments on behalf of the territory), totalling \$101,631,000.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (9.18): I move amendment No 3 circulated in my

name [see schedule 1 at page 3176]. This just substitutes the new name for the Environment and Sustainable Development Directorate. That is all this amendment does.

MS LE COUTEUR (Molonglo) (9.18): There are a lot of issues to talk about in our newly named directorate—the Environment and Sustainable Development Directorate. It includes, of course, ACTPLA and, of course, also the old DECEEW. But I will start with the heritage area. Given the two recent fires which destroyed the heritage-listed Diamant Hotel and the services club and the vandalism of the hut at Hume, I am quite concerned about the state of heritage preservation in the ACT.

I note again that the government has done very little to assist the Heritage Council to address its still 10-year backlog of heritage listing nominations. It would seem that the recent move of heritage into the sustainable development directorate is not going to help matters. I am disappointed to see that the government has not as yet responded to the Heritage Act review, and, in particular, to the recommendation that a full-time heritage compliance officer be funded, because it is a substantial issue.

Moving on to waste, I will start by re-expressing my disappointment that there is currently no waste policy and there has not been one for almost two years. As flagged in my speech for the TAMS directorate on Tuesday night, I am disappointed that the sustainable waste strategy is not due to be released now until October or so this year. The distinct downward trend of resource recovery figures clearly shows what not having a strategy has done to the ACT. We are seeing the impact of not having properly addressed waste over the last five or six years. We need a new waste strategy which reflects current best practice and technology. We are getting tired of the environmental rhetoric we hear from the government in relation to waste. We want to see some actual, real commitments to achieving outcomes.

As this budget clearly shows, there has been a further decrease in recycling rates and a further increase in waste per capita. The Greens have put forward a range of recommendations in our submission to the draft ACT sustainable waste strategy. Our recommendations take a source-separation approach to recycling where items are separated into different containers by the resident or by the business. This is distinct from the government's proposal to continue the current mixed or dirty MRF processing approach.

Source separation means that you can recover clean items and organics for recycling, which allows them to be recycled for the highest use. We have for a long time promoted the benefits of introducing a third bin for organics collection. This is an excellent and easy-to-implement example of source separation—separating organics at source is vastly superior to recovering organic matter in a dirty MRF, where any organic material recovered tends to be contaminated.

We would also like to remind the Labor Party—as we have on many occasions—about the Greens-Labor Party parliamentary agreement, which calls on the government to conduct a trial of organic waste collection. That is part of our calls for the government's new waste strategy. Other recommendations include the government introducing public-place recycling so as to maximise the recovery of

source-separated recyclables from town centres and events. We note with pleasure the limited one-year trial, but we think this should be permanent.

We are pleased to hear that the budget addresses some of the toxic issues, such as light bulbs and battery drop-off places. The strategy, however, should consider windrow composting instead of just focusing on expensive technologies which cannot provide the same environmental benefits.

I will now move to urban trees. I was delighted—the Greens were delighted—that the ACT Commissioner for the Environment and Sustainability's report on tree management practices and the renewal of Canberra's urban forest was released earlier this year. We strongly support the report's recommendations. Indeed, I wrote to the commissioner back in 2009 asking that she consider conducting this investigation.

We are pleased the government has responded favourably to the report and is now taking steps to fund some of the recommendations. We would, however, like to see a detailed plan and timetable for the implementation proposals presented from the government for the take-up of all the recommendations.

I would now like to move on to planning and ACTPLA. With the new administrative arrangements, the Greens are, of course, very pleased that we will see at last sustainable planning and sustainable transport and environmental issues all in one directorate. These three are so interrelated, and it was really a problem how it was before. This should be a better way of addressing the government's concerns and, indeed, those of the community and the Greens' overarching environmental concerns. But it is important to retain the independence of the planning authority in regard to development assessment.

I fear that making the Director of the Environment and Sustainable Development Directorate also the chief planning executive could send the message to the public that ACTPLA is just a normal directorate, totally subject to government direction, including on DAs. We have had a very strong regime in the past few years that DAs are independent. It is important that the distinction between a directorate head and a chief planning executive—who have quite different roles—is maintained.

I was recently reminded of this, because I was advising a constituent about what they could do about a tree removal which they felt was illegal. It was connected to a DA, and I was shocked to realise that, of course, the conservator of trees is now also the Chief Planning Executive. I am not quite sure how he separates the two halves of his brain on this one.

Moving on to happier areas, the building quality forum seems to have been quite a productive process, although there are still a few outstanding and unresolved issues. I am glad it has resulted in a review of the Building Act, and I understand this review will be broader than just building quality. I was very pleased to hear in the estimates process that it will be addressing the energy use of existing buildings. Given that stationary energy use is around 73 per cent of the ACT's energy use and greenhouse gas emissions, this is really important.

Another key issue of interest to me is building notification, and, in particular, in local neighbourhoods when demolition is about to take place. I believe the government are going to address these in their foreshadowed legislative changes to planning notifications and consultations which will be happening in the second half of this year.

In terms of planning, one of the things that we need to discuss is the eastern employment corridor, otherwise known as the eastern broadacre study. We need to make sure the government is not putting the cart before the horse. It is important that we prioritise the high conservation value areas first, ensure that all environmental studies have been done, and ensure that areas that need protection are protected, especially the areas that are key to ecological connectivity. The Greens also believe we should put aside some areas within Majura valley and along the Molonglo River corridor for agricultural purposes.

Another priority for the Greens is for the government to develop its green economy strategy and determine uses for the corridor which are consistent with this. It is hard to know what the key land use purposes might be when you do not really have a strategy for how we are going to develop our economy into the long term. But there are two things that seem to be coming clearly from the government as their strategy, firstly, their support for Canberra airport becoming a 24 hour freight hub, despite significant community concern and calls for a curfew, which ties into their second priority—their support for the Majura parkway, which we debated at some considerable length last week in the Assembly.

The Greens support ACTPLA looking further into an urban development sequence for affordable housing, but we would like to see as a part of this focus on delivering a broader range of housing types—affordable housing, community housing and public housing. I reiterate the Greens' commitment to 10 per cent public housing in all our new developments. Without that, we will not be able to keep our numbers up.

I would also like to reiterate, of course, the Greens' concerns about proposed developments in Kenny and Throsby. The proposal for Throsby, in particular, is ecologically unsound, as it juts out into Mulligans Flat and Goorooyaroo nature reserves, exacerbating the edge effects on the nature reserves through the increase of human beings and human settlement next to them. The planning committee inquiry of 2005 recommended that the suburban boundary for Throsby be pulled right back, and we support that. But I understand that the government is still considering how far it will pull back on this. This has not, as yet, been determined. We also understand that there is a high level of superb parrot habitat in Throsby, and this should be an ecological priority for the government.

Just across the road at Kenny there are a few environmental issues as well. (*Second speaking period taken.*) There are some very large trees in Kenny which must be exceptional bird habitat, and I understand that environmental studies are about to be conducted. I also understand this is one of the highest densities of striped legless lizards known in natural temperate grassland, and this needs to be considered.

With master planning, I was very glad to see the government responded to our calls for funding for additional master plans to be undertaken each year. The master plans are focused on town centres, rural villages and transport corridors. This, of course, goes hand in hand with the prioritisation of which areas need master plans as a matter of urgency as there are many places across Canberra calling for them. I understand that ACTPLA does not have the resources to do them all at once.

In terms of rural villages, the master planning needs to be undertaken in conjunction with planning for tourism, as maintaining our rural villages is more complex than simply the planning infrastructure. There is still the outstanding issue of how best to deal with local planning and consultation and how to replace the neighbourhood planning process. I understand some of the government's reluctance to reinstate that process, but we cannot totally leave a gap there. People are concerned about what is happening in their suburbs, and we need to have some progress on that.

As to transport corridors, I note there seems to be some confusion about what exactly a transport corridor is. This concern should be rectified as a priority. I think all parties in the Assembly agree that we need to be developing higher density, better services and better transport along transport corridors, but it is not clear exactly what we are talking about.

If you look at the territory plan, there are only four areas which are deemed to be transport corridors, and they do not align with the areas that the new minister for both transport and planning has named, and they do not align with the public transport priority routes in the strategic network plan. Now that we have the new directorate which combines planning and transport, I hope we will see some revision of this and some alignment of these in the territory plan in times soon to come. In particular, it would be very good if this issue was clarified so we had a clear policy which we could use for emissions under the lease variation charge.

Looking at supermarket policy, I am still unclear as to how this is being applied and what ACTPLA's role in this may be, especially for DAs. We have asked questions on notice about small business impact statement requirements for development applications, but it has been quite difficult to find information about what exactly the requirements are and what level of analysis has been done. I am not convinced that our planning system is well equipped to analyse and deal with the impacts at present. This is unfortunate, because there is clearly a fair amount of small business turnover in the ACT. I imagine that some of this is due to new developments being approved inappropriately in some cases. But without clear information, it is very hard to be sure what is going on.

I am also interested in the role of the new government architect, and I would like to say more about it. But, sadly, this is another issue where both the Liberal Party and the Greens put questions on notice and neither of us has received an answer as yet.

The Greens are very supportive of sustainability showcase developments such as Eastlake, and we hope the soil contamination issues can be easily and cheaply resolved both in terms of remediation and gaining fair funding and compensation for

it. It is a great site for such a development—it is on a transport corridor, and the plans that ACTPLA were producing sounded really interesting and exciting. It clearly would have been the most sustainable part of Canberra. But one issue that I am not sure has been well picked up is affordable housing and social housing, and I hope that that will be added to the mix in Eastlake in the further development.

With lease compliance, I am glad to see that there has been some funding for this as there are many sites around Canberra in various stages of development, non-development or not quite legal use. I understand it is a lot of work for ACTPLA to chase them all up and that, legally, the onus is on the landowner to ensure they are using the site to its lease purpose clauses.

Yesterday I outlined a range of issues around the LDA's development in Molonglo—and I will refer ACTPLA to these—but there are still some additional issues which I wish to elaborate on from the ACTPLA point of view. I am seriously troubled about the level of pressure on ACTPLA to ensure there are sufficient land releases—ie, 300 dwellings expected in the next round. I hope it is neither tempting nor forcing them to skip proper strategic and environmental planning processes. I understand that Molonglo stage 2 will, at least in the interim, basically consist of the bits of Molonglo which can be developed and which are not waiting for more environmental approvals.

The lack of transparency around the strategic environmental assessment process and federal EPBC referral, advice and correspondence—which appear to be totally publicly unavailable—is unacceptable. I have had significant representations from community groups saying the same thing. I also point out the lack of commitment to a cycle highway, despite agreement in principle, and I understand the government appreciates the benefits that would flow through not just for Molonglo residents but for those in Weston Creek, Curtin and Yarralumla.

Last but not least, I come to one of my interests—energy efficiency and wider sustainability issues in the built form. ACTPLA, unfortunately, has rejected the idea of a sustainability assessor like the LDA has for Molonglo, as they say they are not developers. They are not developers, but they are a planning agency and they have an approval role for the houses and other buildings in the ACT. ACTPLA should be playing a central role in ensuring that development applications at the very least meet minimum environmental requirements. In fact, they should be assisting in meeting the ACT's environmental goals, such as greenhouse gas reductions.

If ACTPLA played a stronger pre-application role, they could promote and suggest what are sometimes simple improvements, such as reducing the number of western windows, facing a development to the north and things like that. At the design stage, these are simple, cheap and cost effective. Instead, ACTPLA plays a hands-off role unless a DA does not meet minimum requirements. This is something which ultimately helps no-one, least of all the homeowner or building owner. There will be a further element of sustainability assessment required for the application of the lease variation charge remissions and exemptions, so this is another reason why ACTPLA will need more sustainability expertise.

On this subject, I seriously welcome that the planning directorate finally gets the significant financial tools with which to guide developments. This is all I am going to say about the lease variation charge, because we have spoken about it at such length in the Assembly over the past couple of years.

Moving on to energy efficiency ratings, I am really, really pleased to see that finally there is funding in this budget for auditing EER statements so that they better reflect reality. This has been an area of considerable public concern, both from the point of view of new houses and the sale of premises. As I outlined in my motion last week on energy efficiency ratings, there is still more to do. On-site auditing which is what I understand a fair proportion of the funding is for, needs to be better. We need to have better and clearer procedures or guidance for people who are doing the sale of premises inspections to see that they do the inspections properly and work out whether there is, in fact, insulation in the walls or the ceilings. What is in the plans is not always the reality. Sometimes the reality is better; sometimes it is worse. I am glad the new COLA legislation should mean there is more alignment between the HERS system for new houses and the sale of premises for existing houses.

There is a significant lack of data collection. It would be really useful to know what level of energy rating ACT's housing stock generally has overall and by breakdown of housing types. In terms of trying to develop good greenhouse gas policy, we need to know that. I am looking forward to seeing what sort of breakdowns we get from the ICRC's first report on ACT's annual emissions, because this should be part of it.

This is an area where there could be some coordination with Actew about the level of energy use, because this will be on people's energy bills. I would also like to see the Environment and Sustainable Development Directorate finalise the requirements for COLA-EER assessors under the legislation which was recently passed.

Mr Speaker, there is always more to say on these matters, but as I have only a second or two left, I will finish at this point.

MR COE (Ginninderra) (9.38): I do not intend to speak for very long on this part of the budget because it is such a broad portfolio and there are a number of shadows that do touch on this directorate.

The heritage portfolio, and the heritage unit, has been shuffled around a fair bit of late. It went from TAMS into the Chief Minister's department and now into the sustainable development directorate, all in the space of about a year, which is considerable movement and considerable uncertainty for the unit. I do hope that finally it will be given the certainty that it deserves.

I welcome recommendation 189 in the estimates committee report which suggests that a separate output class should be created for the heritage unit. As it stands at the moment, there is very little in the budget with regard to the heritage unit, which makes it very hard to scrutinise from opposition or from the community at large. So I think the creation of an output class would help to raise that level of transparency.

Ms Le Couteur and others have touched on the backlog within the Heritage Council with regard to heritage assessments. My understanding is that a considerable cause of that backlog is because at some point in time, I think a few years ago, it was extremely easy to nominate certain sites for heritage assessment. Because of that, there really is insufficient information for a number of those applications.

This government need to make it very clear whether those applications on the table at the moment for heritage listings are actually going to stand, whether they are actually going to cull some of those applications or at least contact the people that submitted them and say whether they require more information so that they will actually be assessed in full. But that is a decision this government have to make. I think it is a decision this government have been putting off for a while. I hope, now that we do have a new minister, that this minister will make that tough decision and will lighten the load of the council.

Finally, I want to put on the record my thanks to the heritage unit for the great work they do in putting on the heritage festival in particular. The heritage few weeks is a fantastic time in Canberra and it is a great opportunity to showcase the heritage we do have. I think it is important to remember that heritage does not necessarily mean locking up and leaving sites and that it is possible to actually remove some heritage listed buildings, as long as we appropriately preserve the heritage value of that site. And it is not necessarily by keeping the actual building; it could be through oral history, photographs or any other medium.

It is important to note that we have to have a robust heritage policy which is realistic and one that does truly capture the heritage value rather than simply locking up sites and leaving them. If we do choose to keep the sites, we have to make sure they are protected properly and that they are enforced by compliance officers such that the value is ensured for future generations.

MR SESELJA (Molonglo—Leader of the Opposition) (9.42): I would like to speak about a few things in this area. I would like to start by paying tribute to Neil Savery. Neil is someone who I often disagree with on policy and certain directions, but I always respected him. I have always respected the work that he has done. I have respected his contribution to the ACT community and to planning in the ACT. I know that he is well regarded around the nation for the role that he plays. So I would just like to put on record my appreciation for the significant contribution that he has made over a number of years in that very important role.

It is probably worth, on that note, talking about some of the changes in planning. The Hawke review certainly identified that there are serious structural issues with planning. I am not sure that they have got all of the fix right, I have to say. I think that the role of ACTPLA and the role of the chief planner now is an area where they have got it wrong.

Effectively, the role is being relegated, in that it will be a delegated position. Whilst the head of the directorate will now technically be the chief planner, of course, the head of the directorate is not a planner and that is not their chief role. I think that is, in

some ways, downgrading the role of the chief planner, and that is unfortunate. I do not think that will actually lead to better outcomes. Planning is about a lot of things; environmental issues are one aspect of planning. It seems that it is now going to become primarily an environmental focus, which is only one, albeit a very important, aspect of the planning process. I put on record our concerns about that particular direction that has come out of the Hawke review.

The Hawke review did characterise ACTPLA and the planning arrangements very poorly. In fact, it said that the current arrangements in relation to land and planning are at best hindering, if not actively obstructing and frustrating, achievement of the government's priorities. This is the minister who put that in place. Minister Corbell actually put these arrangements in place. He set up the LDA and ACTPLA, and now that is being dismantled. There is going to be real tension there, with the man who put the arrangements in place but who is now being told they have to be dismantled, and as to how that will actually work.

I am not sure that the government has got that right and I do really express concerns about where this will go. I think that having as chief planner someone who does not have planning qualifications is a mistake. I do not think that is a sensible way forward for our planning system.

I raise something that follows on from that. I think the government is very much on notice now that we cannot see any more of these massive cost blow-outs. ACTPLA was of course involved with one of those—that is, the north Weston pond project. This is another \$20-odd million that the community has lost—\$20-odd million that could have been spent on so many important community projects and which has been lost because of poor planning and poor risk assessment.

We have spoken a little bit about this Auditor-General's report but it is one of the more damning reports. It says:

ACT Government agencies did not effectively manage the North Weston Pond project to ensure the project was completed for the budgeted cost within the planned timeframe. The project has required significant redesign to address escalating costs due to risks that were known at the earliest stages of the project.

I think it is worth reflecting on the fact that these risks were known and they were not properly addressed; they were not properly dealt with. This kind of poor risk management leads to large cost blow-outs. So the government is on notice. It has had warning after warning after warning from the Auditor-General. The minister now needs to really demonstrate—and I think it would be worth having a significant ministerial statement from Mr Corbell at some point. He should come in and say, "This is what we've learnt about projects."

It is not just the north Weston pond project. The ponds in Lyneham project has blown out as well. And there are so many other projects. We have seen the ESA, the latest with the fire shed and the ESA headquarters. I think it would be worth the planning minister, and other ministers but particularly in this case the planning minister, coming out with a ministerial statement that actually said what is going to be done

differently now. What are the procedures? What have we learnt? What has the government learnt?

We have to be able to learn from these mistakes. We cannot just continue to accept that a \$20 million blow-out here and a \$50 million blow-out there is par for the course. Budgets should be kept to; budgets should only rarely be exceeded. That should be in extraordinary circumstances. That should be due to factors outside the government's control. It should not be just standard, and it has become standard, particularly for this minister.

I call on the minister to come to the Assembly in the next couple of months and make a major ministerial statement about improved processes within his agencies, particularly about the delivery of major projects. I think there should be a better coordinated approach at a whole-of-government level to major projects. So perhaps the Chief Minister could make a statement saying how that process is going to be led, because I think the taxpayers deserve that. They deserve a government that learns from its mistakes, and there have been a lot of them. Some of them go back many years and some of them are very recent. The Auditor-General has put it on notice and we would put it on notice that it needs to show us how it is going to do it better. I think the community is sick of the excuses in relation to these cost blow-outs.

During the hearings it became apparent that Dame Pattie Menzies House has been upgraded by ACTPLA to a 4½ NABERS rating. Mr Savery said in the hearing:

As the minister has indicated, Dame Pattie Menzies was one of those that were deemed as an appropriate location where we could achieve certain targets and still get a return to government. We are saving in excess of 25 per cent of our power bills as a result of the enhancements that we have made, plus we have improved the amenity for workers, which improves productivity.

The government have been using a lot of excuses. They have tried to characterise it as, "Well, you either build this new building or everyone can be in shocking accommodation." That is the sort of approach this government have taken. Dame Pattie Menzies House, I guess through the leadership of Neil Savery, has actually shown that that is not the choice, necessarily. You can actually have an environmentally friendly building, you can have comfortable accommodation, without necessarily building a \$400 million office block.

There are lots of options. I think that the government, on the one hand, are quite embarrassed about the fact that they have not invested in any of their stock for all of these years. In fact, the other really interesting thing about their office project is that if the office project is what they go ahead with, they are saying to all of those public servants, "We're going to put you in better accommodation." Good luck, because you will get better accommodation apparently under this government if you are there in six years time; then you might get better accommodation.

I do not think there are many public servants in the ACT who are going to be holding out for the prospect that in six years time maybe they will get better accommodation. Of course, in the meantime they are being told, "You can put up with the current standard of accommodation." So there is going to be a real contradiction there if the

government do pursue this project, in talking about the fact that it is outrageous that public servants are in this kind of accommodation, yet they are going to subject them to it for another six years. So they obviously do not care that much. There would be much quicker and better ways of actually getting them into better accommodation—much cheaper ways as well, of getting them into much better accommodation.

But they have chosen an “all or nothing” approach. They have said, “You’re going to have rubbish accommodation until we build this \$430 million monolith.” (*Second speaking period taken.*) So there is a real contradiction there in the approach that they claim is about improving public servants’ accommodation, but not yet—not for at least six years, and of course that is if they are able to deliver it in that time.

I want to talk a little bit again about the solar feed-in tariff. We have obviously discussed it today. This is a program which really has been very poorly handled, to the extent that the Assembly has now had to clean up this mess. The minister really showed just how little he understands his own scheme, confusing things like the installed capacity with the actual output, and not understanding the way the program works when you lower the rate and when you change the rate, and what that actually means.

The minister showed in the debate today that he does not actually understand it. I received an email today from some disgruntled punters. They really were frustrated by the way this has been handled. They feel that they are some of the people who have really missed out as a result of this scheme. I will read part of the email from the individuals. There is an email to me and there is an email, which they have forwarded, to Mr Corbell. They say:

We felt like we have been treated unfairly after we have invested so many weekends researching and gaining quotes, not to mention the various companies’ time we have now wasted. We know you are a busy man, however the below three emails paint a pretty average picture of how the ACT Labor Party really treat their community, almost with contempt. We are not sure exactly what specific issue you are following up with the PV tariff matter, we just thought this may have helped.

They have attached some of their emails. Here is one to Mr Corbell:

We are emailing to state we are extremely disappointed and very much exasperated by the recent decision to stop the PV feed-in tariff so abruptly for micro-systems. On the Monday there was a warning that the micro cap might end in the papers, then according to your media release, exactly on midnight of 31 March, the cap was reached.

I think they meant 31 May. The email continues:

You wrote to my wife and I in April, espousing the benefits and importance of keeping the feed-in tariff at 45.7 cents, then just 8 weeks later the cap is reached and without any notice and the micro rebate is finished. We take back our below statements. You and your office have shown no foresight and very little leadership. If you are responsible for managing a cap, good management means you keep your eye on the ball and progressively see how it is developing so you can report back to the community where it is up to. Clearly your office dropped the ball on that one.

I think that is amazingly succinctly put by people in the community who have missed out. So we have heard from businesses who have been treated poorly because of the way this has been handled and now we hear from members of the community who are looking to take up the scheme who, again, were given assurances from the minister, given indications from the minister, that it was all going to be okay.

That goes to the heart of it. Of course they say they “take back our below statements”, because they had sent a very congratulatory email to Mr Corbell earlier, commending him for his work, and saying just how impressed they were with him. Of course, they were sadly let down. I repeat part of the email:

If you are responsible for managing a cap, good management means you keep your eye on the ball and progressively see how it is developing so you can report back to your community where it is up to. Clearly your office dropped the ball on that one.

I think that that very succinctly sums up just how badly this has been handled. It is another example—and I received that just this evening—of when you manage these things badly and many people get disaffected, whether it is people looking to take up the scheme or whether it is people in the industries, and that is why we had a situation where we had to fix the mess.

In summary on that, I think there are still some ongoing issues. The point that is made by the individuals there is a good one, because now the minister is going to have that same task—to manage it and keep his eye on the ball. We have put in some legislation that will hopefully help that to be a more transparent process and will encourage the minister and force the minister to be more open. But it is time for the minister to actually back that up.

Coming back to the blow-out in regard to the north Weston pond, I reiterate that I think it would be very useful if we could have some statements from ministers, particularly the planning minister, very soon, showing what new direction there is going to be in the delivery of projects so that Canberrans do not have to continue to pay for the very wasteful blow-outs that we have seen over many years, particularly under the leadership of Simon Corbell.

MS BRESNAN (Brindabella) (9.58): I will make some brief comments on this directorate in relation to two particular areas. The first is transport planning, which is a new and specific portfolio responsibility under this directorate. I spoke at some length about transport on Tuesday during the discussions on the TAMS portfolio. At that time, I noted some of the encouraging signs in the budget in terms of transport planning, including various items that the Greens have discussed with the government, particularly leading up to the budget, and other initiatives which included items such as the design of Adelaide Avenue bus stops, new bus interchanges and various extensions of the bus network.

I want to emphasise again what a critical area transport planning is for our city. The impacts of our transportation system on our city and the environment are wide-ranging. They are not just environmental; they are also social and economic.

Transport planning also has very long-term effects. It will affect our city now and for future generations to come. As the minister recently said, the high level of car use we have in Canberra today is partly due to the network of roads that has been pursued by planners in Canberra in the past. In the last few weeks I have said a number of times that the Greens hold serious concerns about some aspects of the government's approach to transport planning.

One issue that is very relevant to transport planning is, of course, the Majura freeway project. The Greens introduced a motion in the Assembly last week which would have required an independent expert in sustainable transport planning to examine the impact that the Majura freeway project would have on Canberra in a number of relevant areas, areas that have so far remained unexamined. The government and the Canberra Liberals did not support this.

The scrutiny the Greens are asking for goes to the heart of the ACT's transport planning. Transport planning is now an explicit portfolio responsibility, as I have already said, in this new directorate. Therefore, it reinforces its importance. Yesterday in question time Ms Hunter asked the minister why he would not support the independent examination of the Majura parkway project. He said:

I am not going to accept that an independent expert, whoever that is—the independent expert appointed by the Greens on this issue. I could have a bit of a guess about who they would want to appoint. We are not interested in adopting an approach set up by the Greens to justify their particular ideological position in relation to arterial road provision.

I do not recall the Greens ever suggesting that we would have control of this process and somehow appoint our own expert. Nevertheless, I think it would have been good if we actually had passed this motion in this place. We could have someone who we would not be appointing ourselves—that is, that the Greens would not be appointing themselves—looking into this issue.

The other worrying issue is the repeated assertion that building a new freeway through the Majura valley would have no impact on transport modal shift or on greenhouse emissions. I would welcome the minister elaborating on this position and providing his argument or evidence on this.

A recent study conducted by the Institute of Transport Economics on commission from the Norwegian public roads administration concluded that road construction increases greenhouse gas emission. Part of the reason for this it was concluded was that road building changes the modal split in favour of the private car at the expense of other sustainable transport options.

I think that if we are going to actually have a sensible and sustainable approach to this new portfolio area of transport planning, the government needs to accept and acknowledge the impacts caused by transport planning decisions.

I also wish to make some comments about wood heaters and wood smoke pollution. This is an area in which the government has taken action but where further work

needs to occur. I acknowledge that there is certainly some action from the government, as I already said, on wood smoke issues. That has been in response to a motion from the Greens.

Firstly, the wood heater replacement program should be extended to energy sources other than gas, provided these are efficient sources. Five per cent of Canberra's residents are not connected to gas mains, meaning that it is not an option for them. I was pleased to learn through the estimates process that the government is pursuing such an option with ActewAGL distribution.

Secondly, the ACT needs to improve its smoke emission standards for wood heaters. I understand that there is a national process taking place. However, we know these processes can take some time. Adopting the New Zealand model of increasing emission standards would be one I would ask the government to lobby for. This is something that the Greens have done and will do. We would also ask that the government consider mobile air quality monitoring in the future as the current monitoring may not give an accurate reading of pockets where wood smoke accumulates.

MRS DUNNE (Ginninderra) (10.03): I will comment on a just a few elements of the Environment and Sustainable Development Directorate. Firstly, there are three matters worth noting in relation to the inner north stormwater reticulation network. Firstly, the budget allocates \$7.5 million to fix up engineering problems with the network, in this case to replace reticulation pipes and other assets which were considered to be too small.

Once again, Mr Corbell has oversight of a capital works project that has run well over budget because of poor planning and a lack of attention to detail and design work. I wonder whether Mr Corbell will ever be able to deliver a capital works project on time and on budget. You have to remember that "on time and on budget" was Mr Corbell's catchphrase when he was promising to deliver the GDE back in 2002.

Secondly, in the 2009-10 budget Mr Corbell announced that the ACT government was spending \$13.9 million for the Dickson and Lyneham ponds and \$10.2 million from the commonwealth for the Flemington ponds. One can only wonder if Mr Corbell would have persisted with the project had the commonwealth not come to the party to such an extent.

Would Mr Corbell, like his boss in relation to the Majura parkway, have gone ahead with the Dickson and Lyneham ponds anyhow on a gamble that the commonwealth would kick the tin later in the piece or would he simply have given up and just taken the plug out of the bottom of the ACT's capital works piggy bank? The project certainly would have fallen far short of its intended purpose had the Flemington Road pond not been part of it. In the end the total project cost now stands at \$31.6 million, a considerable cost, but for what?

This brings me to the third point on this topic. This government is spending \$31.6 million of taxpayers' money on a pet project of Mr Corbell's. Let's be frank: all of it is coming from the pockets of either the ACT or commonwealth taxpayers. He

says that it will save potable water because the water captured in the network that is set up between Dickson, Lyneham and Mitchell will be able to be used for irrigation of playing fields and the like throughout the districts.

This is indeed a positive, Madam Assistant Speaker. It certainly addresses some of the issues associated with the environmental and social aspects of this project, although I do wonder how the local residents in Dickson and Lyneham might feel about the likelihood of mosquitoes, snakes and other fauna taking up residence in the vicinity of the ponds, particularly in Dickson and Lyneham. I have had feedback from people, especially around the Lyneham pond, who are concerned about these issues. There is a childcare centre in the area that has voiced these concerns with me. The president has raised it on a number of occasions, together with the current disruption to the centre being brought about by the works there.

While Mr Corbell is trumpeting the environmental and social benefits of this project, he has failed to properly assess the economic benefit of the project. He does not know how much he will be charging for the water that is to be extracted from the network. He has not assessed the likely demand. It is unclear whether the ICRC is taking the commonwealth contribution or the over-budget funding into consideration for working out this price. He does not know what impact the Murray-Darling Basin plan might have on the ability of the territory to capture water in a network. As is typical, we have got Mr Corbell only doing half the work before putting his hands into the pockets of taxpayers. In this case it is the planning, design and economic benefit analysis that have been left out of the equation.

I turn to the Murray-Darling Basin plan. As we know, this is very much a vexed issue across the entire basin. It could have serious consequences for the economic, social and environmental fabric of our community here in the ACT. Much has been said already about this and I will not repeat it here, except to say that it was the Canberra Liberals that took the lead on this issue when the guide to the proposed plan was released in October last year. Mr Corbell remained mute for a considerable period until he realised that the Canberra Liberals' assessment of the issue was right on.

One of the other matters on which the Canberra Liberals took the lead was in making a submission to the Senate legal and constitutional affairs committee's inquiry into the commonwealth Water Act. In that submission I made three recommendations: firstly, that the act be amended to raise in prominence the need to optimise the economic, environmental and social outcomes under the plan so that all three are recognised as equally important. Secondly, that the Water Act 2007 be amended to require the authority in developing the plan to separate the different uses and different diversion rates across the catchment. Thirdly, we submitted that the Water Act be amended to make clear that the critical water needs of the Australian Capital Territory are protected in the same way they were in 1909.

Where was the government in this inquiry? It was nowhere to be seen, Madam Assistant Speaker. I actually did the government a favour because I provided the committee with a copy of the government's submission that it made to the Windsor inquiry. I did that because I thought it was a good submission and worthy of support. In doing so, I stated that the submission was the government's work. But Mr Corbell

accused me of plagiarism. That was a disgraceful accusation which I found I had to correct for the record.

Then it came to light in the estimates hearings that the government did not make a submission to the Senate inquiry because of legal advice the minister had received on the ACT's water entitlements under statute. The committee recommended the government table the legal advice but the government has refused. This whole review of entitlements under the Murray-Darling Basin plan is of critical importance to the territory and its people on all fronts. It has attracted much public debate and angst. The issues continue to be surrounded by much uncertainty. For the government to withhold a vital piece of information from the Assembly and the public is contrary to the government's new mantra of openness and transparency.

In the light of that new mantra, I again call on Mr Corbell to table the legal advice. I know it is almost certain that this call will fall on unreceptive ears. That just serves once again to underscore the real ACT Labor government—one of secrecy and opaqueness whose attitude is one of arrogance and that knowledge is power.

Next I want to make brief mention of a series of emails that I have received from residents who are concerned that conservation rangers are being retained within the TAMS portfolio rather than being moved into the Environment and Sustainable Development Directorate. I touched on this yesterday, and it was also touched on in the debate on Mr Smyth's motion about the bushfire unit. Mr Rattenbury also touched on this. Those emails note that the research and planning branch has been moved, creating something of a split in this area. The Conservation Council, one of the directorate's community partners, said:

We are dismayed and outraged at the internal moves within TAMS that are destroying the core of nature conservation and fire management effort in the ACT, we consequently request that all responsibility for nature conservation policy, research and conservation (parks and rural lands) field management be immediately transferred to the Sustainable Development Directorate.

The respected environmentalist, Mr Geoff Butler, also made calls saying, "Now is the time to complete the ACT Sustainable Development Directorate and ensure that all ACT environmental staff are brought within the directorate immediately."

Once again, we have got the minister overseeing a half-baked policy. He is in charge of both directorates. It would be easy for him to take charge and ensure that the right people are housed in the right places. The estimates committee called upon the minister to do this. I do note that that recommendation was not agreed to by the government. I call on the minister to address the issues as matter of urgency. Once again, though, I suspect this call will fall on unreceptive ears.

Finally, I want to comment on the suggestion of the Commissioner for Sustainability and the Environment for an environment levy. I have discussed this with the commissioner and have made a number of suggestions in relation to it. I know that it is a difficult issue because without adequate funding our natural environment will suffer.

The bottom line is this: unless it is carefully and strategically managed, this proposed levy would amount to nothing more than a new tax on the citizens of the ACT. It will be so because the government will use the opportunity to impose a new levy. It may allocate it in the first instance towards the management of our natural environment, but then the money will be spent in other ways. All this will amount to is another impost on the cost of living for Canberra families. *(Second speaking period taken.)*

Madam Assistant Speaker, this government continues to fail the people of Canberra. It cannot deliver capital projects on time or on budget. It cannot take planning through to the end before spending taxpayers' money. It cannot properly assess the costs versus the benefit of its projects. It cannot be open and transparent and it is willing to introduce any new tax it can think of.

It does not care about the impact of its mismanagement on the ACT, on the economy or on the cost of living for Canberra families. It does not care that it is one of the highest taxing governments in the country. It does not care that it squandered the good times, not saving for the hard times.

This government, quite simply, does not care. As an indication of just how little this government cares, I cannot conclude my remarks about this directorate without mentioning the review of Nature Conservation Act. I note that Mr Corbell made no commitment in relation to when the amended legislation will be brought forward. He only said that he would like it to come forward before the end of the current Assembly.

This would mean that we have been through two and half Assemblies and we are still waiting for a review of the Nature Conservation Act, which is probably one of the oldest and most unreviewed pieces of legislation on the statute book. It is a shameful indictment of the Labor government that we have gone so long without a proper review of the Nature Conservation Act. Money has been appropriated for it, but we never see the results of it. This is another waste of money by this Labor government.

MR RATTENBURY (Molonglo) (10.15): This next year we will see the relatively small department of DECCEW rolled into a larger Environment and Sustainable Development Directorate, bringing together climate change and energy policy, water policy, biodiversity policy and urban and transport planning and a few other things besides. The Greens are hoping it will end up including the other half of our biodiversity management, the rangers and field officers who bring their expertise to the management of our natural areas. But we shall see how that eventuates. And certainly the government's response to estimates does not fill me with optimism on that one.

In broad terms, this merging of offices focusing on sustainable development of our city can only be a good thing, as we know that there needs to be a shared agenda to implement sustainability measures properly. And with an ambitious 40 per cent greenhouse target, all sections of government are going to need to be working together and with the community.

This budget puts in place some very useful initiatives in terms of new funding for climate change, water and environment. I would like to commend the government on their initial focus on getting their own house in order and their focus on low income Canberrans who are likely to face the fullest impact of rising energy prices and climate change over the next decades. Those two areas are good places to start and the Greens have been particularly keen to highlight that, as all governments move to address climate change measures, low income and/or disadvantaged families and communities should be protected to the best of our ability, that policies focusing on these groups should come first.

I think that the government in this budget have indicated that they agree with that. And while the job is not done yet, there are two specific measures that are highly commendable: the significant increase in the energy concessions rebate through the directorate of housing and community services budget and the commitment of nearly \$4.5 million over four years to improve the water and energy efficiency for low income households.

This latter measure in particular is a very sensible measure as it sets families up for the future so that they can get some permanent relief from rising electricity prices but it also improves quality of life. As houses are made more energy efficient, they will also be made warmer and more comfortable. This funding starts with a more modest half a million dollars per year but the program expands over a four-year period. It is a sensible wind-up of a program that I hope will be very successful.

Of course the Greens highlighted the emerging discrepancy between the energy concession rebate and the increases over the past six years in energy prices and again we commend the government for responding so positively. Last year's increase in the energy concession rebate was rather more tokenistic but this year the increases have effectively realigned the rebate to the level it was about five or six years ago. And we welcome that. It is the role of governments to protect those in our community who are most disadvantaged and I think this government has been conscious of that around the issue of climate change. That said, there will be more to do.

On that front, I was disappointed that a modest proposal that the Greens put forward to the government this year, indeed an idea from ACTCOSS, to fund an energy advocacy position in the community sector was not funded. The notion here was for someone who could develop expertise on energy policy issues from the perspective of the community sector and strengthen advocacy on behalf of the community in regard to emerging issues such as energy retail deregulation and time-of-use metering. Plus they could also have had an active role in the energy policy development that the government is currently engaged in, although I am somewhat concerned that the government has stopped talking to the community about this project anyway. But I will return to that a little later, as you might imagine.

The other welcome funding this year is \$780,000 over four years for sustainability data management systems that will collect and collate data right across government on water and energy use. This was something that was always going to require some explicit financial commitment. We mentioned in last year's speech on the budget that

before carbon targets were set it was going to be important to see what departments were actually using. The whole thing has been a year late getting started, and of course we are still waiting to see what targets the minister might set for each department.

Indeed, a more recent response from the minister to a question on notice said that carbon budgets would be considered for departments as part of the response to carbon neutrality. Whether they are carbon budgets or greenhouse reductions targets is probably a moot point but I hope this was not a backing away by the minister to the notion of setting emission reductions targets right across government.

However, it is good to see that it is getting started in a comprehensive way in terms of data collection, and we are also looking forward to seeing the report that was completed some time ago by the environment commissioner on the government agencies' environmental assessment reporting. The minister has had that report since October 2010 and I gather the government is due to respond shortly. It would certainly seem well due.

Directly connected to the greenhouse agenda, though not funded from this directorate, is of course the government's green energy purchase. This budget sees an increase in the percentage of green energy the government is purchasing this year, up from 32½ per cent to 37½ per cent. While we are acutely aware that the target of reaching 100 per cent green energy is slipping, we can only be grateful that we are still moving in the right direction. Five per cent this year is better than the 2½ per cent last year. Since the four Greens were elected in 2008 the total percentage has gone from 23 per cent to 37½ per cent. It may be slow progress but at least it is progress. And credit where it is due. It is more progress than the ACT made under the previous Liberal government's commitment to do the very same thing. Of course this percentage is closely linked to increasing energy efficiency. So those carbon budget targets become even more pressing for the government.

The government is progressing, albeit slowly, by getting its own house in order and with some significant movement on tackling those who will be most affected by the impacts of climate change and rising energy prices. This was definitely the two places where it needed to start, and I commend it for doing so.

However, there are significant delays on the water sustainability agenda, and the Greens are becoming quite dismayed at the speed of progress or lack thereof. We did debate our motion on this earlier this year. So I will not be reiterating our concerns too fully. Suffice it to say that there is considerable disappointment that the energy policy, action plan 2, the sustainable transport plan and the waste strategy have all slipped well past their due dates. The debate in the public domain about these issues is not slowing down. The capacity of the government to respond in a timely way is quite concerning and I hope that they do not get overtaken by the debate and release a set of policies that are already out of date.

This time last year I noted that the department had struggled to meet their anticipated outcomes for the year. Those same objectives have still not been met and even some slightly less onerous tasks have not able to be completed, such as the appointment of

the climate change council that was provided for in last year's climate change targets act. I think this is a real disappointment because it was very clear last year that there was strong community support for the setting of a legislated target.

I believe there was a reasonably strong interest in nominating to be on the climate change council. Yet the government, six months after accepting nominations, has not even formed the group. Indeed, when I asked on notice what had caused the delay in appointing the council, the response I received was:

... careful consideration be given to the initial membership.

Fair enough but how long does careful consideration take? Honestly, this is slower than your average federal government human resources department and the interminable wait to find out whether you have got a public service job or not.

My real concern is that without the council there is no community engagement in the ongoing development of these very important policies, the energy policy and action plan 2. It is bad enough that these policies have been delayed again now until the end of 2011. For the energy policy, that is a full 12 months after it was predicted, or at least its most recent prediction, and 24 months after the public consultation. But to reduce the engagement of the community in their development is such a wasted opportunity.

There are so many people in this town who are extremely keen to be engaged, who have fabulous expertise and who are committed to a zero carbon future. We should be pulling them together as soon as we can. Instead, the minister has replied, somewhat arrogantly, I thought, that the council will be appointed "at an appropriate time". In my view, about four months ago probably would have been the appropriate time but it seems we differ on that.

The motion that the Assembly passed last month in regard to the timing of these policies has also been responded to with some contempt by the government. And it is going to be a very big fourth quarter here in the ACT. We will apparently see the energy policy, action plan 2, the waste strategy and the transport strategy, assuming that that is one of a number of caveats that are not called on. When the minister tabled his report in the Assembly it was an extraordinary list of caveats that we saw. They certainly provided every loophole under the sun. There were 10 of them in that list and, frankly, I would be surprised if some of them were not invoked at some point. They certainly provided more loopholes than you could imagine. *(Second speaking period taken.)*

To be honest, I do not want to put all the responsibility for this at the feet of just one minister, firstly because he has not been the responsible minister on all these policies for very long but also because I believe that the rest of government needs to take a collective responsibility for delivering what it keeps telling us is a core part of its agenda. It is time to realise that these are substantial issues. They require substantial attention by the whole ministry, including the Chief Minister and the Treasurer, and they require substantial resourcing.

It would be fair to say that I am deeply concerned that if we continue to move at this pace on sustainability we will struggle to meet our 2020 greenhouse target. And it is a depressing thing to be saying that within a year of passing the legislation, but certainly some of the signs are of concern.

When it comes to energy programs, it is worth thinking about what is next. One of the particular outcomes that we would like to see legislated before the end of this term is a comprehensive mechanism to fund energy efficiency improvement in the residential sector. My understanding was that the government was considering tabling some legislation to mandate the retail electricity sector to deliver on those savings through a white certificate trading scheme. That legislation was mooted in the last legislative program but we have not heard anything since. This would be a central piece of the greenhouse emission reductions strategy and probably one of the very least expensive options.

With efficiency measures, we also need to see what options there are for mandating a higher territory purchase of green power over the years ahead—effectively a bigger renewable energy target for the ACT and not the sort of target that the minister announced a few months back, which just sought to add up what we were already doing, but a target that sits with a mechanism to increase our renewable energy purchasing. These are the two big-ticket items on greenhouse reductions for the ACT and they will align well with a federal carbon price.

So while we are keen to see the ACT's renewable energy generation sector become sustainable as an important component of a zero carbon future, we still have much work to do on systematic change in the ACT. And this is the work that I acknowledge is not necessarily delivered through big injections of funds in the budget but rather through the policy development that will underpin it.

Given how long it is taking the government to deliver these strategies and the pieces of legislation—and we have discussed the delays in the industrial scale phase of the feed-in tariff earlier today—clearly one of the things that need to be done is to spend a bit more money on recruiting and keeping more staff and managing these very precious people resources a little more carefully. It is really not too much to ask in terms of a commitment towards addressing climate change.

On environment more generally, I spoke at some length the other day about the management of our parks and biodiversity as we discussed the TAMS budget. So I will not spend too long on it here. But certainly the Greens welcome the \$660,000 over three years for nature conservation resource management, which appears to have come about as a result of problems in our nature conservation identified in the review of the Nature Conservation Act. It is interesting that the government has moved with such speed on allocating this funding, given that the Nature Conservation Act public consultation was only completed in the early part of this year. It implies a move towards voluntary conservation management on rural leases and a few other things that perhaps we will hear more of in the next few months.

On water, the next 12 months will see the directorate undertake significant work on water reform. This will take place at different levels, starting from the localised, small-scale catchment level affecting a local community and their neighbourhood right up to the Murray-Darling Basin level which affects four different states and the ACT.

Whatever the context in which we look at water, whether it is the neighbourhood context or the basin-wide context, the issue is the same. We Australians need to learn to do more with less. We need to be more efficient with our water use. We need to grow more food while at the same time start delivering more water to our environmental assets. It is a big challenge that we must address both at a national level and a local level. It will be a big 12 months on the water reform agenda, and the Greens would urge everybody in this debate, whether it be the minister, the opposition, public commentators, to be guided by the science and the evidence in their comments.

The urban waterways project is a good example. Various pieces of work will be undertaken during the year to look at the project. There will be a substantial review of think water, act water and we await public consultation on that. Also, there will be an ICRC inquiry into the economic, environmental and social benefits and costs of urban waterways compared to a grey-water industry. These will be important aspects of assessing the project's impact overall.

Before I move on to make a few comments on the Murray-Darling, let me say that, in light of Mrs Dunne's comments on the urban ponds, the Greens strongly support these projects. I see a real potential in them. I think that community support for them is actually very strong. Yes, I acknowledge that some members of the community have expressed concerns. I have seen some of that correspondence. I think the concerns are diverse, sometimes conflicting.

What is clear is that significant numbers of people in the community are embracing the urban ponds with real enthusiasm. The volunteer time being put into them is enormous. I gather the recent planting at the Dickson wetlands was scheduled to run from something like 11 am to 3 pm but it was all finished by 1 o'clock because so many people turned up to get involved in the planting that all the work was done in half the time that was anticipated. So that is, I guess, the social capital side of it, to use a somewhat jargonistic term.

There are, of course, the environmental benefits. We have spoken in this place about the state of the lake, Lake Burley Griffin. We are facing similar problems with Lake Tuggeranong and Lake Ginninderra. I think it is fair to say that these projects have real potential to improve the water quality of the run-off that is flowing into the lakes and have a substantial impact on improving that. And slowing some of that water down, taking out nutrients, taking out other pollutants upstream, filtering it naturally though these ponds has a real potential to have significant impacts across out community, aside from the intended irrigation outcomes that I know the minister has spoken about extensively.

When it comes to the Murray-Darling Basin, the next 12 months will see important announcements about the plan. Again, I think it is important that we focus on the evidence and the science in the commentary we make on the basin plan. And I think we need to think about this very much in a basin way context, not a state versus state or a downstream versus upstream context. For decades water reform in Australia has been plagued by this approach, which has been to the detriment of good policy and good river health outcomes. And for this reason I was pleased to hear the minister recently report back from a meeting of water ministers in Sydney that the meeting agreed as follows:

Foremost was a shared vision for the Basin. The vision is a healthy working Basin in which a healthy river system underpins strong and viable communities.

And I think the minister has summed the situation up very well by stating that communities rely on a healthy river system. If you allow the river system to fail, communities will suffer. A more stark way of saying the same thing of course is that there are no jobs on a dead planet.

Rumours are swirling at the moment about the final amount of water that will be returned to the environment. Rumours have put the figure at 2,800 megalitres, which is below the 3,000 to 4,000 figure that was recommended by the Murray-Darling Basin Authority. I think this discussion is too important to be based on rumours and I await the next stage of the reforms where we will see firm figures and importantly the science that underpins those figures.

However, it is important to bear in mind what the Basin Authority did say in its guide to proposed basin plan. It said that between 3,000 and 7,600 megalitres needed to be returned to the basin. It made the point that if the only goal was to return the river to health the 7,600 figure would be the one adopted but, based on a balancing of social and environmental factors, the 3,000 to 4,000 was the one recommended. So there is clearly quite some work to do there.

I think we have got some very difficult discussions ahead and I think across this entire directorate there is really some work to be done. There are so many important pieces of work that the timeline keeps slipping on that we really need to see a lifting of the game. As I have touched on in my speech, there have been some good initiatives but at a macro level I really do feel like we are falling behind and we need to be more ambitious, more focused and deliver more in this directorate if we are going to achieve the important sustainability goals that the ACT needs to meet.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.35): I thank members for their comments in relation to the appropriation proposals for the Environment and Sustainable Development Directorate. The merging of planning and land use functions with a broader environment, energy and water policy is a very important development for the territory. Bringing together these two key policy functions into a single directorate of the government allows for a coordinated function across the built environment and the

natural environment. That is absolutely necessary if we are to achieve our sustainable development directorate objectives.

When I first became planning minister I outlined a number of priorities. The first was to work harder and move faster on the issue of improving our public transport in the city. Another was to improve the focus on energy efficiency. The third was to focus very strongly on issues around delivery of land in a timely manner to meet the government's housing affordability objectives. These approaches have been confirmed in the Chief Minister's statement of priorities which she released in the last week or so.

I want to respond specifically to some of the criticisms of Mr Seselja. Contrary to his assertions, the framework the Labor government first established following the 2001 election remain in place, and they remain in place because they work. The ACT Planning and Land Authority will continue to perform its statutory function as the independent assessor of development proposals in the city and the provider of advice to the government on the strategic land use and planning functions. That is the framework the government put in place in 2001, and that framework remains.

Equally, the establishment of the Land Development Agency was a vehicle to restore public sector land development to the territory and to ensure that the territory's ownership of land through the leasehold system returned benefit to the territory when that land value was realised for urban development. Again, that objective remains unchanged. The vehicle may change, but the purpose remains the same. That is a strong endorsement of the strong policy framework the government first brought to planning and land development when it was first elected and the strong policy focus it remains for this government today.

I find it curious that Mr Seselja seeks to apportion to me the problems with delays in projects such as the north Weston ponds project, a project for which I was not the minister responsible at the time it was commenced or, indeed, when the project encountered the issues it did. I find that somewhat curious. Nevertheless, I am not surprised.

I want to turn also to the issues around the urban ponds project and address the criticism from Mrs Dunne. Again, I simply make the point there is strong community support for these projects, and the projects deliver as much in terms of cost-benefit and economic return to the territory as they deliver in terms of the return to the territory in environmental and social outcomes. I outlined the reasons for that in question time and during the estimates committee process.

The most pleasing thing for me in this budget is the direct assistance the directorate will be providing to low income households to assist with the rising costs of utility services in the territory. There is \$4.4 million over the next four years to reach out to 4,000 low income Canberra households to assist them directly with reducing their energy costs. We know what we can achieve from this program because we have trialled it over the previous 12 months and it has been an overwhelming success. The average saving per household was \$120 per annum in reduced electricity costs because of the measures delivered through the trial outreach program. We anticipate a higher return as we roll out this program to 4,000 Canberra households.

We are assisting those households with reducing their electricity and water costs by doing things such as improving the energy performance of homes—insulation, draught sealing, all those things that we are familiar with—as well as providing direct assistance through, for example, the purchase of more energy efficient appliances, so that when it comes to the fridge or the washing machine or the dryer we get more energy efficient appliances, which has a direct impact on reducing household electricity bills, particularly for people who cannot control the fabric of their homes because they are in a rental situation and on a low income.

These are good outcomes for low income Canberrans, and they combine with the very significant investment the government is providing in relation to energy concessions which the Chief Minister outlined today. There is an increase of over \$150 in the energy concessions combined across the different programs, and that is a fantastic outcome in supporting low income households to deal with these issues.

I turn to the role of ranger staff. This is an on-balance decision for the government. I understand why many people would like to see the ranger staff co-located with the nature conservation policy staff that now sit within the Environment and Sustainable Development Directorate. I have a lot of sympathy for the issues they raise, but I also believe that it is absolutely essential if we are to stay true to learning and implementing the lessons of the 2003 bushfires that we maintain a single land manager for the territory.

I do not want to see land management staff split between two separate directorates. That is a recipe for a significant diminution of the capacity of our agencies to deliver effective land management, particularly when it comes to issues around fire management and fire hazard reduction. That is the reason why I have not agreed to the relocation of those staff. I want to see the land management function remain entire within a single directorate. I think that is the responsible thing to do, and that is the lesson of 2003.

In contrast, policy functions are working well within the Environment and Sustainable Development Directorate, and they will be able to work effectively with the operational staff on the ground, whether it is in ESD or whether it is in Territory and Municipal Services. That has been the experience with waste—waste policy sits in ESD, waste services delivery sits in TAMS. The relationship is a strong one; the feedback loops between the two entities is very, very effective. I have no doubt that that cannot be the same experience when it comes to the nature conservation policy staff and the operational staff on the ground.

Some of the other measures that I want to mention just quickly in the budget include: \$4.2 million over four years for master planning for group centres, transport corridors and rural villages in response to the Assembly's strong interest in this matter; and \$6.7 million over four years to address the critical issue of building quality in the territory, additional building inspectorate staff, the focus on quality, safety and, importantly, the sustainability of new buildings in the territory to make sure they meet the necessary standards in terms of energy efficiency.

There is a range of very important initiatives. I thank members for their comments on the budget this evening, and I commend the appropriation to the Assembly.

Amendment agreed to.

Proposed expenditure, as amended, agreed to.

Proposed expenditure—Part 1.14—Education and Training Directorate—\$525,912,000 (net cost of outputs), \$112,152,000 (capital injection) and \$211,340,000 (payments on behalf of the territory), totalling \$849,404,000.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.45): Disability education was a clear winner in the ACT budget and has been an area of high need for some time. Disability education has been a priority area of the Greens in this Assembly, and the inquiry into the needs of students with a disability conducted last year was a result of the parliamentary agreement with the government.

The Greens are pleased to see this much needed funding. For too long, disabled students have not had the comprehensive and funded support that all students have needed. This funding announcement will take some steps to address this. The federal government also made a considerable investment in disability education, announcing a \$200 million package.

The Greens believe it is now important for new funding to be delivered in an open and transparent manner with continued consultation with all key stakeholders, especially parents and carers. The inquiry into the needs of students with a disability clearly heard that the student centred appraisal of need, the SCAN process, the assessment tool that determines the students' needs so that resources can be allocated in a transparent and consistent manner, was not happening. Many parents raised the issue with me. They were concerned about the manner in which the appraisal was conducted and felt their children's needs were being neglected as resources were allocated to schools in a block amount.

I note that the minister is utilising a consultant to look at using the individual learning plans and marrying them with the SCAN process. I acknowledge that it is a complex funding arrangement. What must not be complex, however, is meaningful consultation and engagement with parents and carers. In discussions with parents, I am hearing renewed hope regarding disability education. This is positive and signals that the department is listening and responding to the Shaddock review, and that hopefully parents of children with a disability will begin to see positive advances.

Therapy services and special transport are areas of critical importance when providing disability education. Most parents would love their child to be able to attend their local suburban school. While some can, many cannot, and a trip from Calwell to O'Connor is necessary. Special needs transport is critical to many and is an area marred with problems. I understand that a new tender has been in the negotiation stage for over a year. Some parents report continual problems with these services and it creates considerable pressure in families that may be already experiencing hardship. I urge the minister to investigate this issue to ensure urgent resolution.

The Greens have long supported increased access to school-based therapy services. We welcome the trial of school-based therapy assistants announced in this budget. This is the first but nonetheless important step to integrating therapy services within schools. This of course sits in the Community Services Directorate, and I will speak about it further when we get to that directorate.

In line with the suggested outcomes of the Shaddock review, the Greens believe that there should be designated therapists attached to ACT special schools. A holistic view within disability education yields the best results. If a student has considerable speech and language issues and does not receive regular therapy sessions then their learning will be compromised. In discussions with a number of parents, they cite school-based therapists, namely a speech pathologist and occupational therapist, as health professionals who would bring major benefits to the learning outcomes of their children. The flow-on effects of improvements in learning cannot be underestimated.

It is pleasing to hear Minister Barr mention students with a disability reaching their full potential and that “lifelong opportunities are available to all”. Too often we hear from parents and carers with children with disabilities who find once their child is a young adult they have few options available to them. The Greens support well-resourced transitional programs that have a strong focus on life skills and appropriate participation. It is well known that students with a disability need support as they transition from school to independent living. Whilst this is not possible for everyone, for some, life skills are the most valuable and important to their future success.

These programs and services are also funded under the Community Services Directorate but it is important, particularly with the move to a single public service model, that Education and Training and the Community Services directorates liaise closely to ensure smooth transitions from education into employment or other post-school options.

We note in this year’s budget the funding for career advancement for public sector teachers. The Greens support the career advancement for accomplished teachers as long as it is based on excellence rather than teaching outcomes of universal tests. I believe the funding allocation will cater for just fewer than 100 teachers, and this is not ideal. A quota system may cause resentment among teachers. Whilst the Greens support rewarding our most accomplished leaders, a quota seems problematic.

The Greens are concerned that whilst this is a prudent budget, the wages of territory teachers need to be addressed. ACT teachers remain, in nearly all categories, the lowest paid teachers in the country. Even when a three per cent pay rise is applied, over 50 per cent of all ACT teachers would still be the lowest paid teachers in the country. The government offer of three per cent per year for four years has been rejected by the AEU, the Education Union, but it is important to understand that even when this increase is added, 1,343 teachers at the top of the classroom teacher level would still be the most poorly paid compared to their interstate counterparts.

One needs to remember that these teachers have eight or more years experience and they must be valued. If we are to achieve the vision of ensuring students have a “safe

and inspiring learning environment” and that we achieve “outcomes at the highest level” then we need teaching staff that not only feel valued but are actually rewarded as such. Being the lowest paid teachers and facing the government response that there is simply not enough money, for now the third enterprise agreement, is not good enough.

I am confident that Minister Barr can match his policy aspirations with the remuneration of territory teachers. It is clear that deputy principals’ wages are way behind those of their interstate colleagues. If accepted, the government’s offer would see deputy principals’ pay rise by 16.2 per cent after three years. Currently, deputy principals in the ACT are 16.1 per cent behind deputy principals in New South Wales, so the government pay offer is only playing catch-up and not for three years.

I believe we have a good number of talented educators, teachers and skilled public servants that can establish a framework that will make a real attempt to raise the salaries of ACT teachers, rewarding them for the vital role they play.

The Greens believe that public education is a cornerstone of society and it must be well resourced. We support parents exercising choice and understand that there has been a shift across the ACT towards non-government schools, especially in the high school years, while primary school enrolments remain consistent; and there is also movement back to the public sector in the college years. High schools are in need of support, and I am glad that the minister has a plan for improving and advancing ACT high schools. The framework for improving secondary schooling plans to respond to the needs of various students, be they gifted and talented, students wanting to access vocational education programs or students who need particular support with behavioural issues and those at risk of disengaging from education.

Criticisms have been raised that our achievement gap will in fact widen with this approach and that these initiatives are simply being undertaken to attract talented students and higher income families back into public education.

The achievement gap is of vital concern to the ACT Greens. We note that according to the latest program for international student achievement report on international test results for 15-year-olds, the achievement gap between rich and poor in Canberra is the largest of any state or territory in Australia. ACT school students from low income families in the ACT are doing worse than those in most other states. Average results find low SES students in the ACT are about six months or more of schooling behind low SES students in all other states except Tasmania, and the Northern Territory. The PISA report specifically said:

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

While it is easy to develop plans for addressing disadvantage, it is much harder to successfully implement them. It is important that initiatives designed to address disadvantage take a holistic view and have the fortitude to drill below the surface and

make inroads into the causes of gaps in achievement in students from low socioeconomic backgrounds.

We must not take the simplistic view that students from low socioeconomic backgrounds should be shunted into vocational education programs. We owe it to students from disadvantaged backgrounds to open up educational opportunities and give them the best chance of achieving beyond what would be generally expected. *(Second speaking period taken.)* I acknowledge the difficulty of providing a comprehensive education system but hope that the overall vision is learning opportunities for all and not a system that channels students with differing abilities into various streams. This approach has the capacity to create greater social segregation and exacerbate achievement gaps rather than reduce them.

The federal review into school funding offers an opportunity for greater equity in school funding. Two-thirds of Australian students attend public schools and yet the non-government sector receives 64 per cent of federal education funds. The Greens believe that a strong public education system is key to investing in the next generation and building a fair, successful and cohesive society.

The Greens are hopeful that any new funding formulas will use equity and need as their prime determinant. It is interesting to note that the ACT does not follow other states where social disadvantage can often be identified through postcode analysis. Disadvantaged students are found across the territory and students of higher socioeconomic status can mask this disadvantage, and this can result in us getting less funding than we should receive.

I am pleased to see the minister referred to this in the government's submission to the Gonski review, as any new funding arrangement should address this geographic anomaly that has particular application here in the ACT.

The current SES funding formula was established under the Howard government. Dr Jim McMorrow reveals that by the end of the current funding agreement in 2012, private schools will have received \$47 billion from the Labor government, up 50 per cent since 2007-08, and public schools \$34 billion, up 80 per cent since 2007-08. Of all OECD nations, Australia continues to rank poorly in its public expenditure on public schools. In 2008 it ranked third lowest—26th out of 28 countries in the share of government education funding provided to public schools. Australia falls behind countries including the United States, Canada, Austria, New Zealand, Mexico, France, Germany and Britain.

I acknowledge it will be an enormous task, but there must be greater analysis and debate regarding a funding formula that looks at the individual needs of the students, acknowledging their level of achievement and thus the need for ongoing support; and that needs to be done through the funding. This innovative approach, whilst new in Australia, is utilised in other jurisdictions with success. An individualised needs model is also of critical importance in disability and special needs education.

The Greens are very pleased to see the innovative Noteworthy program of the Canberra Symphony Orchestra receive funding. I have attended a Noteworthy concert

and witnessed the delight of children as they experienced the orchestra. It is fantastic that the initiative of the CSO to provide four specialist concerts for students with a disability can now continue. Arts are sometimes seen as an extra or a luxury part that we cannot afford. But the CSO program represents how much students can learn while having a lot of fun. The benefits of a music program for students with a disability are well known. I am glad that through the entrepreneurial skill of the CSO, they are able to provide this varied program with modest funding from the ACT government. I would like to also thank the minister. I did lobby him on this particular item, and I am pleased to see that it did receive funding.

Canberra is a knowledge city and our promotion of the higher education sector is important to our economic future. International education in Canberra is the second largest export industry, accounting for \$260 million in 2008-09 from the 10,000 students that choose to study in Canberra. The cultural and social advantage of these students' presence is also considerable. The education sector in the ACT is also an extremely valuable part of a clean economy.

This budget provided a \$6 million grant over nine years and a repayable loan of up to \$23 million to the University of Canberra. This will enable the refit of Cameron Offices in Belconnen, a project designed to meet the growing demand for student accommodation.

It is important that this government continues to support the University of Canberra's success in attracting students. While this funding injection is welcomed, it is also important to make sure that the university is able to meet its projected accommodation requirements rather than just playing catch-up.

Education in Australia, and indeed in the ACT, is in interesting times. We await the outcome of the Gonski funding review and the possibility of a new era in education funding. In the meantime, 65,412 students attend schools across the territory, with 59 per cent of them attending one of the ACT's 83 public schools. We are fortunate in having the best overall educational outcomes in the country, something that I suppose we could expect if you look at our relatively high level of affluence and parental education. While this should be celebrated and needs to be supported into the future, much of the hard work lies with those who are disadvantaged or those students with disability. We need to keep a very close eye on disability education and also the achievement gap.

The most telling feature of society is the way we treat our most vulnerable. With regard to education there have been many reports and inquiries into disability and disadvantage, including those conducted by this Assembly. Much has been said, while often less has been done. I do believe this government has made important first steps with regard to disability education.

The Greens included the inquiries into students with a disability and the achievement gap in the parliamentary agreement. We are pleased that both have reported back to the Assembly. The disability inquiry enhanced the work that Greens MLA Kerrie Tucker did over 10 years ago. In relation to the educational achievement gap inquiry, we have progressed the work of Kerrie's contemporary, Greens MLA Dr Deb Foskey.

The Greens will continue working for our most vulnerable and help create an education system that truly provides an education that enables every student to reach their full potential.

MR DOSZPOT (Brindabella) (11.02): With \$849,404,000 directed to education and training funding in the ACT, this portfolio has the second highest allocation of ACT finances, a range of very serious issues to be addressed and some major decisions to be made in how to deliver quality education initiatives for families and schools in Canberra.

During estimates we were fortunate to have departmental officials attend on three days and, given the broad range of programs, there was a lot to cover. How sad then that with Mr Barr, as the responsible minister, we saw yet again his dismissive attitude to so many of the issues that demand a considered approach. We saw the unveiling of glossy brochures yet again.

I know that the minister thinks I am targeting him unfairly. But, minister—through you, Madam Deputy Speaker—the criticisms I raise are those raised by parents of students in the public and private sector. They are criticisms from teachers who think you are not listening. They are complaints from education advocates. I am merely echoing their concerns. If I focus on glossy brochures, it is because there is no policy to address. You continue to use media opportunities as a substitute for real policy and real action.

Even in recent weeks there has been more of the same thought bubble media grabs to divert attention from more serious issues. Why else, without much thought and even less consultation, would the minister want to open a debate about changing school times? Apparently it was to ease traffic congestion. As the *Canberra Times* suggested, altering school start times rings alarm bells, and there were serious alarm bells throughout the community with this rather thoughtless action.

None of us was at all surprised with the minister delivering, at the eleventh hour, “Excellence and enterprise vision: advancing public schools of distinction”. It was another froth and bubble paper that is designed as a substitute for real policy and leadership. Even the AEU and the Greens members of the committee were sceptical.

The failure that this government cannot escape from is this: Canberra families have voted with their cheque books, taken sons and daughters out of the public school system and moved them into the non-government sector. The Chief Minister and Treasurer’s lack of any reference in her speech to the non-government sector highlights the embarrassing fact that Canberra families have lost confidence in this government. They have lost confidence in this government to deliver consistent policy in respect of public schooling.

Is it any wonder? How many more fights is the minister planning to bring on with the ACT teaching fraternity? Are we to expect more school closures? How many more positions is he likely to take on funding for the special needs areas? How much more hollow rhetoric will we hear about parity for teacher salaries, how many more

promises to address bullying in schools, how many more promises to give autonomy to school principals?

The minister's latest show of arrogance, his "tough luck" dismissal last week of 1,568 teachers' concerns over additional paperwork and process highlights with unambiguous clarity his crash through take-it-or-leave-it approach to policy development and delivery. Public school teachers are angry and is it any wonder? They feel let down. They feel their concerns have been trivialised, that their work has been devalued by the very minister who should be their champion.

We have a trend, fairly consistent for a decade now, of parents moving their children out of the public school system, particularly for their high school years. We, uniquely in Canberra, have over 51 per cent of high school students enrolled in non-government schools. The minister tries to dismiss this as no big deal, but it underlines some serious issues. This is the first time in Australian history any jurisdiction has recorded such a majority.

We are building more public high schools. They are magnificent buildings. Gungahlin college is a great example, but will new buildings be enough to stop the drift? And if the drift continues, will high schools then start to be shut down again? Across all school levels, the percentage of students attending Catholic and independent schools is higher than in most states.

Forty-one per cent are in the independent and Catholic school sector in Canberra, and that is a significant figure. The non-government sector in the ACT is doing well, as NAPLAN results demonstrate. But this is no thanks to any effort on behalf of the ACT government which contributes less than 18 per cent to the education of an ACT student in a non-government school. This is amongst the least of any of the other state jurisdictions.

When you consider that the federal government also provides less to ACT non-government schools than to non-government schools in other jurisdictions, one appreciates the inequities faced by non-government schools here in the ACT. The February 2011 census indicated that there are over 27,000 students in ACT non-government schools, and this was a 1.1 per cent increase on the previous year.

As I understand it, there are still substantial waiting lists in many non-government schools, which should also start to ring alarm bells in Mr Barr's mind as to just what a healthy state our education system is in. It is a large segment of the student population, and the ACT government should give it more than just lip-service.

As Daryl Smeaton, chair of the ACT Catholic Education Commission said in response to the budget, "It is clear the minister for education is not interested in the educational outcomes of close to half the school age population within his portfolio."

Mr Barr made quite a comment this afternoon about members of the opposition attending some of the BER school openings. One of the things that is becoming very, very clear is that while opposition members attend even government school openings, the minister goes to very, very few in the non-government sector. In fact, I have yet to see him at more than one or two over the last couple of years.

We have a situation where the minister for education is now even more off-side with the public school sector than ever before. He would appear to care even less about the non-government schools sector. Regrettably, as the estimates committee report reflects, the hearings were not as informative as they could have been, with much time taken up, firstly, with speculating on what the government might do to address the exodus from the public high school system and then discussion on and about the late-hour drop of the excellence and enterprise brochure that anticipates a “blueprint for action”.

I note the committee’s comments that they were:

... uncertain why such a glossy document—

Mr Barr, note “such a glossy document”—

was required to preface the concrete strategies that would be developed in the coming months.

These are not my words, Mr Barr. This is the committee’s assessment of the window dressing that goes on. The report goes on to say that it was:

... not clear to the committee how the approach being adopted would address the quality and reputation of ACT government high schools and how the 14 per cent differential between primary and high school enrolment figures would be addressed.

The minister suggests this brochure, this “blueprint for action”, provides the framework for the keys to bring students and families back to public schools. We will see. I suspect a whole heap more work will need to be done to reduce the cynical disinterest among the schools sector entirely generated by the minister’s dismissive approach to so many issues in his portfolio.

The committee, in recommendation 116 of its report, recommended that:

... the ACT Government advise the Legislative Assembly of the timetable for the ‘blueprint for action’ in their response to the report.

The government’s response, of course, does not have much substance. It suggests yet another steering group. This one, an excellence and enterprise steering group, has been convened to provide guidance on an implementation plan for the excellence and enterprise framework. There we go; another framework. This is beginning to sound familiar. I quote again:

It is anticipated that the ‘blueprint for action’ with short, medium and long-term strategies will be available by the end of 2011.

That is, the blueprint will be available by the end of this year when something actually will start to happen. What that action will be, is yet to be discovered.

I move on to other matters. I remain concerned at the mismatch of anecdotal but authoritative evidence I continue to receive about teacher shortage, about lack of discipline in schools and inability of principals to manage some situations because of red tape and government process.

The minister has advised that as at May of this year there were no vacancies in primary or high schools or in ACT secondary colleges. Technically there may not be vacancies, but that does not mean there are no gaps. I know that there is a shortage of qualified maths and science teachers and appropriately-qualified school librarians. In my electorate there is one high school that has not had a teacher librarian for over three years. *(Second speaking period taken.)*

I repeat that in my electorate there is one high school that has not had a teacher librarian for over three years. I return to the estimates committee report. The committee has suggested the earlier introduction of the “teach next” initiative so that science and maths students are not disadvantaged.

I note that my colleagues Mr Smyth and Mr Hanson were equally sceptical of the minister’s less than fulsome endorsement of and support for government school principals and suggested that the minister should provide unambiguous support for school principals in maintaining discipline within their schools as part of the autonomy for schools policy.

It is pleasing that the suspension support team trial achieved a 50 per cent reduction in the number of suspensions. But the headlines earlier this week that 40 per cent of students suspended had come from two schools, and the publication of the number of penalties handed out since the new arrangements were introduced, does little to advance the reputation of those schools in particular and the public education system in general. The department’s own accountability indicators highlight the dissatisfaction parents have with public education. I see little in the budget or in the proposed “blueprint for action” that will address those shortcomings.

During the budget and in the committee’s examination, there was reference to the allocation of the \$750,000 innovation fund and also to the \$11.8 million for educational reform and provision of enhanced career paths for teachers. In respect of the innovation fund, there was little information provided and the committee made a recommendation, recommendation No 115, that the government provide details of all initiatives to be included in this fund.

Very consistently, the minister’s response to this recommendation was one of noting. His answer provided little further detail than what was offered during the hearings, other than that funding will be in two rounds. We look forward to the first call round in September. Like the committee, I too am sceptical about just how far this \$11.8 million magic pudding will extend and exactly what it will cover. The committee and I suspect that many in the ACT teaching service are concerned at the capacity to fund both increases in the salaries of deputy principals and the leading teacher initiative within the \$12 million.

The minister's oft-repeated mantra of six-figure salaries for teachers was floated in 2008—2008, minister! That is three years ago. It is now 2011. What is going on? Again, where is this? The minister's ideas certainly cropped up in 2008, again in 2009, again in 2010 and is it any wonder there is scepticism, minister? The AEU made public comment on this and I am not aware that the minister has done much to allay their fears. The committee, and indeed the public education sector, asked for and await further details with great interest.

The response, while agreeing to the committee's request for further information, again offers little more than what is already known. The minister talks boldly of the development of new schools. In the estimates hearings he reported that a capital works program in the order of \$200 million has been managed by the directorate. With population growth such as we have, new schools are important and there are some great new schools being developed.

But this government is better known for its ability to close down schools, to let schools get mouldy, to allow schools to go without heating in the middle of winter. Minister, I wrote to you last week about teachers and students at Gold Creek having to put up with arctic conditions in their classrooms when the heaters had broken down. A week later they still have not been rectified, and I still have not heard back, nor has the school heard, nor have the parents and children had the problem rectified.

How can parents be certain these new schools will deliver the facilities that are needed, that the school supports a culture that does not tolerate bullying, that principals will be allowed the autonomy they seek when this government cannot even manage the construction of a workable fit-for-purpose fire shed?

An important aspect of the education budget is the \$20 million that is earmarked for disability educational programs to give students with a disability similar opportunities to other students. These funds—\$5 million over each of the next four years—will be supported by additional funds from the federal government. They are designed to extend capacity in this area and allow the education system to fully meet their obligations under the student-centred appraisal of need, SCAN, process.

I trust that the minister has learnt from his mistakes last year and recognises the support this sector requires. They are not, and never were, an easy target for him to use to meet efficiency dividends. From my own representations I know the frustrations and concerns around the delivery of school-based programs for visually-impaired students. I raised some of these concerns within the committee.

There is a disconnect and uncertainty surrounding which department should manage such activities as sports programs for disabled students, and I note the recommendation in the report that suggests better coordination between departments. The government response suggests that it is already happening, but we know it is not, despite what might be in-principle agreement.

I get numerous complaints each week about the disconnect between education, disability and health at the ministerial, as well as at the departmental, level. A similar

issue of responsibility surrounds services for students in special needs education. On that note I wish to read into *Hansard* some comments from Lee Hillier, a year 12 work experience student I had work in my office this week.

Lee came to the Assembly two years ago for similar work experience and he is known to many of you. He is the eldest of two sons in the Hillier family. His younger brother has a number of special needs and attends Woden school. He started there as a year 7 student this year, transferring from Malkara, where he had been very happy.

His introduction to high school has been anything but pleasant and this young man's thoughts about what his brother has endured are very telling. This young man is not a politician, although in time I hope he will become one. His story highlights the lack of responsibility and cooperation between the departments of health and education and the apparent lack of desire to find a solution. He says:

It is the right of special needs students and their families to expect that the education system in normal circumstances will aim to ensure that their needs and safety are met to an adequate level.

Why should the education system for special needs students differ in its standards depending on which part of the city you live in. However, in the current situation, Canberra is divided in how special education services are delivered to students. In the case of Black Mountain Special School and Woden Special School, located on the north and south side of the city respectively, there is evidence to suggest that these institutions which have been assured by the ACT Government to have been set up for access to the same facilities and services to each other is quite to the contrary. This is especially evident in the areas of student care where the student suffers from a serious illness which may require routine monitoring by specially trained staff. Black Mountain School, located on the north side of the city, apparently has access to on-site nursing staff who are specially trained in administering medical assistance to students with severe medical conditions such as blood glucose monitoring for diabetic students. Woden Special School, located on the Southside of the city, while being assured of being set up to be a mirror image of Black Mountain School, has no access to specialist nursing staff to cater to those students with serious medical conditions. At present, Woden Special School must rely on the already burdened Learning Support Assistants to deliver critical routine monitoring of serious medical conditions such as diabetes.

Why is it that the Special Needs Students of the Woden Special School have to bear the burden of the education system that discriminates against them on the basis of their medical conditions? If Black Mountain School is designed to set the benchmark for Special Needs Education in the Territory, this standard of student care should apply at both Woden Special School and across the greater special needs education system.

It is the responsibility of government to maintain educational benchmarks in the territory and in this instance, one can only assume that the government has failed to maintain this benchmark and thus, has robbed the students of the Woden Special School of their right to equality within the Special Education System.

That is the end of the comments from Lee Hillier. "Has robbed the students of the Woden Special School of their right to equality within the special education system"

are very profound words, Mr Barr. This particular issue is one I have pursued from one department to another and will continue to do so until a sensible resolution is found. It is, as my work experience student highlighted, the inequality of ancillary services that are offered to students at one special needs school as opposed to another.

Frankly, the attitude of both the current health minister and Chief Minister and the minister for education leaves much to be desired. If an 18-year-old brother of a special needs student can see and appreciate the unfair treatment and lack of transparency and opportunity on offer, why do two departments and their ministers not also see the anomaly?

In summary, Mr Speaker, we have in education and training a significant responsibility to get the policy settings right. The future of the territory's children is in our hands.

DR BOURKE (Ginninderra) (11.22): I congratulate the government on another budget initiative in my electorate of Ginninderra. This initiative is an expenditure of \$5½ million over two years on Macgregor primary school. This area has a growing population of people whose first language is not English. Indeed, 69 students at Macgregor primary school have a language background other than English. Macgregor primary also has two integrated learning support centres. The \$5½ million will refurbish existing space and extend the school. This will increase from three classes in each year to four and will increase the school capacity by more than a third, from 400 to 588 students. I congratulate the government for this initiative.

MR SESELJA (Molonglo—Leader of the Opposition) (11.23): I want to also take the opportunity to pay tribute to some of our schools, both in the government sector and in the non-government sector. Unfortunately I think we in the opposition do not get to visit as many of the government schools as we would like sometimes. There are often barriers put up, but we do take the opportunities whenever we can. Recently I had the opportunity to visit Campbell high and chat with the students, the teachers and the principal there. And I was very impressed both with the students and the teachers, and indeed the principal, and seeing the school pride that was there.

I know that often many of our teachers and principals sometimes do feel under attack when there is bad publicity, but we in the opposition, we in the Canberra Liberals, believe that the vast, overwhelming majority of our teachers do an extraordinary job, whether they be in the government sector or the non-government sector. We know that our principals are very hard working and underpaid, I think, for the kind of responsibility that they have and that they take on in their school communities.

I have had the opportunity in recent times to visit Lanyon high and speak with the principal there and hear about their efforts to deal with things like truancy. Of course I think that they were undermined in those efforts by both the Labor Party and the Greens, and I think that it is important that we back our principals, that we actually giving backing to these principals, who really do have the best interests of their students at heart. They have legal responsibility but they also feel a very keen sense of responsibility to really do the right thing by their school community.

I recently had the opportunity to go to Taylor primary school for their music festival which they put on every year. In fact Taylor preschool was my preschool. So I have a particular fondness for that area. It is where I spent my very early years. The distinctive legoland school there at Taylor certainly does stand out. The Taylor primary school music festival is one that I think really does stand out as a unique fund-raiser. I know that a number of MLAs go along there and present and get behind it. It is certainly very well received in the community. You often get feedback about when you appear there at Taylor primary school.

Likewise, places like Calwell high, Gilmore primary, Caroline Chisholm, Amaroo school and Melrose high, I think, are making a good contribution. I think that they feel that if they were given that little bit better support, they could do an even better job, if some of those issues which are creeping into some of our schools could be dealt with, some of those discipline issues.

We very strongly believe in the power of principals. That is why we pushed very hard for principals in the government system to have the same autonomy as principals in the non-government system. We were thwarted, but we did push for a better deal than was on the table and we were very pleased that we were able to do that. It is unfortunate when kids get suspended, but unfortunately sometimes it is necessary and it is necessary that principals can act swiftly to deal with those kids who are causing trouble so that they can help those kids but also particularly help all of the other kids to have a positive learning environment and a safe learning environment. We are big believers in it.

Unlike those opposite and the Greens, we also happen to support that other sector in our school community, the non-government sector. We are very strong believers in choice in education and we are the only party in this Assembly that believes in that. No-one really believes that the Labor Party or the Greens believe in that. I think the Greens are, on record, a little more honest about their lack of regard for the non-government sector. The Labor Party tries to walk both sides of the street on this one. When they are at a conference they vote for pretty hostile motions condemning non-government schools. The Chief Minister voted for a motion which was effectively calling non-government schools divisive.

Mr Hanson: Shame!

MR SESELJA: I think that that was a shameful motion.

Ms Porter: Relevance!

MR SESELJA: It is very relevant. It is very relevant because it feeds into government policy. I know Ms Porter is sensitive on it. Ms Porter may have voted the right way on that one. I do not know. She might tell us whether she was one of roughly half the Labor Party who voted against that. But the Labor Party is hostile to non-government schools. The Chief Minister was one of those, and Mr Corbell was one of those, who voted for a motion that condemned non-government schools.

We in the Canberra Liberals do not condemn non-government schools. We commend the contribution they make. We know that if non-government schools were not there, in fact there would be far more pressure on the government sector and the government sector would almost certainly lack resources because it would be taking on a much greater load. We respect the right of parents to make those choices, whether they go to their good, local, government primary school or high school or whether they choose to send their kids to a very good non-government primary school or high school or college.

I did want to say a few things about some of those very good non-government schools as well, such as St Francis, St Claire of Assisi in Conder, or Holy Family, which is one of the bigger schools in the valley. I am being told by my deputy that I should push on. I thank him for his support. We have got Holy Family, which does such a great job in the Tuggeranong Valley and educates so many kids. We have got Marist college, St Thomas the Apostle, my old primary school and one of my favourites there in Kambah, St Anthony's in Wanniasa, which I visited recently. Indeed, I visited St Thomas for an opening, and I visited St Anthony's, which I have done over the last few years, to talk to the students there. In fact Mr Smyth and I went there for a separate function as well. St Anthony's is another great school.

We have got MacKillop, my old school. Michael Lee is doing such a sensational job and is a recruiting genius. He is growing that school in a very positive way. I think that his legacy will be a very solid one there. Likewise, we have got Sacred Heart in Pearce and many other schools.

I want to pay tribute to the teachers in our non-government system as well, because they often deal with a lot of challenging issues. I know that they are crying out for resources when it comes to kids with special needs. I know that there is a real funding disparity there. In fact, I was talking with constituents just this last week, and they have a daughter with special needs. She is at Mother Theresa's. And they feel that Mother Theresa's does a great job looking after those children but they are aware, I think, of just how stretched many of these schools are in dealing particularly with kids with special needs.

So the funding of non-government schools is an issue. Non-government schools in the ACT are underfunded, in our estimation. They educate well over 40 per cent of our students now. In the high school sector, they educate just a little over half now. That is not really recognised in funding. The 2011 Productivity Commission report notes that recurrent expenditure per student in government schools in the ACT is around \$17,400, and the figure for non-government schools is approximately \$5,979. And if we drill down on that, I think about \$1,600 is the contribution from the ACT government per student to non-government schools.

We are the only party in this place that genuinely believes in both sectors. We want to see both of them thrive. We want to give parents that choice. We want to support those school communities. Good school communities, we want to see thrive. We do not particularly mind if those good school communities are a Catholic school, are an independent school or a government school. We happen to believe that they all bring something very solid.

When there are problems, they should be fixed. They should be dealt with. They should be acknowledged. There should be support given to principals to deal with the problems. But we are aware of this funding disparity. I think it was unfortunate that the Labor Party and the Greens voted against our motion recently. It really was just calling on the federal government to do the right thing. It was calling on them to do the right thing by our non-government schools as part of this review.

What is there to oppose in that? Why did the Labor Party and the Greens not support that? Would they not want to see more funding coming from the commonwealth, both for our government schools and our non-government schools? That is what we should be hearing from the education minister. The education minister should actually be pushing for more commonwealth funding for government schools and non-government schools. *(Second speaking period taken.)* We might have to bring a motion back, Mr Doszpot, maybe a really simple motion, that calls on the commonwealth to give more funding to both our government schools and our non-government schools. We should be able to get tripartisan support for that, I would think. If we cannot, I would be shocked. If we do not get tripartisan support for that, of course it would demonstrate a real hostility. Why would you say no to more commonwealth funding for government schools and non-government schools in the territory?

Despite Mr Smyth urging me to go on, I will leave it there. But in closing, let me say that we are big supporters of both the government sector and the non-government sector. We do want to continue to see them thrive. We do want to see more funding going in. I think that the non-government sector is particularly suffering at the moment here in the ACT because of that funding disparity. I think part of that is quite deliberate. I think that there is an agenda at work there which is quite hostile. Parts of the Labor Party and the Greens are hostile to the non-government sector. We do not share that, and we are going to continue to fight for more adequate funding for both sectors in the ACT.

MR BARR (Molonglo—Deputy Chief Minister, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.35): I thank members for their contributions on the education part of the budget this evening. It is a significant part of ACT government expenditure, as members have pointed out in the context of this debate.

There are a number of highlights in this year's education budget, most particularly the additional support for students with a disability in public schools and the funding boost for teachers' salaries to raise the status of the teaching profession. The increased front-line support for our schools is also important. That initiative goes to upgrade the level of school business managers within our government primary schools. As I am sure all members would agree, the more that we can do to assist teachers and school leaders in their core task of improving teaching and learning, the better it is for our education system.

The budget also contains additional support for sport within the ACT education system, seeking to implement the Campbell review of school sport within the ACT to

provide more resources for school sport in the ACT. There is the public secondary school innovation fund, the fund for the noteworthy orchestra program, and additional funding in relation to a number of important capital works projects throughout the ACT education system.

I am particularly pleased to be able to provide nearly \$2 million to fund the replacement of the Malkara hydrotherapy pool. It is a small initiative in the context of an \$830 million budget, but I am very pleased that we have been able to fund the upgrade of that facility, and it comes off the back of similar work that occurred at the Turner school to upgrade their hydrotherapy pool.

There is a broad and ambitious reform agenda in education and training, from early childhood through primary, high school and college and in vocational education and training and, indeed, higher education. It is a period of significant change in Australian education. A number of important reforms are recurring both at a national level and here in the ACT. In the process of reform in education, there are significant challenges; there are time frames involved. I note there was some criticism from the shadow minister in relation to time frames associated with enterprise bargaining and teacher salaries. I remind the shadow minister that an enterprise bargaining agreement locks down a set of conditions for a period of time. The current enterprise bargaining agreement expires in about 22 minutes, and we will look forward to the conclusion of the current bargaining round in the very near future that will see—

Mr Coe: I dare you to speak for that amount of time.

MR BARR: Mr Coe, you may regret laying that challenge down, but as much as you appreciate listening to me talk about education reform, I will not continue for 23 minutes Speaker. I would observe, though, that the context of achieving reform in terms of the teacher career structure is one that requires a process of enterprise bargaining. That means negotiation, and often tough negotiation with the Australian Education Union in order to achieve what I believe are important reforms to raise the status of the teaching profession.

Mr Doszpot: In 10 years it has gone backwards, Mr Barr.

MR BARR: Mr Doszpot, I would argue that the status of the teaching profession has gone backwards over about a 35-year period, and it reflects, in my view, a failure to reform the industrial relations arrangements around the teaching profession. All other professions have undertaken some process of reform over that time. I am talking at a national level about professional reform and industrial relations reform. There is no doubt that in every state and territory—whether the government is Liberal or Labor—over a 30-year period, it has been difficult to achieve this sort of structural reform, partly because those who want to take cheap shots will do so and partly because there is some industrial resistance to a freer industrial relations arrangement in relation to the teaching profession.

In my view, this reform is essential to raise the status of the profession, and we need to do a number of important things that are contained within the government's offer to the Australian Education Union. The two most important changes are, firstly, to allow

for accelerated progression through the classroom teaching structure so that it is not a long march from a graduate teacher salary to the top of the scale. It should not take nine years to reach that level of salary, and the government's offer and the changes we are proposing mean that that process can be halved—you can go from a graduate teacher salary to the top of the classroom teacher band within four years. That is an important reform.

The second important reform is to provide for career advancement and promotional positions but allow teachers to stay in the classroom.

Mr Doszpot: Not much use getting promoted when even deputies get paid less.

MR SPEAKER: Order! One minute, Mr Barr. Mr Doszpot, you were heard in silence, and I expect Mr Barr to have the same courtesy.

MR BARR: Thank you, Mr Speaker. The current career structure for our best and brightest teachers is that if they seek promotion, it takes them further and further away from the classroom into administrative roles rather than teaching roles. That is why the creation of a lead teacher category and a lead teacher promotional position within this current government offer to the AEU is such a critical reform. It meets our election commitment, but it also provides the breakthrough moment for the teaching profession in this 21st century. It is aligned with work that has occurred with all states and territories and the Australian Institute for Teaching and School Leadership around national professional standards of the teaching profession. It is work that Dr Jim Watterston, our Director-General of the Education and Training Directorate, has taken a national role on. The ACT has been integrally involved in delivering this national reform.

We have committed ourselves to addressing and taking on some of these national challenges that have dismally failed, I am afraid, over the last 30 or 40 years in our federation. It was a once-in-a-generation opportunity to achieve a national curriculum and to achieve the sorts of national education reforms that have been achieved in the last few years. The ACT has been at the forefront of that, and the education leadership of Dr Watterston has been an important part of that process. I also pay tribute to his predecessor, Dr Michele Bruniges, who now has a very senior role within the commonwealth education department. Her leadership of the ACT system, and that of Janet Davey, over that period has ensured that these reforms have occurred.

It is testimony of the strength of the ACT education department, the now directorate, that those staff who led our system only two or three years ago are now taking leading roles in the commonwealth department and in delivering this education reform at a national level. We should be very proud as a jurisdiction that we are innovative and we have the capacity to lead national education reform. I would like to see that continue. Certainly, we will approach and have approached the Gonski review of school funding on that basis.

I note that the Leader of the Opposition has left his call for the ACT to support a position of all schools receiving more funding from the commonwealth. He must have seen the 20 or so interviews and media monitoring of what I have been saying in this

area since the Gonski review was announced. I am pleased he has finally accepted the position that ACT schools—public, Catholic and independent—were massively duded under the Howard government’s funding model. It is a hopeless funding model. It significantly disadvantages all ACT students, whether they are in public schools, Catholic schools or independent schools. That is why I was so pleased with the ACT submission to the Gonski review. It is one of only two state and territory government submissions that have been made publicly available, and it is on the Gonski review website now. There is agreement between the ACT government, the Catholic Education Office and the Association of Independent Schools calling on the commonwealth government to scrap the Howard government funding model and move to a model that will ensure that ACT students, regardless of which schools they attend, get a better deal from the commonwealth.

Mr Doszpot: With indexation, Mr Barr?

MR BARR: We have done this. It is all in the ACT government’s submission, which Mr Doszpot might take the time to have a look at. It is agreed in partnership between the education directorate, the Catholic Education Office and the Association of Independent Schools. That is an important sign—and yet another sign—of the capacity of the ACT education system to work together to ensure the best outcomes for students in the territory.

We look forward to reform at a national level for school funding. We look forward to a more transparent system, and we look forward to a system that directs new funding in education to students who need it most. From all of the data that is available as a result of the My School website and the national testing, together with previous testing and data that was available across education systems, we know that that extra funding needs to go predominantly to public schools, but also to Catholic schools, particularly in outer suburban areas.

There are some schools within each system—public, Catholic and independent—that are doing very well, and there are other schools—again in public, Catholic and independent systems—that need additional funding. The My School website, ICSEA—the Index of Community and Socio-educational Advantage—and the Gonski review provide a once-in-a-generation opportunity to get this right and to direct new education funding where it is most needed. I am very pleased we have been able to continue our close collaboration with the Catholic Education Office and the Association of Independent Schools, together with public education stakeholders, to put forward a positive submission to the Gonski review that outlines a sensible way forward to reform school funding and to provide for a fairer distribution of funds. This will mean that the ACT will benefit significantly.

Mr Doszpot raised a particular issue he has written to me about. He wrote to me about Gold Creek primary school in relation to heating. I have been advised that the issue he refers to is science labs in the high school where a part has broken in the heating system. Temporary heating arrangements have been provided. I understand 17 temporary heaters have been brought in to the science labs at Gold Creek high school.

Mr Coe: He didn't say "primary school".

MR BARR: In his letter to me he did, and it is understandable—Gold Creek has a senior and a junior campus. Mr Doszpot's letter referred to the primary campus. I have sought advice and understand that the heating issue was a faulty part. The 17 temporary heaters have arrived to heat the science labs in the high school whilst a replacement part is being sought to fix the heating system. From time to time—it even occurs in this place—heating and cooling systems break down. That happens in the real world—it happens here, it happens everywhere. The important thing is that the directorate moved quickly to provide 17 temporary heating sources and has undertaken the work necessary to source a replacement part.

Mr Doszpot: Does it take two weeks to fix it, though?

MR BARR: It took less than two weeks, Mr Doszpot. The replacement part will take more than two weeks to arrive I am advised, but the temporary heating was put in place as soon as possible. That is a minor issue, I think, in the context of this education budget. It is important, nonetheless, that, if I have the information, I provide it to the shadow minister, and I was happy to do so in this instance.

To conclude my remarks on the education and training portfolio, I indicate that I see the most substantive issue that confronts us in vocational education and higher education as the work that Professor Denise Bradley is concluding in relation to the future administrative and governance structures for the Canberra Institute of Technology and the University of Canberra. This is a significant public policy challenge and will be one of the most significant decisions we take in relation not only to education and training provision but economic development for the ACT in the education and training sector. There are a number of complex issues that we need to address in considering our reform options.

The one thing I hope I made clear in the estimates process—I will again make it clear tonight—is that doing nothing is not an option. Reform is coming in public TAFE. The federal government has announced a significant reform package and has put nearly \$2 billion on the table to allow adjustment in the vocational education and training sector. The work of Skills Australia is presenting a particular path, and it is undeniable that, unless we reform, the Canberra Institute of Technology would suffer a very bleak future in a deregulated environment. So reform is essential.

In my view there are essentially two options: it is either a coming together of the CIT and the University of Canberra to form a new institution or it is a much greater level of institutional autonomy for the CIT. The current arrangements will not work into the future for those institutions, and we have to have a serious consideration of reform in this area. I look forward to engaging in this debate with colleagues in the Assembly and, indeed, with a broad range of education stakeholders through the rest of 2011. But the time for a decision will come, and it will come this year because the changes and the deregulation that will occur in higher education will pick up speed in 2012, and we must resolve this issue in 2011.

I thank members for their support of the education and training budget. It is one of the most critical areas of ACT government service delivery. The ACT continues to lead the nation in education and training, and this budget ensures that that will continue and that we will set our system up for future reform and for future outstanding results.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.15—Community Services Directorate—\$205,808,000 (net cost of outputs), \$20,307,000 (capital injection) and \$39,893,000 (payments on behalf of the territory), totalling \$266,008,000.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (11.54): I move amendment No 4 circulated in my name [*see schedule 1 at page 3176*].

This amendment is largely technical, although it does change the appropriations marginally as well, with the inclusion of ArtsACT in the Community Services Directorate.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.54): Overall this budget has a significant amount of money being placed towards young people who are predominantly in crisis. Any funding put towards the vulnerable within the community is welcomed. I have had some reservations about the changing priorities within the ACT. This year little funding was allocated towards prevention or early intervention. These programs can impact positively on the health and social outcomes of many, and when they are invested properly they provide great dividends in reduced spending in crisis areas and overall benefits for Canberra.

The Greens have concerns about the implications of redirecting funds towards crisis intervention without also keeping pace with the early intervention and prevention needs of the community. If they are left under-funded then a greater social and financial cost will be borne by the Canberra community in the long term.

The Greens are interested in seeing the spectrum of services in the ACT managed in a way that provides priority to prevention and still offers supports for young people who are at risk or in crisis. At the moment it does feel like the pendulum has swung right around to target one section of the community. The risk is that many more people will fall into crisis situations because they have not had an early intervention and it has not prevented or halted the escalation of problems into the future.

There is spending on social issues. This budget shows a lack, I must say, of innovation around new ways of addressing social issues. We are surrounded by other jurisdictions who have implemented innovative programs and have trialled different ways of doing things, from addressing the needs of young people with disabilities through to programs for families in need. We really should be a leader, not a late adopter of new programs and practices.

On the surface it would appear that much of the funding has been directed into government front-line services. While they are important, the ACT Greens feel that there does need to be a bit of balance here. There is a lot of change and reform happening in the youth sector at the moment and there are organisations and their workers who are feeling anxious and uncertain about the future. So it was disappointing to see there was not additional investment being allocated to the community sector, particularly the community youth sector. We are again asking services who are already stretched to try and deliver more service.

Within the Community Services Directorate the supporting children and youth at risk package is a large initiative that we sought more detail on through the estimates process. This budget includes \$2.2 million over four years to support children and young people in out-of-home care arrangements.

We know that staffing and a massive investment in the tertiary interventions dominate the agenda for spending in the out-of-home care area. However, future spending should also be directed towards reorienting practice towards primary prevention. The Greens acknowledge the great work being done by the child and family centres and believe these do act as hubs for community support and should be supported with a range of other community initiatives that encourage families to seek help at an early stage.

We are pleased to see an investment of just over \$2 million to assist young people cared for by kin and foster carers through a new case management service for young people transitioning from out-of-home care to independent living.

We are also happy that supports will be extended to young people beyond the statutory age of 18 to up to 25 years. It is of critical importance that children and young people who have come into the care system must be afforded the security of knowing that they have the support of the community beyond their 18th birthday. The Greens have been working for some time on increasing awareness about the needs of this group. We released a discussion paper on transitioning out of care that recommended increasing the age of support to 25 years and a post-care support service. I am pleased to see that these have been taken up.

From the estimates process we understand that four positions are to be created, two which will be within government and two in a non-government arrangement. Within this arrangement it is important that there is a collaborative relationship between the workers where the best interests of young people is the shared goal.

The rationale given in estimates about placing workers in a government and non-government setting was that this option would provide young people with choice. The Greens do have some concerns about the mechanics of these relationships as history has demonstrated that people can get lost between systems.

To ensure that young people are not falling through the gaps it is going to be necessary to develop tools that set out agreed ways of working and MOUs and so forth, because it really is important to ensure that we support these young people.

The ACT Greens were also pleased that an additional \$110,000 has been put towards the existing \$90,000 which provides Care and Protection with funds to assist young people in their transition towards independence. We know that there is the transitioning to independent living allowance, the TILA, that is available federally. But it is important to provide young people with access to extended financial assistance so that they are not disadvantaged because they have been in the care of the state.

There is \$1.7 million over four years to support children in kinship care and their carers. We have some concerns about the area of kinship care. There seems to be some division within the community about what the needs of kinship carers are, what kinship carers want and what government has chosen to purchase and deliver. At the end of the day, this whole area feels very piecemeal and we feel there is unrest and unhappiness within this part of the community. The ACT Greens believe we need to find a collegiate way forward that is inclusive of all kinship carers and provides supports to them that address the issues and the needs that they have.

We are eagerly awaiting the outcomes of the Bimberi and youth justice services inquiry and the diversionary framework discussion and note that \$3.9 million has been committed over four years to enhance services for young people at the Bimberi Youth Justice Centre, improve the after-hours response capacity for young people at risk of remand and divert them from custody. We are pleased to see this additional funding for the operating costs of Bimberi to ensure that staffing ratios are adequate and that the intended rehabilitation and training programs can be run from the centre into the future. We will keep a very close eye on that.

This allocation of funding will prove vitally important in moving the long overdue reform in the area of youth justice. We need to ensure that police, courts and services have options that provide real opportunities for diversion from the justice system. We know that those young people who come into contact with the justice system have poorer outcomes, and that is why it is so important to divert them.

I am personally pleased to see the inclusion of the child death review committee in this year's budget. There is currently a two-year commitment of \$325,000 for the establishment of the CDRC. Of course this is a committee that will look at the circumstances and trends of children and young people deaths and look at how we can ensure the safety of our children and young people.

The Community Services capital works spending is in place to upgrade security at Bimberi. This project aims to reduce risk to staff and residents of injury or escape. The works will include limiting access to the roof and extending energised panels across the rear rooftops.

We understand the inclusion of this spending and as our primary focus we believe that ensuring the working and living environments for staff and young people at Bimberi is paramount. We have had staff members receive injuries while at work and certainly some young people have put themselves at risk of harm during the previous year.

Turning to the community sector, the Greens are concerned that there is no evidence of forward planning in relation to the decision of the Fair Work Australia case on wages. This of course has been made on behalf of the 200,000-strong community sector workforce across Australia.

The pay gap between community sector workers and those doing equal or comparable work is irrefutable. And with 85 per cent of the community sector workforce being women, this constitutes a significant gender pay gap issue. The Australian Services Union want pay rises of between 14 and 50 per cent. As I said, they have been working hard and we know the case is well underway.

Governments have increasingly outsourced their social services to community organisations, and they need to acknowledge the extent of the problem and their responsibility in helping to address it. The Australian Council of Social Service's Australian community sector surveys have long revealed that that capacity to attract and retain workers is the single biggest industrial issue facing community organisations.

Although we would expect there to be a phasing-in period to any wage increases, we need action on this as soon as possible to provide equity and fairness across the ACT workforce. At a recent briefing at the directorate, I was made aware that community expectations and what is able to be achieved by the Fair Work Australia case may not match. Community workers in the ACT are seeking parity with their local government counterparts, and it is unclear if this decision will meet that expectation.

This budget has not including any allocation of money in the 2011-12 budget or the outyears for wage increases beyond that of CPI or WPI. The Greens will continue to make sure that any increases to wages do not result in a decrease in services being provided to the community. This is an absolute stand that we will continue to take. We will continue to monitor the progress of this issue very closely. *(Second speaking period taken.)*

The area of disability did benefit in this year's budget. Most would agree that it is an area of considerable need and one that the Greens have long been fighting for. Thousands of working parents across the ACT access after-school care for their children and most of them access it without any problem. For parents of children with a disability, especially with high needs, this basic service has been out of reach. Parents have either not worked and suffered financially or worked limited hours and again suffered financially and socially. Single parents have faced enormous hardship as they struggle with full-time paid work and caring responsibilities.

I am pleased to see that Minister Burch has responded to calls from parents to provide more places for after-school and vacation care for students with a disability. I am also pleased that the Greens could play a part in raising the importance of funding of these services. There is much work to be done in disability services but I am glad to see funding for our carers who face incredible obstacles just to participate in the workforce. The Greens will continue to advocate for those with a disability and their carers, highlighting the value of these essential services and ensuring that they are not

subjected to business case principles. While services should be effective and efficient, disability support is not about proving a business case. Continued advocacy will help change our cultural mindset around disability support and hopefully some time soon we will not see the parents and carers who do save government such a huge amount of money suffer the way they have.

The Greens have also been seeking therapy services in schools for some time now. It is pleasing to see a trial of therapy assistants in schools. I will continue to advocate for increased school-based services as I am convinced of their benefit. A trial is a positive first step, but I know of too many good initiatives that are cut simply because they were a trial. I do hope this continues to have the government's support.

I am sure Minister Burch will see the benefits of not only therapy assistants in schools and disability units but also the use of school-based therapy—something that the Shaddock review made a number of recommendations about. In-school therapy services have been operating successfully in other jurisdictions for many years. I will continue to support these essential services being located within schools.

Turning to the Office of Aboriginal and Torres Strait Islander Affairs, I acknowledge that there is increased funding. This funding will oversee the grants process for the elder camps and leadership training. The Greens want to see, however, a minimum spent on administration and as much funding as possible utilised on programs that have been developed in consultation with local Aboriginal people. The Greens are in regular contact with committed Aboriginal leaders and understand that program development is not always in line with community needs or concerns.

Moving to childcare, Canberra families are certainly feeling the squeeze with childcare availability and affordability. Any increase is welcome news and we congratulate the government on committing to increase childcare places by up to 800, through land release and centre construction. Minister Burch says that this will in turn improve affordability, and the Greens certainly hope this is the case but there is little evidence at this stage to suggest it. Childcare fees in Canberra remain the highest in the country and we will need to see a reasonable reduction before there can be any realistic claim about affordable childcare here in Canberra.

The ACT is fortunate that over 80 per cent of childcare centres are community based. The Greens are well aware of the dedication of the staff that manage and run these centres and the high quality service that they provide. Currently many of these centres have waiting lists and the vast majority are unable to provide care across five working days. New places will relieve pressure, and this is welcome. It is premature by the minister to claim that costs will be reduced, but there are a range of complex factors around all of this and much of them are actually outside the ACT government's control. They are part of the national childcare funding policy.

Turning to the national quality framework, we are however concerned that there are some centres that may face difficulty in meeting compliance under this framework. I am yet to be assured by Minister Burch that centres will not close. The Greens support a wide range of childcare options, including smaller centres. I do not think that larger centres need to be the only option or that they must be the way of the future. In saying

that, I understand the need for high quality childcare and early education and that in the future we will see a minimum standard of a level III certificate in childcare. The Greens are committed to this.

While childcare services in government-owned buildings will have access to funds to make physical changes to the building to meet changed staff-to-children ratios, for instance, there are not-for-profit community organisations who own their own building and who only have access to \$10,000. I am concerned that some of these will be forced to close because they just will not be viable into the future.

There was a recommendation that we put into the estimates report around this, asking the minister to have a look at whether she could facilitate providing some support for these. I would not expect that there would be too many organisations in this particular category across the ACT. I note that the government's response to that really was a rejection of that idea. I would urge the minister to look at this. The Greens will continue to push the government to play a greater role in assisting these centres. The reality is that we cannot afford to lose any childcare places. We know that demand is growing, and I do not think it is reasonable to say we are going to put out more land and we are also going to build our own centre and at the same time other centres are having to close. At the end of the day, the net effect is that we will not have as many childcare centres as if we had provided that support and truly, genuinely listened to the needs of some of these centres.

The family violence prevention program is certainly a welcome initiative. I am particularly interested in the preventive focus that sees behaviour modification strategies directed at offenders of domestic violence. I am concerned, however, that the funding it has attracted, only \$100,000 a year, will not be enough to establish a responsive service. I acknowledge that the wraparound service has received good feedback from service providers and this is positive.

We are all no doubt united in the belief that successful prevention strategies are of prime importance. Advocates and workers in domestic violence are clear that there can always be more done regarding prevention, and that is why I am questioning the \$100,000, which is essentially one staff member, and wondering how much difference that will make.

Finally, I move to an issue that concerns women. This is actually a health issue—it sits in the Health Directorate—but it is also a women's issue. It is around choices in childbirth. It was one that I believe my colleague Ms Bresnan raised earlier. Much has been said about women making decisions regarding choices during pregnancy and childbirth. I am concerned about the lack of access for ACT women to the federal health reform that enables them to access Medicare funded midwives. This, as I said, falls under health but a woman's ability to make decisions about her health care is enshrined in the Convention on the Elimination of All Forms of Discrimination Against Women, and it is a fundamental feature of women's autonomy.

Health have cited a convoluted clinical privileges policy as the reason women are not able to access a Medicare eligible midwife for care during labour and birth in our public hospitals. I understand that this requires some policy work, but what does not

require any policy work is for the obstetrics department of the Canberra Hospital and Calvary Public to acknowledge the receipt of a midwives care plan. Doing this enables a woman to at least claim funding for antenatal and post-natal care under Medicare. This has the ability to reduce the pressure on public antenatal clinics while providing women with a valuable choice. Six months from when funding was made available, only one woman in the ACT has been able to access any Medicare funding. We believe there have been a number of requests.

The Greens believe that health consumers should be directing policy initiatives rather than the medical union. The Medicare funding was established as a result of a 10-year campaign from women across Australia, with an active branch in the ACT. As I said, both I and my colleague Amanda Bresnan will be closely following progress on the rights of women to self-determination in health care.

I would like to acknowledge that the parliamentary agreement talked about gender disaggregated data. That project is still continuing and is going well, and we look forward to its continued success.

MR DOSZPOT (Brindabella) (12.14 am): We are at the Community Services Directorate. While the Community Services Directorate has responsibility for a range of programs and policies across individuals, families and the whole ACT community, in the interest of time tonight and to assist other colleagues to also get a say, I will restrict my comments to the treatment of disability.

One of the priorities for 2011-2012, as outlined in the budget, is “addressing the demand for disability services by providing a sustained response for individuals who require support as a result of breakdowns of natural and/or formal supports and who are transitioning from school to adult life, and providing specialist after school care and holiday support for young people with complex behaviour”. It also committed to developing a pilot therapy assistant program for ACT schools, both government and non government, supporting people with disabilities by increasing the subsidy per trip for people with wheelchairs and scoping the introduction of a smart card system for the taxi subsidy scheme.

In addressing the estimates committee, Minister Burch made the comment that disability and therapy services are two areas that are often very delicate and complex, and that is acknowledged.

In a media release on the day of the budget, Christina Ryan, general manager with Advocacy for Inclusion, summed it up well when she said:

The ACT budget includes some welcome initiatives but we are still only treading water as people with disabilities struggle to keep afloat with the large level of unmet need and exclusion.

That is a view shared by other groups who refer to the chronic disadvantage of the government, with a history of chronic underfunding and a lack of growth funding. The Auditor-General in 2009 found that available funding for all disability services was not sufficient to meet demand, with a shortfall of \$8.3 million on funding applications

in 2007-2008. Certainly this year, there is an additional \$14 million over four years to address this chronic shortage. This year the budget is \$83.6 million but, as was highlighted during the estimates committee hearings, even this falls short of the ideal.

In the next 10 years it is anticipated that 26 per cent of carers will look to move away from primary caring roles, because of age, thus reducing capability. There is an additional \$5.78 million delivered over four years to develop sustainable community-based accommodation and support arrangements.

I raised, during the estimates hearings, the disconnect many in the disability sector feel. They feel the department does not understand them, that they are not listening, while departmental officers assured me that there are processes and communication channels, that there is a disability information line that people can access and a client feedback line. I think it is an area that needs more work and perhaps more promotion.

The transition from school to adult life and post-school options is another area of great complexity. The department has guaranteed 12 hours of support a week for severely disabled children and suggests there is potential for flexibility. I spoke recently with the mother of a young person soon to transition from school, and she was distraught about how she was going to cope. Quite by coincidence, just before dinner this evening, I heard again from that same mother. She asked what more she could do. She has written to both the minister and the Chief Minister over a month ago and has received nothing more in that month than an email acknowledging receipt of her letter.

I trust that the assurances offered in the hearings by departmental officers, that support is appropriate for the needs and the future aspirations of young people, will be upheld. While I have got the attention of both the minister and the Chief Minister, I would urge them to have a look at the letter that has arrived from this woman who is again, I stress, under a fair bit of pressure and is looking for some measure of support from both or at least one of them.

The committee's recommendation No 172 in this regard, proposing the government review the post-school options currently available, was noted but the comments attached to the response give the impression that the department does not really believe it is such a problem and that, in any event, the development of a national disability insurance scheme will provide the opportunity to examine how services are structured and funded. It is a disappointing response.

I am encouraged by discussion on the development of after-school and vacation care services. At the estimates committee, the minister suggested that some work had been commissioned dealing with teenagers with very complex and challenging behaviours and that the report should be completed by the end of June. I look forward to hearing the result of those studies. It is a service that is needed by parents of children in both mainstream and special schools.

There was some confusion as to exactly how many extra hours of community access were to be delivered and indeed what they were for. Recommendation 173 sought to clarify the position by August of this year and also asked the extent to which there

remained an unmet need. The directorate has agreed to provide those details, and I look forward to Disability ACT's plans to address demand into the future.

In respect of therapy services, one welcome initiative is the therapy in schools program, which has an allocation of \$647,000 for a pilot therapy assistant program. But it does not extend to non-government schools. So once again we have a disconnect between how students in government and non-government schools are treated, especially at the special needs level.

The committee did question whether the target for hours of therapy addressed the level of demand. While there will be additional hours, there will continue to be a waiting list for services, and it is across all professional service areas—occupational, psychology, physiotherapy and social work, children with developmental delays and adults with a disability.

I raised with the department the frustrations of parents of autistic children in seeking services provided by the ACT government and the federal government. While I accept the director-general's advice that Australian government funding cannot be influenced by Therapy ACT, it is frustrating for those parents.

Another feasibility study that is due shortly is one concerning future models of respite care. The minister suggested the study would look not only at the physical form but also at the model of care, how flexibility can be provided for individuals and families, whether the care should be offered in blocks of one or two weeks, weekdays or days. The department was to receive the report in July, and I hope that the minister will see fit to share its contents with the Assembly as soon as practical after that.

Minister Burch suggested that there had been an increase in flexible respite hours by over 90 per cent but given the figures I mentioned earlier, the need for respite care will need to continue to grow at accelerated rates. As carers get older, to use the department's phrasing, natural support failure grows. Demand for additional services will also grow, and we need to factor this into future funding.

Moving to the multicultural affairs portfolio, I will abbreviate my comments tonight to just support recommendation 177 around how the government intends to deliver its whole-of-government language policy and highlight the need for departments to better liaise if indeed they promote policies that require delivery by multiple departments.

MRS DUNNE (Ginninderra) (12.22 am): Where do you start with this directorate? It is difficult to know, because there is no end of maladministration by this minister in this directorate. There is childcare, there is Bimberi Youth Justice Centre, there is care and protection and particularly there is the role of parents and grandparents. There is the former Flynn primary school, and now we have added to that the Fitters Workshop. I will speak briefly on each of those topics, although it could be noted that there are others.

Just yesterday we heard Minister Burch tell the Assembly in question time that the national quality framework in relation to childcare includes playschools. Then, the very next question asked the minister whether she was aware that an officer in her

department had told a particular playschool that the national quality framework did not apply to playschools. The minister responded:

If my unit made that comment to the service, I am sure it is right.

So in the space of a question and a supplementary question, Minister Burch has given the Assembly directly conflicting information. What is the true story? Perhaps the minister can tell us tonight. Are playschools exempt from the national quality framework or are they subject to it? Yesterday Minister Burch did not know, and this is indicative of this minister's competence in this portfolio. What else doesn't Minister Burch know?

She does not know, or perhaps more correctly, does not care that the viability of some childcare centres will be under a cloud due to the national quality framework. She does not know or care that some childcare centres will actually reduce the number of childcare places they can offer. She does not know or care that some childcare centres will have to undertake costly capital works improvements at their centres just to be able to maintain a viable number of places under the national quality framework. She does not know or care that her program to upgrade government-owned childcare centres creates competitive advantage for those childcare operators in those centres over those that do not operate from government-owned facilities. She does not know or care that childcare centres are very worried about the extra carers made necessary by the national quality framework.

Minister Burch does not know or care that the national quality framework will result in higher childcare costs for Canberra families. She does not know or care that this is yet another impost on the cost of living imposed by this government on Canberra families who already are paying the highest childcare costs in the country by \$60 a week. Minister Burch does not know or care about childcare.

Then we move on to the Bimberi Youth Justice Centre. This is not a case of whether Minister Burch knows or cares about anything. In this case Minister Burch simply does not want to know or care. She placed her hands over her ears and said, "La, la, la, la, la," when she was told a few home truths by workers at Bimberi. She says she attended that meeting with workers at Bimberi just to cover her backside. She called Bimberi residents a variety of "little buggers", "silly little buggers", "naughty little buggers".

Until the Canberra Liberals spoke out for workers and residents at Bimberi and the challenges that they face with security problems, personal safety, staff shortages and cancelled leave, Minister Burch did not want to know, nor did she care. Until the Canberra Liberals spoke out about the shortcomings of the physical security at the facility so that money was allocated for upgrades, Minister Burch did not want to know, nor did she care. Until the Canberra Liberals spoke out about bullying and physical abuse of residents at Bimberi, Minister Burch did not want to know, nor did she care. Minister Burch does not want to know, nor does she care, about Bimberi Youth Justice Centre. We have an inquiry not because Minister Burch was interested but because the Canberra Liberals spoke out.

Care and protection, and in particular grandparents and kinship carers, is an issue where we have seen a complete lack of care from this minister. Last year in the estimates hearings representatives of the Grandparents and Kinship Carers Association described the ACT government care and protection service's attitude towards them and the children in their care as institutionalised abuse. This year they were asked whether this was still the case and they confirmed that it was.

Last year in the estimates hearing, representatives of the Grandparents and Kinship Carers Association called on the government to deliver on its 2008 election promise that \$800,000 over four years would be provided to non-government agencies to support grandparents and kinship carers. This year they again called for that promise to be delivered.

I have forgotten the number of times I have asked questions about the delivery of that promise to provide \$800,000 over four years to a non-government agency. I am still waiting for a straight and clear answer to those questions. All that has been revealed so far is that the government paid \$40,000 a year to Marymead, and snaffled for itself \$60,000. The government should not be taking \$60,000 a year from funds promised to the non-government sector.

Just as the Liberal Party is repaying the \$10,000 it received from the community grants program, so this ACT Labor government should return to the community sector the \$60,000 a year of the funds intended for this non-government community organisation which is providing such an important service to the community. We are now almost three years into a four-year commitment from this government. Almost \$600,000 should have been spent by now, but only \$40,000 a year has actually gone to any community-based organisation. Minister Burch has done nothing.

Grandparents and kinship carers do not get the same level of government assistance for their care of kin who are in the care of care and protection as do foster carers of young people who are in the care and protection system.

Minister Burch has produced a handbook for carers but has provided no additional support for grandparents and kinship carers along the lines promised at the 2008 election for people who face special and unique difficulties in the care of their kin who are in the care of the care and protection system. But Minister Burch has done nothing.

I will draw members' attention to some of the highlights of the attendance at the estimates committee of the president of Grandparents and Kinship Carers (ACT) Inc, Ms Marion Le, and Ms Sue Mannion, the president of the Foster Carers Association. Ms Mannion and Ms Le came together, Madam Assistant Speaker, as you might recall, because they wanted to show a united front. They believe that they are in the same game, doing the same job, and they just have different titles. But whether they are foster carers or kinship carers, they are providing a vital service. I will quote some of the things:

The situation is no better than it was. It is no better than it was before Vardon. Huge amounts of money seem to be being thrown at a black hole and we just do not see any real on-the-ground benefit. We are full on rhetoric and short on practical examples of where that money has been well spent. The morale is pretty awful. Between us, I think we represent 98 per cent of the kids. It is just really difficult.

We are here also to support the kinship carers, but as the Foster Care Association our main complaint is that in 2009 we had \$25,000 of our extremely meagre funding taken off us to provide a position in the department that simply has not worked for us.

This minister asked today whether the Canberra Liberals could look organisations in the face because members of the Canberra Liberals had received some community grants. I ask the same question. Can Minister Burch look foster carers in the eye after they have taken \$25,000 out of, I think, their \$40,000 grant and had that money transferred back into the department to provide a service that they neither want nor need? The complaints of Ms Mannion and Ms Le go on for many pages, and their concerns are enormous.

I took some time after the formal hearing and sat down and had a cup of tea with Ms Mannion and Ms Le. I ended up dealing with two extraordinarily powerful women, both of whom were absolutely reduced and diminished by dealing year in year out with the department. One of those women was in tears at the end of the time, saying, "I feel defeated by working with this department or having to work against this department." The fact that people who are prepared to give up their time, their liberty, their disposable income to provide a service for this community, for the children of our community, and are treated so badly that they are reduced to tears is unacceptable. *(Second speaking period taken.)* I do note that in the estimates report there was a suggestion from Mr Hanson and Mr Smyth that perhaps the minister and the officials should take particular pains to re-read the evidence of Ms Mannion and Ms Le and then provide to the Assembly a justification for why they have been treated like that and a path forward for improved treatment.

Moving on to the Flynn primary school, the local community groups in Flynn are so incensed with Minister Burch's failure to consult and work in a cooperative manner with the local community in developing the former Flynn primary school that they are now again in court. It is true there have been meetings, but Minister Burch has done her own thing anyway. The Gumnut Place Child Care Centre went through a long period of anxiety and uncertainty when the government told them that they would be evicted from their much-loved premises. And really it boils down to the fact that if the truth were really out, Gumnut does not want to move from where they are in Evatt.

It is true that there were meetings, but in the end Minister Burch only wished them well in their future endeavours to find new accommodation. Minister Burch did things her own way. As it turns out now, Minister Burch is spending \$4 million to upgrade part of the former Flynn primary school to accommodate Gumnut and Alkira childcare centres coming together in amalgamation. This solution was only found after the Canberra Liberals spoke out on behalf of Gumnut. We hope that the outcome will be good for both Gumnut and Alkira.

But the Flynn community did not know about the decision because the minister did not talk to them or even tell them about it. Minister Burch did things her own way. Worse, Minister Burch is now spending \$4 million to accommodate 13 more children than are currently accommodated by the combined Alkira and Gumnut childcare centres. That is more than \$370,000 per additional place. Contrast that with Baringa Child Care Centre which undertook a facility extension project costing \$375,000 and which created 35 additional places or \$10,700 per place. Minister Burch continues to sing the words of the famous Frank Sinatra song *I did it my way*.

And speaking of singing, let me turn to the Fitters Workshop. Perhaps to her credit, Minister Burch is singing from the government's song sheet in relation to the decision to move the Megalo print studio from the former Watson high school to the Fitters Workshop. Nothing is wrong with that, you might say. Indeed, that may well be so. If it can be shown to be, I will support it absolutely. Megalo's move to the Kingston arts precinct is a right move, for many reasons. It creates the right synergies on a range of fronts.

I think that the narrative of having an industrial art form like printmaking in an old industrial site is extraordinarily good and to have it in close proximity to the glassworks is extraordinarily good. And I think that no-one would question this, except since that decision was made, Madam Deputy Speaker, as you know, we have made a discovery about the acoustic of the place. I am no acoustic expert—and I do not know that anyone in this place is an acoustic expert—but there are a lot of people who will attest to the acoustic of the place. There has been the discovery of the acoustic quality of the Fitters Workshop. Peter Sculthorpe says, "There is no place more uplifting for a concert in this whole country." And they are pretty strong words of praise. The director of the song company, who was on the ACT version of 7.30, extolled the virtues of the acoustic. David Pereira extolled the virtues of the acoustic.

But has Minister Burch sought expert acoustic advice? No, she has not. The music community is feeling ignored because they have not been consulted. More than 1,400 Canberrans are feeling so ignored that they have signed a petition to that effect, which you tabled today, Madam Assistant Speaker. Has Minister Burch talked with, listened to or even invited comment from the music community? No, she has not.

The size, space, ambience, acoustics and location of the Fitters Workshop and the vacant space still available in the Kingston arts precinct create a wide range of options for a truly visionary plan for the future. Has Minister Burch thought of these options or considered these options? No, she has not. Communities the world over have shown the synergies that are created by the coexistence of and cooperation between the visual and performing arts communities. This government has said the Kingston arts precinct is to be a visual arts precinct alone. Has Minister Burch considered all the options available or created true vision for the Kingston arts precinct? No.

The Kingston arts precinct provides an excellent opportunity for a world-class tourist attraction, arts hub and community space. Has Minister Burch contemplated a master plan that explores and articulates these opportunities? No, she has not. Has the development of the Kingston arts precinct been impetuous, piecemeal and unplanned?

Yes, it has. Because of that approach, the Kingston arts precinct quickly is becoming a lost opportunity to the Canberra community, to the arts community and to the world. And I challenge Minister Burch and her government to swallow their pride and take a long, hard look at all the options and all the opportunities, develop a vision and a master plan and listen to the experts and the stakeholders so that the whole community ends up with an arts precinct of which they can all be proud and one that will put Canberra on the map.

The Community Services Directorate is in trouble. It has an overseeing minister who gives conflicting information, does not care, does not know anything except her own thing, does not listen and cannot swallow her pride. So what exactly is she interested in? She is interested, as we all know, in creating media opportunities. We saw that in the minutes of the team of her department earlier this year. Those minutes said:

There is a push to provide media opportunities for the minister.

But she cannot even get that right. Recently she has failed to show up to events to take advantage of those media opportunities. I gather that as recently as last Friday she failed to turn up to the MBA awards, which I gather was a matter of some mirth for most people, but I suspect Minister Gallagher was mortified by the minister's failure to turn up and present a prize. So she cannot even get media opportunities right.

MR HARGREAVES (Brindabella) (12.40 am): Madam Assistant Speaker, I thank Ms Bresnan for her forbearance, because I have to go and jump in that seat in a tick. I will be very brief.

I have been listening to quite a bit of this debate upstairs. The reason why I have not been down here and joining in the debate, members, is because my back really hurts a lot. For the sake of Hansard, I note that I am holding up a cushion. It has been really sore. I have to make the observation, however, that I thank those opposite for their concern for my welfare. It is really heartening. I am thinking of how warm and cosy it is to be in the company of such beautiful people.

The one thing that I do notice is the ability of those opposite—it is an incredible ability—to trawl through the *Encyclopaedia Britannica* and find something wrong with it. They have looked into the glass of the ACT budget and found it to be half empty. They do not know about maybe the glass being half full and maybe they can help to fill it up; no.

Their statement is that the place is “rooned”. “We’re all rooned.” Madam Assistant Speaker, we are totally “rooned”. There is absolutely nothing good going on in the whole of the ACT, according to those opposite. I might suggest to those opposite, in fact, that this parliament is supposed to be about trying to find things which are good for the ACT, and one of the things that is good for the ACT is making them feel good. These guys seem to be dedicated to making people feel bad. I congratulate them because, if I have ever seen absolute academic practitioners in the art of miserabilism, it is that lot.

Mr Hanson: Madam Assistant Speaker, on a point of order.

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

MR HARGREAVES: And it takes me 35 seconds—

MADAM ASSISTANT SPEAKER: One moment, Mr Hargreaves.

Mr Hanson: This is largely an incoherent ramble. I would ask you to call on Mr Hargreaves to come to the point, which is to address this particular line item in the budget.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson. Mr Hargreaves, I do invite you to address yourself to the budget.

MR HARGREAVES: I thank you for the invitation, Madam Assistant Speaker. Sometimes I will take you up on your invitations but I am going to close now because I am going to relieve you of the speakership. However, I have to say that it is nice to be back. It only takes me two minutes and there is some idiot on their feet saying, “Point of order, point of order.” They cannot help themselves. They sit there and they trawl through the Community Services part of the budget, trying to find something wrong. They dredge through it all; they have not got a clue.

I listened to the Greens’ contribution to the debate upstairs. It was mixed with criticisms and bouquets, and I think that is the way we should be behaving ourselves in this place. If there is something in this budget which is good, how about we say so? If there is something in there that is not quite as good, okay, fine, say so. But do not spend your whole life sitting there and trawling through stuff, trying to find something wrong with it. They are practitioners; these people have a PhD in the art of miserabilism.

Madam Assistant Speaker, I am ready to take the chair back. And that was just to wake you poor people up.

MS BRESNAN (Brindabella) (12.44 am): Madam Assistant Speaker, it will be hard to follow that speech, but I will try.

Mrs Dunne: I think “speech” is overstating it just a little.

MS BRESNAN: Possibly. One of the key issues I will look at in speaking to the budget is disability. The government provided some key themes through the budget and the estimates process regarding disability—that it had identified disability as a priority area and was working to keep up with demand and that the national disability insurance scheme, it was hoped, would eventually be established and assist in funding this area. I know there are many people hoping that the scheme does get established and will aid in funding the disability area.

The Greens are concerned about three issues in particular in the disability portfolio. These areas are the increasing demand for housing options for people with disabilities who have ageing parents, the lack of clear accreditation for disability services, and limited hours of support that people with disabilities receive during the week.

The government has appropriated \$2 million to \$3 million per annum over the next four years to meet increasing demand. Most of the funds will go to individuals requiring new or increased individual support packages. However, while the hours of support per week are 30 in New South Wales, the minimum in the ACT is 12. Parents often struggle once their children finish their school years, as while the children are likely to receive some level of support, parents often have to give up some work so they can provide the one-to-one support their child needs, which is no longer provided during school hours.

It has also often been said that while the government has a process for helping a family plan for what to do once their child finishes school, there are not enough options available to help families. This is why the Greens have strongly pushed for an enhancement of post-school options and have also engaged with Social Ventures Australia to try and pursue such options. We are pleased to see that the government has also seen the benefits of this approach and also intends to pursue it.

The estimates committee has recommended that the government review the post-school options and report to the Legislative Assembly by the first sitting day in December 2011. I look forward to that report. I was also extremely pleased with the support for the Greens' motion from the government to establish three demonstration social enterprise projects.

On housing, it is good that the government has supported the intentional community in relation to disability. This has been a long-fought-for project by the families involved. There is a great deal of demand, particularly from parents who are ageing, and we need to open up the debate about what community inclusion means to different people and what weight is given to choice. It is true that the introduction of the national disability insurance scheme may see families doing group purchases for housing options. And I do take up the point made by parents that they want their children to be able to continue to maintain friendships with people they have grown up with. I do not believe it is about one model or the other when it comes to community inclusion—it is about having an appropriate mix of services that best meet the needs of each person.

I would also like to address the issue of accreditation. When people place their loved one in a disability service, they should be assured that the service is a quality one which will take good care of the person, their loved one. There is still a case which has not seen resolution; it is the subject of a coronial inquiry and has been referred to the Director of Public Prosecutions in New South Wales. We must ensure that such a tragic outcome never happens again.

I will quickly refer to respite; Mr Doszpot also did. Obviously, there was a respite inquiry, and this is a key area in disability. We do need adequate funding. Respite is one of the major ways in which parents and carers can continue that caring relationship and have that respite for themselves and also for the person they care for. This is a key area where we hope to see increased funding in the future.

On the multicultural portfolio, the main focus of multicultural affairs in the budget is additional funding for the multicultural festival and employment support programs. Employment is an important part of helping people to engage in their community economically and socially, and it is good to see this program receive additional funding. The multicultural festival involves the Canberra community as a whole, with different cultures. The Greens would like to see increased emphasis on programs that aim to develop ongoing understanding of different cultures, in particular multifaith religious understanding.

I asked a question through estimates on the ACT multicultural grants program, which included asking about who assesses applications for the grants. The answer was that the minister appoints a panel of community members to assess the applications and then make recommendations to the minister. It would be useful to know who is represented on this panel and how the panel members are selected.

With regard to ageing, it was difficult to find specific budget initiatives related to services for older people. While I appreciate other funded services are relevant to older people, and there is the continuation of programs such as falls prevention and the like which are significant for older people, it is important that we start to see specific initiatives and programs, with the expectation that the number of people over the age of 65 will double by 2030. This is obviously an area where there is also federal funding and responsibility, and I do acknowledge this.

If we are to have strategies like the ACT strategic plan for positive ageing, there needs to be some funding applied to ensure that it actually occurs. We see this often with government plans, and not just here in the ACT, where these plans are developed but then little progress is made on specific programs or initiatives when they are not funded as part of the strategy.

In answer to a question I asked through estimates on the strategic plan for positive ageing, the answer stated that "it was not a plan with an allocated budget, but rather, it sought to focus government resources on priorities identified by the seniors community". That is all well and good, but given the increase in the ageing population there will have to be a time when we do not try to fit older people into existing programs but look to design services which are specific to older people's needs.

It was good to hear the government announce the survey that will be undertaken with older people in the ACT, and that this will look to see where there are service needs. I would like to note also that the older persons assembly will take place in September, and I would hope that any recommendations made will be acted on by the government and have an impact on future services and policies on ageing in the ACT.

The Council on the Ageing made a budget submission requesting funding for mainly health-related items. The main item was for a mobile dental clinic to minimise travel difficulties for older Canberrans, particularly those in aged-care facilities. This proposal was not funded. I spoke about this in my in-principle speech, and while I again recognise there are ongoing discussions at a federal level on dental care, there is still no resolution on this and it does appear that it probably will not receive funding,

and it is an area of health care which remains underfunded. It is also an area that does not receive the focus it should, as dental health is crucial to a person's overall health, particularly for older people.

The Council on the Ageing submission on the respecting patient choices program was also unfunded. Ensuring older people are aware of their choices if they become ill is important. The Greens would like to see greater promotion of this program, which is an existing program in the ACT government, especially to older people. It is important to provide older people with that information so that they are aware of their options. It is a very good program. We just hope that it does receive increasing resources so that more older people can access it.

MR COE (Ginninderra) (12.52 am): I will be speaking to the Community Services Directorate line item of the budget in my capacity as shadow minister for youth. Whilst Mrs Dunne has already touched on a fair portion of the broader youth portfolio with regard to Bimberi, in her capacity as shadow minister for children and community services, I would like to touch on a few other areas. One is related to youth justice. It is with regard to a program which is listed in the budget on page 107. It is a program which is designed to help reduce the rate of reoffending amongst young people.

I note that \$450,000 or thereabouts has been allocated over the next four years, but I do not think it is clear how these funds are going to be spent. I do not think it is necessarily going to be enough to meet the demand. That is not to say that we are calling for more funding, but we certainly want to make sure that the funding in the youth area of the directorate is working as hard as it possibly could. It seems to me that this particular line item in the budget has not been thought out as well as it could have, and I hope they do the work and research that are necessary to ensure that that \$400,000-odd is spent as effectively as it possibly could be and to ensure that any future money which might be allocated to that area is also spent in a prudent way.

I note that around \$500,000 for the next four years has been spent with regard to transitioning young people from out-of-home care. This is something which is a welcome initiative. But we have to remember that there are many other issues, as flagged by the Youth Coalition in one of their reports on the budget—in part 2 of their budget review. I think it is well worth the government looking into some of those concerns raised with regard to that out-of-home care package.

Broadly on the youth portfolio, I think it is very important that we remember that whilst there are some issues which are exclusively related to young people, there are many broader issues that have a profound impact on young people's lives—things such as the cost of living, things such as housing affordability, things such as the availability of public transport, things such as the availability of education. These are all core youth policy areas. We are not necessarily going to see it in a budget as it relates to youth, but they are core areas of government decision making which affect the quality of life of young people. We need to ensure that we have a very broad approach when we are considering the welfare of young people in this city. We should not simply look at the line items in a budget such as this; we should look at all the areas of government which do have an impact on young people.

To that end, I am concerned that this government's focus on youth issues is too narrow. I do not think they are fully taking into account the raft of issues which impact on the quality of life of young people in the territory.

MR HANSON (Molonglo) (12.56 am): I rise to speak tonight about Indigenous affairs, Aboriginal and Torres Strait Islander affairs, here in the ACT. It is an area where there is a real attempt by all parties in this place to have a unified view. It is not an area on which I think any of us are looking for a particular point of difference. But there are a number of issues which were covered in the estimates inquiry, one of which is the genealogy project, which is due in the next couple of months. This was an election promise by the government for \$150,000, now \$100,000.

The concern I have arising from estimates is that there is some thought that this project may not be made public. I think that it needs to be. The intent of this is to clarify a range of quite sensitive issues, and if we do not have this made public in full—and there may be some names or personal particulars that can be deleted—and if we do not make sure that this is a public document, I think we are not going to actually resolve some of the concerns that we have in the Indigenous community.

There were concerns raised about the Billabong Aboriginal Development Corporation, particularly in relation to contracts. I think that has been acknowledged by the ACT government. And I hope to see that they will take that away. I notice that they have agreed to the recommendation that they will report to the Assembly when the contractual agreement has been finalised with the Billabong Aboriginal Corporation.

With the Aboriginal and Torres Strait Islander Elected Body, again, this is an area that warrants improvement. There were 173 people who voted in that election. It cost \$45,000. So when you consider the amount of resources that need to be put into the Indigenous community—and I think we all recognise there is much work to be done—I do not know whether that is an effective way for that money to be spent when it produces that sort of result. We have to make sure that, if we are spending money, we get the best result. It is quite clear that we need to do better if we are going to get representation from a broader section of the Indigenous community to provide advice to the government, because 173 people voting for seven representatives at a cost of \$45,000 is actually a decline in terms of representation from previous elections. It is really not up to the mark.

I acknowledge that the government has accepted that and is going to make efforts to improve it, and I certainly look forward to seeing what those are.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (12.59 am): The Community Service Directorate provides significant programs and supports across all ages and areas of our community, but I will just speak to a few of them. I realise that providing support services to those with a disability is important for a government but it is also important across our community.

This budget responds by providing for a growing demand for disability and therapy services, with almost \$14 million of additional funding over four years. It is worth contemplating that since we have come to government, funding for disability programs has increased by over 100 per cent, from \$41 million in 2002 to over \$83 million. This is a very considerable increase. The budget also provides \$10.3 million over four years for additional supports and services to people with a disability.

Of that, \$5.7 million will go to providing sustainable community-based accommodation and support arrangements. Also in the budget is capital expenditure for an intentional community. We have a project in play at the moment looking at additional after-school and holiday care for teenagers with a disability. Hopefully that will come to me and it can be brought online. I have indicated that I will report here in August.

The budget also allocates a further \$2.8 million for school leavers with high and complex needs who require alternatives to employment. We will see expansion of existing programs and create an additional 15 places over the next two years with community access programs such as LEAD and Sharing Places.

In Therapy ACT the budget provides for new ways of delivering services. This includes the pilot of therapy system programs. The pilot will provide for students with a disability in schools to deliver tailored programs developed by allied health professionals. There is also an increase of \$396,000 over two years for the children and young people's equipment loan scheme to repair, replace and refresh the loan pool.

The current debate about a national disability insurance scheme does present an opportunity to deliver significant reforms and benefits for all people with a disability. This government will continue to advocate for such a scheme. In the meantime, this budget demonstrates that the government has an ongoing commitment to people with a disability and has responded to the demand with an additional \$14 million over four years.

Turning to children and young people, the government is continuing to deliver services to improve outcomes for all children, young people and families in the ACT. We are improving access to childcare by funding the construction of two new childcare centres, funding the expansion of existing centres and providing funding for childcare staff to increase their qualifications.

The supporting quality early childhood education and care initiative assists families to access affordable quality care. The investment provides the potential for significant additional places across Canberra. We are investing \$7.5 million to build a 125 place community-based childcare centre in Holder. The government is also releasing five sites for childcare in Macarthur, Holt, McKellar, Gungahlin and Giralang. I can report that the market has shown a strong interest, with the Giralang and McKellar sites already sold.

The government is investing \$9 million in the budget to upgrade childcare centres and the community facilities owned by the Community Services Directorate. The government is providing early childhood scholarships to assist the children's services sector in the ACT to transition to the national quality framework. This program will deliver supports in the two years before the new qualifications come into place in 2014. This initiative has been put in place to show support for the workforce that does a great job here for all families.

I make this comment in regard to the cost. A recent survey shows that there is no significant difference in centres that meet the proposed new ratios, do not meet the proposed new ratios, are in accommodation that they are paying rent for, or that they are paying a peppercorn rent for, Mr Speaker. Last month, the west Belconnen child and family centre was opened. This is the first to be built anywhere in Australia. It will provide targeted outreach programs to meet the needs of Aboriginal and Torres Strait Islander children, young people and their families.

On diversions from youth justice, the budget provides substantial funding to enhance ACT youth justice services. There is additional support for children and young people in foster and kinship care as well as those exiting care. The budget contains an investment of over \$2 million over four years to establish an after-hours bail service. This is a major step in providing authorities and young offenders with greater diversionary options. It forms part of the government's diversionary framework which is being developed within the community sector. It will consider youth parole as well as reforms to the Bail Act.

Mr Speaker, the budget also increases our support to the most vulnerable children. It will increase base funding by approximately \$2 million to support the needs in children in out-of-home care. In addition to the measures the ACT government took in 2009 to support kinship carers, I am pleased to say that this budget will provide further support. There will be a dedicated team for outreach workers who will assist kinship carers with training and support to meet the needs of caring for children with complex and therapeutic needs.

Mr Speaker, we are investing in young people in an out-of-home care system which, in this budget sees an allocation of over \$2 million over four years to further support young people who are transitioning out of care. This has been a priority of mine, so I am very pleased to see it in this year's budget. We understand that not all young people reach self-sufficiency at 18. They require support during their transition to adulthood.

Funding will support young people to be self-sufficient and independent to the age of 25. This will include a dedicated life planning team to ensure that all young people are equipped to access their entitlements and benefits, access key support services, and education and training during this challenging time. We will also establish a brokerage fund to assist young people in kinship and foster care with one-off expenses.

Turning to the Office of Multicultural Affairs and the Office of Aboriginal and Torres Strait Islander Affairs, this budget provides an additional \$1.4 million over four years.

There is also an additional \$166,000 over four years to expand the work experience and support program, which provides work experience placements within the ACT public service for migrants helping those to obtain valuable job skills. There has been nearly a hundred go through that program and a very high success rate. It is a very good program.

It also includes extra funding of \$100,000 per year for the next two years for the National Multicultural Festival. Mr Speaker, last year's festival has been declared the biggest ever, with the AFP still saying that 240,000 people attended during the weekend. This new money will see it go from strength to strength.

In the area of Aboriginal and Torres Strait Islander Affairs, there is \$240,000 over four years for the next generation of Aboriginal and Torres Strait Islander leaders, through new grants programs and programs that will benefit up to 20 future leaders. That is part of our commitment to invest in the capacity-building of our Indigenous community. The budget also funds two cultural camps for families to discuss issues of local importance and a grants program to support local Indigenous Canberrans to showcase Indigenous culture at the cultural centre.

On arts, this budget sees the government continuing to fund the growth of arts in Canberra. Much of the investment has been guided by the review of arts by Peter Loxton. For example, we have allocated \$100,000 for a scoping study to examine how best to create three new arts hubs based at the Kingston arts precinct, the Street Theatre and Ainslie Arts Centre.

In conjunction with the scoping study, the government has allocated \$3.2 million to extend the capacity of the Street Theatre to function as a hub for performing arts. As been noted here, there is \$3.9 million to refurbish the Fitters Workshop for Megalo studio and gallery. There has been some level of interest in this move over the last few weeks. This decision was made back in 2009, with an allocation for design. So it should have been no secret to people that this was our intention. It has also been brought to my attention this week that emails were sent to Mrs Dunne back in 2009, where she promised to get back to him. He is still waiting for that, Mr Speaker. The budget includes \$200,000 for designs to upgrade Tuggeranong Arts Centre and \$500,000 over two years to complete improvements at Strathnairn.

The Community Services Directorate does have a challenging 12 months ahead, but it is committed to providing a range of supports to all Canberrans, including Canberra women. There are no specific items in this budget for ageing, but it is because we approached that through a whole-of-government approach, Mr Speaker. I will stop before my voice completely gives in.

Amendment agreed to.

Proposed expenditure, as amended, agreed to.

Proposed expenditure—Part 1.16—Housing ACT—\$43,186,000 (net cost of outputs) and \$24,165,000 (capital injection), totalling \$67,351,000.

MR COE (Ginninderra) (1.11 am): I do not intend to speak for very long this evening on this issue as I have already put a considerable amount on the record in recent months in the media, in this place and in the committee. Firstly, I put on the record my support and thanks for the work done by the staff of Housing ACT, in, particular the housing managers. I think they have got a pretty tough job to be honest. There are only 40 or so housing managers who manage over 10,000 properties. They manage 250 properties each roughly, and there are certainly some pretty unique needs amongst the tenancies. So they have got their work cut out for them, and it takes a special sort of person and someone with a real commitment to the job to undertake that role. I very much commend them for it and I thank them for the role they continue to play in our community.

We need to steer away from a principle that more public housing is better. A better principle is that we want people in housing. Whether that is supplied by the private sector or by the government to an extent is irrelevant in terms of the specific needs of an individual household getting shelter for the night. There are long-term social and demographic issues which need to be addressed, but, in the simplest sense, someone having shelter is the most important thing. It is very important that, where possible, we do not drive people into public housing because we have an unaffordable housing market, whether that be the result of the cost of purchasing properties or the cost of renting properties. It seems to me that, when we simply try to increase the stock of public housing, we are, to an extent, actually treating the symptom—that is, an unaffordable housing market driving people to a position where they are dependent upon the government for support for housing. It is not always as simple as that; it is not always economic drivers which push someone into public housing. There are often other factors, but economic drivers are certainly one of the key ones.

I note that next year the target for the number of properties managed by Housing ACT within the social housing suite will be 12,050. I imagine that is probably the highest level it has ever been here in the territory. It may not be as a percentage, but I certainly think it would be overall. The former housing minister is nodding, which suggests that that is so.

I also note that the cost per dwelling of public housing is still hovering around the \$10,000 mark, with next year the average to be \$9,954. That is a huge amount. We really need to be looking at ways of bringing that down. There are a few ways it can be done, and that is something I will be exploring over the coming months and year or two.

Finally, I want to comment on a particularly strange strategic indicator—that is, strategic indicator No 2, found on page 384 of budget paper No 4. It is the percentage of tenants who recognise that public housing assists them to participate in the community. It is not the percentage of tenants whom public housing assists; it is the percentage of tenants who recognise that public housing assists them to participate in the community.

A much better indicator would be the percentage of tenants whom public housing assists to participate in the community rather than the percentage of those who

recognise that it helps them. That indicator could be worked on. I note that it says that it comes from local and national social housing surveys, so there may not be the flexibility within Housing ACT to actually rework that indicator in-house. Regardless, I do not think it is the most effective indicator we could have. I ask the minister and her directorate to look at a more appropriate strategic indicator—one that actually looks at the percentage of people participating in the community through their public housing as opposed to simply the recognition thereof.

MS BRESNAN (Brindabella) (1.17 am): Affordable housing is an issue in Canberra, and we know people on low incomes find it difficult to access secure and permanent accommodation. The government measures affordable housing in Canberra by looking at averages and medians, but this does not reflect the reality of those people who are in housing stress. The government's provision of public housing, emergency accommodation and homelessness services is essential to ensuring there is a safety net of stable accommodation for people.

The Greens believe some very good progress has been made over the last three years in increasing public housing stock due to the federal stimulus and the effective manner in which the ACT government has been able to turn those funds into housing. The Greens acknowledge the ACT government's achievement of delivering a larger than expected number of older persons units in a timely and effective manner. The efforts, however, cannot stop there. Public housing must continue to grow, as we do not want to see a reversal in stock numbers.

That is why the Greens have the agreement item with the government to maintain the 10 per cent public housing figure and why we made a budget bid of \$10 million through this budget to increase public housing stock. We are pleased to see \$9.5 million of that has been appropriated.

Through question on notice No 366, I asked the government whether it needed to make capital injections in coming years to maintain stock numbers at the 12,050 figure. My reading of the government's answer is yes, as the government has decided to provide \$5 million per annum ongoing to maintain those numbers, and any capital injections above that \$5 million will lead to increases in stock numbers.

We are still waiting for the public housing asset management strategy. It is now 2½ years overdue, given the previous one ended in 2008. The minister has said she will provide this by the end of the year. This document will be crucial in showing the plan to maintain public housing in the coming years.

Organisations involved in addressing housing and homelessness have been calling for public housing to be maintained, noting that it is stable, safe and secure accommodation that people need to be able to get their lives back on track. There have also been calls for current demand to be met so we do not see levels of demand increase dramatically in coming years, a point which was made in the recent report by the Australian Institute of Health and Welfare. Ms Burch, Mr Seselja and I all took part in the recent Vinnies CEO sleep-out, and John Falzon, CEO of Vinnies, on the morning after the sleep-out called on all those who took part to lobby for more public housing.

The Greens were pleased to see in this budget an expansion of the public housing energy efficiency program, which is a parliamentary agreement item. Around 75 per cent of the people who appear before ACAT do so because they cannot afford their energy bills and they come from public housing. This is not only because they have low incomes but also because their houses can be incredibly hot in summer and cold in winter and they cannot effectively achieve comfortable living conditions. Making improvements to public housing energy efficiency makes good economic and environmental sense. So far, the government has made improvements to or is satisfied with about one-third of public housing stock with another two-thirds to proceed.

The Greens are concerned that the number of people who are homeless in the ACT is high. In 2006 the national census showed Canberra had higher rates of homelessness than Melbourne and Sydney. In a population as affluent as ours, this is something all members here should find alarming. The Greens have investigated this issue through targets the ACT government has set to report on in response to the 2008 COAG agreement on homelessness. Most of the targets to be achieved are based on outcome measures, but, unfortunately, the government's last report on the COAG agreement has only reported in most cases on output measures. That does not tell us if we are getting close to those targets for reduced homelessness or not, and I am concerned that this may not be the case.

The minister has referred several times to the higher than expected demand for assistance through the central homelessness phone line. Obviously, the setting up of that phone line has meant that we are starting to see these figures probably for the first time in some instances. I acknowledge that the agency running the home line are doing an excellent job in providing that service. I do not think anyone argues that they are not providing an excellent service. I encourage the minister to make public the figures coming through that phone line so we can have a better understanding of the current situation and what more is needed.

Lastly, I would like to make the point that I do not think we received adequate time for questioning in the estimates process on the Housing ACT line item. Last year, for example, we did not get to ask any questions about homelessness which is obviously a major problem in the ACT. Because we have an affluent population, a lot of people do not think we have a homelessness problem here, but we do. It is important that in the estimates process we have adequate time to ask questions about that. This year we only briefly ran through a few issues in relation to homelessness. This is an area which warrants far greater scrutiny and attention, and I request that, in future years, we have more time allocated to this very important portfolio area in the estimates process.

DR BOURKE (Ginninderra) (1.23 am): I again rise to congratulate the government on the funding in this budget for the common ground feasibility study. This proposal—which I am sure Ms Bresnan will be delighted to hear—has as its aim the reduction of homelessness in Canberra, supporting the federal government's aim to halve homelessness by 2020. The underlying ethos of this proposal is that all people are valued, regardless of their circumstances.

The common ground model has several key elements: the accommodation provided will be high quality; tenants will be safe, and this will be ensured by the provision of a 24-hour concierge; tenants will be part of a community comprising a mix of 50 per cent low income and 50 per cent homeless people; permanent accommodation, not transitional accommodation, will be provided; and support services, such as drug and alcohol and mental health services, will be co-located on the site.

It is proposed that up to 85 units will be built on a site at St John's Church, Reid. If, like me, you walk around Civic early in the morning, you will have seen people sleeping in doorways, even in our cold winters. And, like me, you have probably wondered what can be done to help them. The common ground model has been successful overseas, and accommodation based on these principles has been built in Sydney, Melbourne, Brisbane and Adelaide. For those who now live in common ground accommodation, the change in their circumstances has been life transforming. I welcome this funding for the feasibility study and congratulate the government on its vision for those most in need in our city.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (1.25 am): The government are committed to providing public housing for those that need it most, and we can be justifiably proud of our achievements during the last year, adding significantly to the public housing stock which already stood at the highest per capita in Australia. We have continued to construct new public housing dwellings thanks to the new public housing program, and we have brought online an extra 421 properties through that.

This year we will see a continued growth of our stock, as I have mentioned, through the intentional communities, a new project that is quite exciting. We are also providing new funding to upgrade existing stock. In this budget we have put an additional \$2 million into energy efficiency upgrades for properties. We are committed to the redevelopment of Northbourne Avenue at the Allawah, Bega and Currong units and through the national competition I launched last month for the redesign of Northbourne flats. I am pleased to say that 50 local and national architect firms have registered their interest in that, so the materials will be forwarded to them, and we are planning to announce a winner later in the year.

This budget also allocates \$1.2 million over four year for additional specialist support services to address issues causing antisocial behaviours such as drug, alcohol and substance misuse and mental health issues. I think this initiative will tackle an important area and one of significant public interest.

The budget also sets out to do more for those who find themselves homeless. There is additional funding of \$508,000 over four years for the street to home project, which works with the chronic homeless to provide them with access to services such as mental health support to help them get back into settled, long-term accommodation. As Dr Bourke has just mentioned, there is \$150,000 for a feasibility study into the common ground model, and I am looking forward to that coming back to me at the end of this year.

Everything this government does demonstrates its commitment to sustained growth in public housing. I look forward to being able to provide to this place and to Ms Bresnan the asset management plan at the end of the year.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.17—ACT Gambling and Racing Commission—\$4,297,000 (net cost of outputs), totalling \$4,297,000.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (1.28 am): The Gambling and Racing Commission performs a very important function in our community and is responsible for regulating what can be a harmful industry. The Greens' view is that there should be very strong regulatory oversight of the industry, and we were very pleased to hear during the estimates committee hearings that the commission's compliance work is proving very successful and that the incidence of breaches is falling. I understand that the commission does a very good job of engaging in a collaborative manner with clubs and other gambling providers to assist them with compliance and rectifying mistakes as well as exercising the traditional regulator role. I think this is a real credit to the commission, and we are very pleased to see tangible results from their work.

The Greens are particularly pleased that this year the commission will begin administering the problem gambling assistance fund, which will commence tomorrow. A provider has now been chosen by the commission to deliver the specified services and I understand these will be significantly more than we currently have and that there will be links between the ongoing research project and the counselling services. This is a much better situation than we had previously and I am confident that the increase in services will lead to a tangible reduction in the level of problem gambling.

The fund will also provide for further research into problem gambling, as I said, and again the commissioner was able to give evidence to the estimates committee that there is further research already underway at the ANU and that this will continue where the prevalence study left off. This is particularly encouraging as the evidence to the committee was that more targeted research is being undertaken that will hopefully allow for the even better use of the problem gambling fund to ensure that it provides services to those most in need.

MR SMYTH (Brindabella) (1.30 am): I would like to make a comment on two areas. The first is the unease in the ACT club industry. There was legislation passed in this sitting period that the clubs find in a number of ways hard to understand the need for. I think there is this almost endless change to the whole clubs arrangement. What they want is a period of certainty, and what they would like to know is that they will be allowed to get on with doing their job, which is to make the community gaming model work, which they do so very well.

I think it is true to say clubs are not an endless supply of funds for the government or for other purposes and, equally, they now do not have the capacity to be able to respond to an ever-increasing regulatory framework without something giving. A lot

of the small clubs are vulnerable in that they lack resources, and I think we need to have considerable care as some of our valuable small businesses, as they are in our community, are at risk of being inundated by this constantly changing realm of legislation.

I also note the ICRC's report into the ACT's racing industry and I do look forward to considering the proposal put forward by the government when they do respond. There is merit in some changes to the structure of the local industry but at the same time they need to be changes going forward. There is a lot of potential here. There is the potential to be the largest non-metropolitan racing industry in the country. It has got a lot going for it and we need to look at ways to capitalise on it to benefit the industry and benefit the community at large.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.18 ACT Public Cemeteries Authority—\$727,000 (capital injection), totalling \$727,000.

MS LE COUTEUR (Molonglo) (1.32 am): I am very pleased to see that the ACT government is considering natural burials as an option at the proposed southern cemetery in Tuggeranong. And part of the proposed area has been identified as a wildlife corridor. A natural burial site would therefore be an ideal choice for this setting. It would work to preserve and enhance the natural values of the area. A natural burial area is not currently available in the ACT. So I am very pleased to see that it will be at least a small part of the new cemetery.

I have been a strong advocate for natural burials because they represent a natural and significantly more environmentally friendly alternative to cremation or traditional burial practices. And one of the things I am concerned about with the push to build a new crematorium in Tuggeranong is that part of the motivation for this is financial, because I understand that the cemeteries trust presently has a significant unfunded perpetual care liability. That seems like it could be the major motivation.

As I understand it, though, in fact in south Canberra and Tuggeranong in particular, the major need is for a large-capacity chapel or ceremonial space. And this could be provided at the southern cemetery, with the deceased then being transported to the existing Mitchell facility after the ceremony was completed if cremation was required. My understanding is that there is adequate space and time in Mitchell for cremations.

Therefore, I would like the government to seriously look at the need or otherwise for a crematorium in Tuggeranong. And in considering this, I would like to see the government look at the environmental cost of cremation as well as the environmental positives of natural burials.

MR COE (Ginninderra) (1.35 am): I do not want to say anything other than to put on the record my thanks to Hamish Horne and the team that he leads at the Canberra cemeteries authority. I think he did a great job last year and I wish him and the staff all the best for the coming year.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.19—Actew Corporation—\$10,390,000 (net cost of outputs), totalling \$10,390,000.

MRS DUNNE (Ginninderra) (1.35 am): I will address two matters in relation to Actew Corporation. The first relates to water sales and water prices for Actew. Actew has experienced a fall in sales of its water. This is a result of two factors: first, reduced consumption because of increased rainfall over the past 12 months; and, second, reduced consumption due to conservation measures and water restrictions during the preceding drought. The second of these factors, that of water conservation measures and water restrictions, is based on expensive but very successful media and other promotional campaigns calling on Canberrans to conserve water. Canberrans have responded very positively to that call, reducing consumption from 62.8 megalitres in 2001 to 45.1 megalitres in 2010. That is a reduction of 28 per cent over the 10-year period.

How have Canberrans been rewarded for this frugality? They have been rewarded with an increase in their water rates—water price increases of nearly 200 per cent over the same period, from \$245 per year for an average household, to \$675, based on the average consumption of 250 kilolitres per household per year. Indeed, the more up-to-date figure from the ICRC shows that the water bill for Canberra families using an average of 250 kilolitres per year has increased from \$222.50 in 1997-98 to \$793.63 in 2011-12. This represents a 257 per cent increase over that same 15-year period. And herein lies a significant dichotomy.

From Actew's business viewpoint, falling sales means falling revenue. The options for Actew are to increase prices or reduce other expense line items. The most obvious expense line item is staff costs, which inevitably translates to reduced services—things like quality of water, reliability of reticulation systems, maintenance, customer service and so on. If expense items cannot be targeted sufficiently to ensure continued viability, the only option is water prices. And it is water prices that have filled most of that business gap for Actew.

But there is one other line that should be targeted to assist in filling the business gap, and this is the dividend that Actew pays to the ACT government. This is the second of the two matters I want to briefly address. The ACT government's policy is that Actew must pay a dividend equal to 100 per cent of Actew's net profits.

The government will tell you that this is a policy to ensure that Actew operates in an environment of competitive neutrality, and that might sound fair enough. I have been banging on quite a bit lately about competitive neutrality, and it is necessary for organisations like Actew that operate as a monopoly. But competitive neutrality means Actew must pay tax equivalents, which it does. It pays tax to the ACT government equivalent to the tax it would pay if it was a publicly listed company on the stock exchange. The dividends paid by public companies are determined by their boards after taking into consideration a whole range of matters such as prudent working capital requirements, the need to build reserves, whether any contingent costs are lurking beyond the horizon. Dividends are not set by shareholders.

In the case of Actew, the key shareholders, now Chief Minister Gallagher and Deputy Chief Minister Barr, set the dividends. They require Actew to pay them, as trustees for the government, 100 per cent of Actew's net profit. Actew is not allowed to build reserves for, dare I say, a rainy day. Actew is not allowed to maintain a commercially acceptable level of working capital. Actew, while being told by the government to operate at arm's length as a commercial operation, is not allowed to determine the dividend it should pay to its shareholders.

The government will tell you that it does not tell Actew what it should budget for net profit or the dividend it is to pay to the government. The government will tell you it is for Actew to determine its budgeting, including its profitability. Only the most gullible would believe that.

So when Actew sets its budget and makes its pricing applications to the ICRC, it factors in the government's dividend requirement. Thus, if consumption falls and price goes up, the government will still take its pound of flesh, and that is why the people of Canberra are paying more for less water. The government's dividend amounts to yet another tax on Canberra's families. It is another impost on the cost of living of families, and the government does not care.

Possibly on a more positive note, there have been whispers and hints about a review of the way that water prices are calculated and that they be based more on demand than supply. I certainly am open to a review that creates a fairer pricing system for water. Struggling Canberra families certainly could benefit from some relief. So I will be watching the progress of this review with interest.

I will finish with a brief cautionary note in relation to the looming plan for water diversion limits in the Murray-Darling Basin. The ACT is the largest urban settlement in the basin, and we have quite different demands on water than anywhere else in the basin. The diversion limits as proposed in the guide for the plan released in October last year to come into effect in the ACT will mean a considerable shake-up in water management policy in the ACT, including supply limits and water prices.

I have said before that the proposed limits would result in permanent stage 3 or stage 4 water restrictions for the ACT, with a consequent impact on water sales for Actew and water prices for ACT residents. It would also bring into question the cost benefit of our water security projects, especially the enlarged Cotter Dam, which by itself was assessed by the Centre for International Economics in 2009 as having a negative economic benefit. We may be able to store all the water the dam can hold but we may never be allowed to use more than the diversion limits imposed by the Murray-Darling Basin Authority. If we do, we will have to pay for it, no doubt at grossly higher prices.

The government says that it has gone in strongly to bat for the people of the ACT in this exercise. Mr Corbell even said that there were positive indications of a more acceptable outcome for the ACT. I certainly hope so.

In closing, I note that members of the Canberra Liberals have now twice visited the enlarged Cotter Dam project, as well as the Murrumbidgee to Googong pipeline and the Googong Dam. And I want to record our thanks to the managing director of Actew Corporation for the courtesy shown to us during these visits.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.20—Canberra Institute of Technology \$67,979,000 (net cost of outputs) and \$6,830,000 (capital injection), totalling \$74,809,000.

MR DOSZPOT (Brindabella) (1.43 am): I do not intend to delay the Assembly too long on this. There is a great need for the provision of quality vocational education. We know that there are skill shortages in Canberra. So it seems somewhat strange that we have reductions in staff due in part to meet efficiencies. We were told at estimates that there was an enrolment target of 19,000 and that this was exceeded, but I accept that it would depend on in which courses the enrolments were.

I accept that these courses will wax and wane in popularity and demand and I appreciate that the number of international students, estimated to drop by a third, will impact on required staff levels. My concern is that we are well positioned to meet the needs of industry now and into the future. I am aware that there are other concerns about the qualifications of many CIT staff, issues around the employment of casual teachers and their qualifications and suitability, and appropriate salary rates.

Like the committee, I too am cautious about what tangible benefits there might be in a merger of CIT and University of Canberra, and I hope the Bradley review might provide more answers to allow a more informed debate on the merits of such a proposal.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (1.44 am): The CIT is a valuable education provider. In the ACT, we face a skills shortage and vocational education is essentially responding to the skills required now, the shortfalls and, importantly, the type of training that will be required in the future. CIT does continue to labour under cuts made in the 2008-09 budget, which reduced the recurrent expenditures by \$9 million over the last three financial years.

This, combined with virtually all the ACT growth funding from the commonwealth for vocational education since 2009 going to private providers under contestability rules, has forced CIT to desperately chase difficult-to-attract commercial revenue, to reduce permanent teaching positions and to rely on casual teachers. These teachers have very limited access to professional development, unlike full-time teachers who generally still have access to good support.

The irony is that as part of the commonwealth stimulus package, CIT received funds for considerable capital works, most notably at the Fyshwick and Bruce campuses. However, with declining recurrent revenue, I am concerned that these excellent new facilities may prove difficult to both staff and resource. It is essential that we do not underfund these fantastic campuses.

This lack of recurrent expenditure, along with the risks that are apparent in the new commonwealth national partnership arrangements, are a risk to CIT's ability to meet the changing skills needs of the ACT's economy. The government needs to keep a careful eye on the impact that increased contestability will have on the CIT and the rapidly changing national landscape.

In evidence to the estimates committee it was said that this presented both opportunities and challenges. At present, CIT provides a critical benchmark for quality in vocational education in the ACT and still maintains nationally high levels of student and industry satisfaction. However, I am told constantly by CIT teachers that this is being sustained on goodwill and overwork.

It has been suggested to me that Minister Barr needs to listen to the teachers and that if he did, he would hear how staff are finding the environment increasingly difficult. It is similarly important that Minister Barr understand and hear the concerns before he goes to the upcoming national partnership discussions. The Greens ask the minister to be a champion for the CIT. It is important. The educational asset that the CIT provides to the ACT is very important. It is important it survives the new environment and thrives into the future.

Closer ties and amalgamation of CIT and the University of Canberra was covered in the hearing. The minister said that Professor Bradley had been engaged to look at possible governance arrangements if a marriage or some sort of civil partnership, as it was coined, was to occur.

The estimates committee recommended that the government table the Bradley review in the Assembly. The government response to this recommendation was very short. It simply said "noted". I am not sure whether that means, yes, the government will table it or, no, it will not. I would hope that in the new era of government transparency the report will be made available to the Assembly.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (1.48 am): The Bradley report will, of course, be made public. In fact, I would anticipate making it public well in advance of when the Assembly next sits. So the question of tabling it in this place will become a bit moot because it will already be publicly available.

As I indicated in my closing comments in relation to the education and training budget line, this is the most significant issue that we face. A decision will need to be made. You cannot just put your head in the sand and say that things can carry on as they are now. That simply will not suffice. The sorts of pressures that Ms Hunter alluded to in relation to contestability of funding will become even more apparent. It will not just be competition from the private sector. It will be from other publicly owned TAFE institutes from outside of the ACT seeking to offer training courses in this marketplace.

The environment is changing. I have been alluding to this, yelling at people in some instances to get attention to this, for a number of years, in fact. This reform has been a long time coming, but it is coming. There is no avoiding it and we must respond. The best way to encapsulate the change that is coming is that it will be very much student centred.

It will not be a case of the training provider deciding which courses they offer and hoping that students come and enrol. The funding will follow students. That means that there has to be change. That can be very confronting for some who have been busily going about their business of providing worth while and socially useful training courses at the CIT for a number of years and doing a fantastic job.

But if the enrolments are not there and competition comes from the private sector, from other TAFEs and from other higher education institutions in this contested space within the Australian training framework, we can have all the conversations we want in this place about the need to pour more and more money in. That will not solve the issue.

I do not think I can stress this anymore. This will be the biggest issue that we have to resolve in this calendar year. I intend to take Professor Bradley's advice very seriously and to engage in an extensive debate. I do note that the precursor to all of this was the learning capital work. There was an extensive committee representing a variety of stakeholders in this area that has spent more than a year examining all of these issues and making a series of recommendations.

Flowing from those recommendations was a request for a specific piece of work around CIT and UC. Professor Bradley is undertaking that. The national landscape and the changes have been known for some time. Skills Australia, the national body, has made a series of recommendations and the federal government has put \$1.75 billion on the table for reform of public TAFE. They have also put an equivalent amount of money on the table in terms of structural adjustment funding in the higher education sector.

I think that Ms Hunter is absolutely right in her observation, and this came up in estimates. There are significant threats but there are also significant opportunities. In this context, we must seriously engage with these issues. That will undoubtedly mean taking decisions that not everyone will agree with. I do not believe that there will be an outcome throughout this that will keep every single stakeholder happy. It would be ideal if there was, but seeing and observing the somewhat entrenched positions that I am seeing already in the conversations I have had to date, I think it will be difficult to achieve an outcome that keeps every stakeholder happy. We would be deluding ourselves if we thought we could.

The decision we have to make is what is best for education and training in the ACT and what will ensure that our institutions, of which we are rightly proud, have a viable future in the long term. I take this matter very seriously. I repeat that it is the most significant decision that we will have to make as an Assembly later this year.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.21—Cultural Facilities Corporation—\$7,414,000 (net cost of outputs) and \$1,083,000 (capital injection), totalling \$8,497,000.

MRS DUNNE (Ginninderra) (1.54 am): The Cultural Facilities Corporation is one of those quiet achievers that make a valuable contribution to the cultural life of our city. The corporation and its boards, advisory councils and the very dedicated staff work hard to give the people of Canberra access to a wide and diverse range of quality and largely affordable live performances and visual arts exhibitions as well as hands-on experience of the history and heritage of our district.

Concerts, theatres, exhibitions, seminars, lectures, classes, tours and a range of other activities are designed to appeal to a wide audience both in Canberra and from across Australia and around the world. All of this is delivered in a respectful, creative and proactive manner across an extraordinarily busy program of activities and events.

But even an organisation like this is not immune from the government's efficiency dividend knife, putting ever-increasing pressure on the modest staffing levels as well as its offerings to the community. I note for example, Mr Speaker, that the corporation is budgeting for a reduction of three full-time equivalent staff in 2011-12, no doubt to meet the government's efficiency dividends and savings initiatives.

Even so, the Cultural Facilities Corporation is able to generate some 60 per cent of its funding from patrons, visitors and other participants, leaving just 40 per cent to be met from government sources. If the corporation is able to widen that gap even more, it will suffer less impact from the government's cleaver and will be able to enhance its delivery of quality cultural experiences to the people of Canberra.

A considerable uncertainty that the Cultural Facilities Corporation faces is how the government will respond to the recommendations of the Loxton review of arts in Canberra handed to the government in June last year. The tragedy is that a year or so on, we still wait for the government's response to that report. I do note that the Minister for the Arts said that many of the initiatives in this year's budget are inspired by the Loxton report, but we do not have a government response.

For the corporation, the report recommended a split in its three divisions—performing arts, visual arts and social history, and cultural heritage. The corporation's chair responded to those recommendations. I have to say that I am very sympathetic to the matters that he raised. It would seem bizarre indeed to split up a thoroughly efficient and effective organisation with all the increased administrative functions, arrangements and costs that would come with that split and the consequent reduction in funding that is available for the delivery of all that the corporation currently delivers.

I do not agree with the conclusion of the Loxton report that the current structure of the Cultural Facilities Corporation lacks synergies across its portfolio. The opposite is true. The corporation has a long and proud record of maximising those synergies. A particularly unfortunate consequence of a split in the portfolios held by the corporation would be more administration or outputs and less service delivery or

outcomes for the people of Canberra. I would suggest the government give the recommendations of the Loxton report relating to the Cultural Facilities Corporation a very wide berth indeed.

The people of Canberra can be rightly very proud of its Cultural Facilities Corporation. It provides a valuable and valued service to our community on a broad range of fronts. Indeed, as its purpose states, it enriches the cultural life of the people living in and visiting the ACT.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.22—Exhibition Park Corporation—\$387,000 (net cost of outputs) and \$3,491,000 (capital injection), totalling \$3,878,000.

MR SMYTH (Brindabella) (1.58 am): It is good to see the overall management of the corporation settling down after some years of turmoil given former Chief Minister Stanhope's indifference to the corporation and, indeed, Mr Barr's ill-fated attempt to drag Exhibition Park into TAMS and his equally flawed attempt to then stack the board of the corporation with public servants.

Despite his academic qualifications, he was not able to count how many people should have been appointed to that board. But we seem to have gotten over that. EPIC has survived, which is a good thing, despite the mismanagement of this government. It is indeed a good thing that we are now going to get a strategy. We were looking for a master plan. We were looking for a—

Mr Barr: We need a plan and a strategy because the world isn't complete for you without a plan or a strategy, is it?

MR SMYTH: It is your government that has promised a master plan for five or six years. It is my job to ensure that you deliver it. Of course, it has not been delivered. The Assembly has not seen a master plan for EPIC. Apparently under this government it will never see a master plan for EPIC, because we are in fact going to have a rejuvenation program.

I am not sure what a rejuvenation program is as opposed to a master plan, but that is what the government has decided. There is another broken promise from the Labor government that we would have a master plan that has never appeared. I am pleased that the committee recommended we actually see that rejuvenation plan, and I note the one-word government response: agreed.

I guess the question is: when will we see the rejuvenation plan and, indeed, what will be in it? But we live in hope that the government might take their duty seriously here. We have had these long delays. The government's consideration of the master plan has now morphed into the rejuvenation plan. We have wait and see.

I do know the recent advertisement relating to the corporation gaining access to block 799 through direct sale. That has also had a tortuous process to this point, because of course it was tied up in the master plan. Goodness knows when the

corporation will have access to the new site. There will probably be even longer delays in having commercial facilities available, and that is a shame.

I do observe that the advertisement refers to progress with this matter providing the ACT with a timely means of delivering low-cost budget tourism accommodation. It has not been particularly timely and it has certainly not been timely for the corporation, given the inordinate delays with this project. I think it about five—look how good I am speaking; it just makes the minutes race past. It is now about a quarter to four, members. Aren't we lucky? But it has not been particularly timely, given the inordinate delays with the project—

Mr Barr: It is your best speech ever, Brendan.

MR SMYTH: It has only been going for about two hours at this stage; so not bad. That is an hour and 50—almost up to two hours—

Ms Gallagher: We have not got to your usual points yet.

MR SMYTH: And I have not got to the good points yet. So it is a very disappointing approach on the part of this government. I note that an expression of interest was anticipated some time in June in relation to the types of accommodation. I am not aware of this having been released and I look forward to updates on its progress.

The final point on EPIC is, of course, the petrol station site. It is a key component to the overall strategy for EPIC, particularly in generating a strong stream of revenue. I am disappointed that there is no mention of the status of the petrol site in the budget papers and no clear answer from the corporation during the estimates hearings about this omission, but surprise, surprise! There was no suggestion that not mentioning it was because of commercially confidential reasons. But I would have thought that the corporation would be pressing on as fast as possible to get the site redeveloped to get that revenue stream back.

I note the second recommendation on EPIC is that they update the Assembly both on the redevelopment of the petrol site and on the development of the low cost accommodation. Again, there is a one-word response from the government: agreed.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.23—Independent Competition and Regulatory Commission—\$515,000 (net cost of outputs), totalling \$515,000.

MRS DUNNE (Ginninderra) (2.03 am): I will touch on two issues associated with the ICRC. The first relates to the two recommendations of the estimates committee report which the government has rejected. These recommendations call on the government to review the ICRC's enabling legislation to ensure that it is clear as to the extent and balance between economic, social and environmental analysis when making its determinations.

This recommendation was largely driven by the experience with the Murray-Darling Basin Authority's approach to the recommendations in its proposed plan for the basin. We know that the authority's clear emphasis was on environmental elements, with much less consideration given to social and economic analysis.

It was this imbalance that caused significant public backlash and angst—indeed, utter rejection of the plan—across the many basin communities. We should learn from that experience. We should understand that decisions about prices for water and electricity, even issues surrounding competition policy or determinations in other inquiries undertaken by the ICRC, should not be based on one element in isolation to or out of balance with the others.

A triple bottom line approach that is emerging in financial reporting requires an analysis of the financial performance of organisations against economic, social and environmental criteria. Why can't we have a process that embraces those elements, putting them in balance, then determining the factors that underpin that bottom line? But no; ACT Labor is willing to ignore the reality of modern principles and trends.

Of more concern is the propensity of this Labor government to ignore community expectations, so graphically illustrated in response to the Murray-Darling basin guide for the plan.

So I put it to the government once again: review the ICRC legislation, take the lead from your own Canberra plan, driven by the three interlinking elements. Do not expose yourself to the kind of response that the Murray-Darling Basin Authority got from the people who saw their lives, economies and communities so fundamentally threatened by the proposals in the plan. Let us see a modern approach to decision making by the ICRC. Let us ensure there is a balance given to the social, economic and environmental issues in decision making.

The other matter I want to briefly touch on is the so-called independence of the ICRC. Whenever the government is questioned on matters such as water and electricity prices, the government seeks to hide behind the independence of the ICRC. An example of this is recorded in *Hansard* on 15 February this year when Ms Gallagher, as Treasurer, was speaking in the discussion of a matter of public importance relating to cost of living pressures. Ms Gallagher said:

Prices for electricity in the ACT are not set by this government; they are set by the ICRC ...

Mr Corbell on a number of occasions has said that the price for water is not set by the government but by the ICRC. That may be so, but the foundations—the drivers—for the determination of the ICRC come from this government. The government, for example, requires Actew Corporation to pay a dividend for 100 per cent of its net profit. There is no scope for working capital or building revenues or even putting some profit into the pockets of Canberrans by way of reduced prices. The government's claim is quite simply a fallacy.

It is about time that this government came clean and told the people of the ACT exactly what factors it puts to the ICRC that drive the ICRC's decision making. In any case, the ACT government is not so proud as to ignore the recommendations of the ICRC. We saw that in the estimates committee hearings when Mr Corbell was questioned as to why he rejected the recommendation of the ICRC that the feed-in tariff for medium-scale solar generators should be reduced. Mr Corbell told the estimates committee that he rejected the ICRC's recommendation because he "didn't agree with it". Mr Corbell then went into a long discussion about why he did not agree with it. We have seen the results of his failures and his lack of understanding of the pricing in this matter.

The bottom line, though, is that Mr Corbell rejected the notion that the ICRC is an independent body because he made his own decision, anyway, regardless of that independence. I expect, therefore, that the government will no longer hide behind the veil of independence of the ICRC when it comes to issues such as prices for electricity and water. The government must take responsibility for those prices and accept that it is the government's financial drivers and policies, such as the water abstraction charge and the utilities tax, that influence those prices.

That aside, the ICRC provides a valuable service to the community. Like the Auditor-General, it comes to determinations that the government might not always like, such as the recommendation on the medium-scale solar generator feed-in tariff. Perhaps, were the government to broaden the scope of the ICRC to give it more scope to consider its determinations by giving more balance across the economic, social and environmental factors, it might end up with determinations that are not rejected.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.24—Legal Aid Commission (ACT)—\$9,094,000 (net cost of outputs), totalling \$9,094,000.

MR RATTENBURY (Molonglo) (2.09 am): Legal aid is a good demonstration of the pivotal decisions that are made through budgets. When it comes to legal affairs, governments make crucial decisions about where the legal dollar is spent and, by extension, where it is not spent. That is of course at the heart of all government spending decisions—where it is best to spend our scarce resources to have the best and most strategic impact.

It brings us to the question of where the government has decided to spend in legal aid. There is \$1.6 million in this budget to create a legal aid help desk. This is a welcome announcement because having a phone help desk will mean that not everyone has to physically come in for an appointment with a legal aid lawyer. There will be some minor matters that can be dealt with over the phone and it makes sense for them to be helped over the phone.

This was described during estimates as a triage approach, where the most serious issues are prioritised and brought in for a face-to-face appointment, and where less serious matters are dealt with over the phone. I think that is good news, and an interesting innovation.

However, Legal Aid will lose three full-time equivalent positions from other parts of Legal Aid, and this is an area where we had some questions and concern. So on the one hand we will have the help desk which will be triaging and prioritising legal aid clients, but on the other hand there will be three less positions in the office to assist people once they are deemed to be a priority and need a face-to-face appointment.

Time will only tell if the balancing act works out and the help desk can effectively offset the work that has been lost from those three full-time equivalent positions. What we do know is that even if the balancing act does work, there will still be people who do not qualify for legal aid and cannot afford a private lawyer. For those people in need, the community legal centres are able to offer assistance. I have spoken already tonight about the clear need to assist the community legal centres to reach their full potential, particularly in regard to accommodation.

I think what this does summarise is that you cannot see all of these bits of the Justice and Community Safety portfolio in isolation. They do need to be joined up. We particularly need joined-up thinking when it comes to addressing unmet legal need. I do not think we are quite there yet in finding the right answer. I think that there is room for improvement. With the legal dollar being so scarce, we need to invest it wisely.

So whilst on balance there are some good, proactive investments made in the Legal Aid budget this year, I think that we require some further thinking and discussion on this. As I noted in my comments on the Justice and Community Safety Directorate, I think the best answers on unmet legal need are still ahead of us.

MRS DUNNE (Ginninderra) (2.12 am): I concur with Mr Rattenbury that a wholly joined-up JACS portfolio includes the work of the Legal Aid Commission. I have been quite critical of the Legal Aid Commission over the years. I welcome that there has been a shift in the staffing structure more towards lawyers and less towards administration. I have always been of the view, and I have expressed it, that I think the Legal Aid Commission should act more like, but not necessarily identically like, a legal practice. It does have more roles than just providing legal services. It has an educative role that a normal legal practice does not have.

However, I am concerned at the incapacity of the Legal Aid Commission to meet the demand for legal aid services in the ACT. It was interesting in answer to questions that the Legal Aid Commission does not really see a time when there will be an upturn in the number of people who are coming to the Legal Aid Commission who will actually receive services rather than be turned away. This is a matter, along with the synchronicities with the community legal centres, that we need to work on to provide an entirely connected legal service for the community.

Proposed expenditure agreed to.

Proposed expenditure—Part 1.25—Public Trustee for the ACT—\$682,000 (net cost of outputs), totalling \$682,000.

MRS DUNNE (Ginninderra) (2.14 am): I am going to talk about the Public Trustee. We love the Public Trustee because we know that we are on the home stretch. I pay tribute to the Public Trustee for the extraordinary service that they provide across the community, and I congratulate Andrew Taylor and his staff.

Proposed expenditure agreed to.

Total appropriated to agencies.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health, Minister for Industrial Relations and Treasurer) (2.15 am): I move amendment No 5 circulated in my name [*see schedule 1 at page 3176*].

This amendment is largely a technical amendment. It deals with some of the technical matters at this time. This line—and I am just trying to look at it in the bill—dealing with the total appropriated to agencies covers the net cost of outputs, capital injections and payments on behalf of the territory.

Mrs Dunne: And it is nil. Should it be nil?

MS GALLAGHER: It was a line that was missing, as I understand it. So we are putting it in.

Amendment agreed to.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The question is that the total appropriated to agencies of \$2,532,743,000 as the net cost of outputs, \$1,207,781,000 as capital injection and \$459,362,000 as payments on behalf of the territory, totalling \$4,199,886,000, be agreed to.

Question put.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr
Dr Bourke
Ms Bresnan
Ms Burch
Mr Corbell
Ms Gallagher

Mr Hargreaves
Ms Hunter
Ms Le Couteur
Ms Porter
Mr Rattenbury

Mr Coe
Mr Doszpot
Mrs Dunne
Mr Hanson
Mr Seselja

Mr Smyth

Question so resolved in the affirmative.

Total appropriated to agencies, as amended, agreed to.

Proposed expenditure—Part 1.26—Treasurer's advance—\$31,400,000.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (2.22 am): I will only make a couple of very brief observations on the Treasurer's advance. The budget maintains the Treasurer's advance at 0.75 per cent of total expenditure, a quarter of a per cent lower than the one per cent maximum permitted under the FMA. From the instruments the minister tabled this morning, \$21.7 million of the \$29 million appropriated for the advance was used this year, and this represents about a \$1.5 million reduction from what was spent the year before.

Broadly speaking, that means we are appropriating about \$10 million more than we needed in the past couple of years. The Greens can certainly see the logic in having a buffer in the Treasurer's advance, provided that the Treasurer is frugal in its use. So we are happy to appropriate this amount.

I would like to finish with a couple of final comments just to sum up the Greens' views on the 2011-12 budget. Certainly it would be different if it was a Greens' budget. There would be some different priorities, as we wanted to achieve some different outcomes. I hope that throughout the debate we have clearly outlined where those differences lie and what our policy differences are. We would place a greater emphasis on social and environment outcomes, on delivering better transport options with a much longer term view of how Canberrans can sustainably traverse this city.

We are concerned that the budget does not do enough to push us along the path to the legislated greenhouse gas emissions reduction target and prepare our economy for that challenge. We are also concerned that it does not do enough to plan and hopefully prevent the social challenges that are before us.

Those issues noted, there are many positives in the budget and the Greens are very pleased to be responsible for some of those initiatives. We believe these are very tangible initiatives that deliver real value for money. More public housing properties will receive much-needed energy efficiency upgrades, new services will be provided to people with mental illness. There will now be street level recycling in Civic, new and improved cycling and walking paths, better bus services, particularly for people in west Belconnen, and more Canberra kids will now have access to swimming lessons. The Greens are pleased to have secured these outcomes for the community.

Much of the debate has been dominated by the government office building, and our position on that is clear. There are issues that need to be resolved before we commit to the proposed building.

I would like to finish by acknowledging the hard work of all the very dedicated public servants in preparing the budget and for all the information they provided us during the estimates process.

This is a reasonable and prudent budget and we support the overall fiscal position and the plan to return to a balanced budget in 2013-14. We do have some concerns. However, on balance, for the reasons that have been outlined throughout the debate, as I said, we will be supporting this appropriation bill.

MR SMYTH (Brindabella) (2.25 am): The Treasurer's advance is a hidden component of the annual budget, but a very significant part, because it has enabled additional spending of tens of billions of dollars. Typically under this Labor government, there has been an end of financial year spending binge to utilise the Treasurer's advance, and surprise, surprise, it happened again this year.

In 2011, nearly \$21 million was committed on 23 June to a range of projects—a very special day, obviously—indeed, besting the personal best of the Treasurer with last year's effort, which of course was only \$19 million. In June 2010, of course, the Treasurer made the extraordinary statement when tabling the document showing the government's spending binge of the \$19 million from the Treasurer's advance that it actually represented a saving. It was a saving because the government had not spent all of the \$37 million available. "I had some money but I did not spend it all; therefore I have made a saving." She said—and it is a lovely quote:

This demonstrates the government's ability to control costs and our strong track record on financial management.

"Yes, we blew an extra \$20 million. We blew it. We are an extra \$20 million down." It is a demonstrable load of nonsense. Agencies access the Treasurer's advance in the main because their costs have blown out for some reason or other, not because they have been able to control their costs. If they could control their costs, they would not need the Treasurer's advance.

What happened on 23 June 2011? Today, we learned that the Treasurer has failed again. She cannot control costs across the ACT government. She has failed to exert leadership. And we discovered today that the spend from the Treasurer's advance increased from \$370,000, which until 23 June was a pretty good effort, to \$21.987 million, all in a single day. So 23 June 2011 has been a good day for a range of poor managers across ACT government agencies.

I could read the list, but it was tabled this afternoon. It is very interesting reading, members. However, it is interesting that the Treasurer in estimates was asked a question on notice about the position as at 9 June 2011. In response to the question that I had asked, the Treasurer told me that potential additional spending from the Treasurer's advance would be in the order of \$5 million. That was question on notice No 2. So this was in addition to the spending to date of then \$370,000 out of the total fund of \$29 million. So the question has to be asked: what happened between 9 June and 23 June? And how did potential spending of \$4.874 million become \$21 million?

The Assembly has been told that a range of ACT agencies have failed to control their costs, leading to a further \$21 million being approved from the Treasurer's advance fund. Some of these approvals certainly appear okay, including spending on disability and special needs, education, spending on increased mowing, spending on longstanding insurance claims and total spending of about \$7.5 million. But there are some that are not. Cost pressures in Health, CIT and JACS have totalled more than \$14 million.

Members, this is the last line of the appropriation bill and it does highlight the failures of this Treasurer. She failed to be open and accountable when she told me that, prospectively, it was only somewhere near \$5 million, not the \$21 million that has occurred. It is a failure of leadership. It is a failure of Treasury—

Mr Coe: \$16 million between friends, Brendan.

MR SMYTH: What the hell, it is only \$16 million—and failing the ACT community at the time when she had been preaching cost savings in her budget speeches for three years.

Proposed expenditure agreed to.

Total appropriations—\$2,532,743,000 (net cost of outputs), \$1,207,781,000 (capital injection) and \$459,362,000 (payments on behalf of the territory), totalling \$4,231,286,000 agreed to.

Clauses 1 to 8, by leave, taken together and agreed to.

Clause 9.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (2.31 am): I move amendment No 1 circulated in my name [*see schedule 1 at page 3176*]. This renames the former Chief Minister's Department as the Chief Minister and Cabinet Directorate.

Amendment agreed to.

Clause 9, as amended, agreed to.

Clauses 10 and 11, by leave, taken together and agreed to.

Schedule 2.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (2.31 am), by leave: I move amendments Nos 6 and 7 circulated in my name together [*see schedule 1 at page 3176*]. Both of these amendments rename directorates that changed due to the administrative arrangement changes during the budget process.

Amendments agreed to.

Schedule 2, as amended, agreed to.

Title.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (2.32 am): At this point I stand to acknowledge that during the

debate this evening, the Treasury portfolio has moved from me to Mr Barr, who is now officially the Treasurer. That is probably a first during a budget debate. I would like to acknowledge the excellent help and assistance I have been given by the Treasury Directorate throughout my time as Treasurer, handing down three budgets. It was an enormously privileged position that I was in and I wish Minister Barr all the luck as Treasurer and all the best wishes ahead.

MR SESELJA (Molonglo—Leader of the Opposition) (2.33 am): I have got to say that this is the last chance for the Greens, because, in Ms Hunter's voice when she said, "On balance, we will be supporting the appropriation," I sensed that she was weighing it up. We have now heard since then the Treasurer's advance speeches. I do not know whether that has changed her mind. Is there anything else maybe we can put to you? How much on balance do you think you are? Are you 40 per cent, 50 per cent, on the precipice? I do not know that really on balance it was that they were going to not support it.

But we will do our best to put the case. And the case is this: it is 1 July. That is what has happened. That is the other thing that has happened during this debate. We have all become that little bit poorer because our taxes have gone up as of 2½ hours ago.

Ms Gallagher: You got a pay rise.

MR SESELJA: I am sure that between Julia Gillard and Katy Gallagher, any pay rises will be wiped out—whether it is the flood tax, whether it is the extra rates, whether it is all of the other increases. Certainly those who are renting will be paying a lot more very soon. We will all be paying more. The community will be paying more. The cost-of-living burden will get that much tougher.

The biggest spend that is going to come from this budget, that is going to flow from this budget, is of course a rolled-gold office building, a \$430 million office building.

Ms Gallagher: \$500,000.

MR SESELJA: It is setting it in train, isn't it? They have set it up. We do not believe that Canberrans should have to keep paying more and more so that this government can build itself a brand new office building. I suspect that nothing I say can get the teetering-on-the-brink Greens to come our way and to vote against the budget. They might be on the cusp. Should I take my second 10 minutes? All right.

Mr Barr: We do not hear enough of you, Zed.

MR SESELJA: I know. I might get going. We will leave it there, except to say that Canberrans will pay. These are serious issues. They will pay a lot more and that is why it is an irresponsible budget, and that is why it is a budget we will not be supporting.

MR SMYTH (Brindabella) (2.36 am): I did forget one question for the Chief Minister and Treasurer at that time in the Treasurer's advance. Of course, in the days between the 23 June and 30 June, there was still \$7 million left available to you. How much of that did you spend?

Ms Gallagher: None that I am aware of. But there is the final acquittal that you will get.

MR SMYTH: There is? You know that I always look forward to the final acquittal.

Title agreed to.

Question put:

That the bill, as amended, be agreed to.

The Assembly voted—

Ayes 11

Noes 6

Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Ms Porter	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher			

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Estimates 2011-2012—Select Committee Report

Debate resumed from 29 June 2010, on motion by **Mr Smyth:**

That the report be noted.

MR SMYTH (Brindabella) (2.39 am), in reply: It is only 20 to three, and there are two items to go. I have 10 minutes to speak on each of them. I could keep speaking and take us out to 3 o'clock, but that would be unnecessarily cruel. So I will simply say thank you to the members of the committee who helped put together a fine report. I would like to thank all those who attended, the ACT public servants and indeed the consultants for that mammoth hearing that day when we had 20 people at the table, which was quite unusual and does get one thinking about the size of some of the facilities in the Assembly. I say a very special thanks to the staff in my office, who kept my sanity throughout the period, and particularly again a great thanks to the staff of the Committee Office for the work they did in herding it all together and making the process work.

With that, I commend to the Assembly the Select Committee on Estimates 2011-2012 report on the Appropriation Bill 2011-2012.

Question resolved in the affirmative.

**Estimates 2011-2012—Select Committee
Report—government response**

Debate resumed from 29 June 2010, on motion by **Ms Gallagher**:

That the Assembly take note of the paper.

Question resolved in the affirmative.

Adjournment

Motion by **Mr Corbell** agreed to:

That the Assembly do now adjourn.

The Assembly adjourned at 2.42 am (Friday) until Tuesday, 16 August 2011, at 10 am.

Schedules of amendments

Schedule 1

Appropriation Bill 2011-2012

Amendments moved by the Treasurer

1

Clause 9 (a) (iv)

Page 4, line 8—

omit clause 9 (a) (iv), substitute

(iv) Chief Minister and Cabinet Directorate;

3

Schedule 1, part 1.13

Page 7—

omit schedule 1, part 1.13, substitute

Part 1.13					
Environment and Sustainable Development Directorate	Environment and Sustainable Development Directorate	73 992 000	25 946 000	1 693 000	101 631 000

4

Schedule 1, part 1.15

Page 7—

omit schedule 1, part 1.15, substitute

Part 1.15					
Community Services Directorate	Community Services Directorate	216 197 000	27 671 000	39 893 000	283 761 000

5

Schedule 1

Page 8—

omit

*Total
appropriated
to agencies*

substitute

<i>Total appropriated to agencies</i>	2 532 743 000	1 207 781 000	459 362 000	4 199 886 000
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6

Schedule 2, column 1

Page 9—

omit

Chief Minister's Directorate

substitute

Chief Minister and Cabinet Directorate

7
Schedule 2, column 1
Page 9—

omit

Sustainable Development Directorate

substitute

Environment and Sustainable Development Directorate

Schedule 2

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2011

Amendments moved by the Minister for the Environment and Sustainable Development

1
Proposed new clause 5A
Page 3, line 17—

insert

5A New part 3A

insert

Part 3A Reporting

11A Report by Minister

The Minister must, within 2 weeks after the end of each month, publish on an appropriate government website a report setting out the following:

- (a) the number of applications for the connection of renewable energy generators to an electricity distributor's network received by the distributor during the month;
- (b) the number of renewable energy generators connected to an electricity distributor's network by the distributor during the month;
- (c) the total number of renewable energy generators connected to an electricity distributor's network;
- (d) the total capacity of all micro and medium renewable energy generators connected to an electricity distributor's network.

11B Electricity distributors to give information to Minister

An electricity distributor must give the Minister the information the Minister requires to prepare the report mentioned in section 11A.

Schedule 3

Electricity Feed-in (Renewable Energy Premium) Amendment Bill 2011

Amendments moved by Mr Seselja (Leader of the Opposition)

1

Clause 2**Page 2, line 4—***omit clause 2, substitute***2****Commencement**

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2

Clause 5**Page 3, line 1—***omit clause 5, substitute***5****Payment for electricity from renewable energy generators****Section 8 (1)***substitute*

- (1) For section 6 (3), payment must be at the following rate:
 - (a) for electricity generated by a micro renewable energy generator—
 - (i) if an eligible entity entered into a contract for the installation of the generator before 1 June 2011—
 - (A) 100% of the premium rate; or
 - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate; or
 - (ii) if an eligible entity entered into a contract for the installation of the generator on or after 1 June 2011—
 - (A) 66% of the premium rate; or
 - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate;
 - (b) for electricity generated by a medium renewable energy generator—
 - (i) if an eligible entity entered into a contract for the installation of the generator before the relevant date—
 - (A) 75% of the premium rate; or
 - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate; or
 - (ii) if an eligible entity entered into a contract for the installation of the generator on or after the relevant date—
 - (A) 66% of the premium rate; or
 - (B) if a lower percentage is determined under section 9 for this paragraph—that percentage of the premium rate.

3

Proposed new clause 5A

Page 3, line 17—

*insert***5A New section 8 (3)***insert*

(3) In this section:

relevant date means the day the Electricity Feed-in (*Renewable Energy Premium*) Amendment Act 2011 commenced.

4

Proposed new clause 5B

Page 3, line 17—

*insert***5B New part 3A***insert***Part 3A Reporting****11A Report by Minister**

The Minister must, within 2 weeks after the end of each month, publish on an appropriate government website a report setting out the following:

- (a) the number of applications for connection of renewable energy generators to each distributor's network processed by the distributor during the month;
- (b) the total number of applications for connection of renewable energy generators to each distributor's network processed by the distributor;
- (c) the number of applications for connection of renewable energy generators to each distributor's network received by the distributor that are outstanding at the end of the month;
- (d) the capacity of micro and medium renewable energy generators connected to each distributor's network during the month;
- (e) the total capacity of micro and medium renewable energy generators connected to each distributor's network;
- (f) the amount paid by electricity suppliers to eligible entities for electricity generated by renewable energy generators under section 6 (3) during the month;
- (g) the total amount paid by electricity suppliers to eligible entities for electricity generated by renewable energy generators under section 6 (3).

11B Electricity distributors and suppliers to give information to Minister

An electricity distributor and an electricity supplier must give the Minister the information the Minister requires to prepare the report mentioned in section 11A.

Incorporated documents

Attachment 1

Documents incorporated by the Chief Minister

ACT Asbestos Management Review—2010—Government response.

Mr Speaker on February 17 this year, I tabled the Report on the ACT Asbestos Management Strategy Review 2010.

Today, I respond on behalf of the Government to that Report.

Asbestos is a demonstrated human carcinogen that causes lung cancer and mesothelioma, as well as other lung disorders. It is well documented, that many tonnes of asbestos were used in building materials and much of this is still present within our community today. The Government accepts that due to the nature of asbestos; particularly the period of latency between exposure and the onset of illness, that people may be less vigilant than they should when handling this material.

Mr Speaker, I am pleased to announce the Government has agreed to implement all of the recommendations in the review, including the appointment of a Response Coordinator as suggested in the Coordinated Action Response Model. We have made this decision, to ensure that in a situation where a timely and efficient response from the various directorates which have responsibility for different aspects of asbestos management is required, the coordinator has the authority to direct Directorates to respond quickly. The position will also be the single point of contact for the public seeking information about asbestos.

As recommended an Asbestos Regulators Forum will be established and will consist of senior officers from across Government. This group will be chaired by the Work Safety Commissioner. The Forum will be the key advisory body to Government in maintaining an effective asbestos management strategy.

In the coming weeks the ACT Work Safety Commissioner will convene the first meeting of the Forum to set out a project plan to meet the Government's goal. I am expecting the Forum to advise me on how best they will work together to implement the recommendations stemming from the Review Report, particularly with the coordination of Government directorates in respect of asbestos regulation, remediation, training, industry oversight and public awareness.

Pivotal to the success of the Regulators Forum is the development of a strategy for reporting and recording data. A draft strategy is currently being finalised for consideration at the Regulators Forum meeting. The ACT Government has comprehensive data relating to its own property and asset portfolios, regulatory notices including issuance of improvement notices, and accident and incident reports.

This data will form an important tool in the future management of asbestos, and will allow the Forum to make informed policy decisions and address areas of most risk.

Mr Speaker, it is planned to initiate an awareness campaign commencing in the coming weeks. Much of the preparatory work, including the re-vamping of the website to make ready for this campaign has occurred. The Work Safety Policy team within the Office of Industrial Relations and the Work Safety Commissioner have been collaborating on this initiative for several months, and I commend their efforts.

The key messages of the awareness campaign will be centred on clarifying misconceptions the community may have in dealing with asbestos.

The intention is to alleviate doubt and make the community aware of what it is they should do to prevent exposure, to themselves, other family members or the general public. Often those most at risk of exposure are unaware that this is the case. I think it is fair to say, that nobody wants the bathroom renovation to become deadly.

The initial phase of the awareness campaign will specifically target the construction industry and the many associated trades which are at highest risk of exposure.

Mr Speaker, as we are all aware, the construction industry is dominated by small employers, work is often undertaken on a project by project basis and through a high degree of sub contracting. Much of the workforce at site level is hired on a casual basis. Any weakness in the management of health and safety can therefore be exacerbated by the delegation of responsibilities through long supply chains and the need for cost and efficiency savings. The health risks of the job change with each site, and occupational health knowledge can be limited. There is also evidence that workers substantially underestimate their own levels of exposure to asbestos.

Mr Speaker, there is no doubt that a range of trades are at risk from asbestos exposure. Plumbers, carpenters, electricians, construction workers, construction managers, builders, painters and scaffolders are all in the 20 occupations which have the highest projected mortality rates from asbestos exposure.

We have made significant improvements through the cooperation between government, industry and unions in delivering training packages, with the Master Builders Association, the Housing Institute of Australia and Construction Industry Training and Employment Association all actively delivering asbestos awareness training, and I congratulate them on the importance they place on improving the awareness of the dangers of asbestos exposure.

Notwithstanding the improvements we have made, more will be done. Mr Speaker, I am proposing that the first item of business for the Asbestos Regulators Forum to consider; is whether it is feasible that Asbestos Awareness training become a mandatory induction course for the construction occupations and associated trades. If feasible, this induction course could be based on the same model as the highly successful construction induction course, which has had 10,000 participants successfully complete training and receive their white card. A similar outcome should ensure that a vast majority of participants in the construction industry will have the basic awareness of how to identify asbestos and how to treat it accordingly.

Because asbestos has proven to be pervasive in nature, it is essential that the Government ensure that the approach to asbestos remains contemporary and that the Government can respond to changing circumstances. Mr Speaker if required this

Government will introduce legislative and regulatory amendments to the Assembly, which will facilitate change to ensure that the ACT maintains the high standards that our community deserves.

Financial Management Act—

Pursuant to section 16A—Instrument authorising appropriation for payment of accrued employee entitlements within the ACT Long Service Leave Authority, including a statement of reasons, dated 25 June 2011.

Mr Speaker, as required by the *Financial Management Act 1996* (the Act), I table an instrument issued under Section 16A of the Act. The direction and a statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given.

Mr Speaker, Section 16A of the Act enables the provision of additional appropriation for the payment of abnormally high levels of accrued employee entitlements, by direction of the Treasurer.

During the 2010-11 financial year, the ACT Long Service Leave Authority paid out \$28,540 of long service leave entitlements, for which it did not have any funding.

The appropriation is being on-passed as a Capital Injection appropriation.

Mr Speaker, I commend this Instrument to the Assembly.

Pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Department of Land and Property Services, including a statement of reasons, dated 23 June 2011.

Mr Speaker, Section 16B of the *Financial Management Act 1996*, ‘Rollover of Undisbursed Appropriation’, allows for appropriations to be preserved from one financial year to the next, as outlined in instrument signed by myself, as Treasurer.

As required by the Act, I table a copy of a recent authorisation made to roll over undisbursed appropriation from 2009-10 to 2010-11.

This package includes one (1) Instrument signed under Section 16B. The appropriation being rolled over was not spent during 2009-10, and is still required in 2010-11 for the completion of the projects identified in the Instrument.

The Instrument authorises a total of \$4.280 million in Capital Injection (departmental) appropriation to roll over for the Department of Land and Property Services.

These rollovers have been made as the appropriation clearly relates to project funds or where commitments have been entered into, but the related cash has not yet been required or expended during the year of appropriation, for example:

where capital works projects or initiatives for which timing of delivery has changed or been delayed; or

where outstanding contractual or pending claims exist.

Details relating to the \$4.280 million rollover are provided in the Instrument.

Mr Speaker, I commend these papers to the Assembly.

Pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Canberra Institute of Technology, including a statement of reasons, dated 28 June 2011.

Mr Speaker, as required by the *Financial Management Act 1996* (the Act), I table an instrument issued under Section 17 of the Act. The direction and a statement of reasons for this instrument must be tabled in the Assembly within three sitting days after it is given.

Mr Speaker, Section 17 of the Act enables variations to appropriations for any increase in existing Commonwealth payments by direction of the Treasurer.

The Territory has received \$630,000 in additional Net Cost of Outputs funding from the Commonwealth to be passed to the Canberra Institute of Technology for the TAFE Fee Waivers for Childcare Qualifications National Partnership.

Mr Speaker, I commend this instrument to the Assembly.

Pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to various agencies, including statements of reasons, dated 23 June 2008.

Mr Speaker, as required by the *Financial Management Act 1996*, I table copies of expenditure authorisations and the Final Charge against the 2010-11 Treasurer's Advance.

Section 18 of the Act allows the Treasurer to authorise expenditure from the Treasurer's Advance.

Section 18A of the Act requires that within three sitting days after the day the authorisation was given, that the Treasurer present to the Legislative Assembly:
a copy of the authorisation;

a statement of the reasons for giving it; and

a summary of the total expenditure authorised under section 18 for the financial year.

Mr Speaker, the *Appropriation Act 2010-11* provided \$29 million for the Treasurer's Advance for urgent and unforeseen expenditure. This was a reduced level of Treasurer's Advance funding compared to previous budgets.

In prior years Treasurer's Advance represented 1 per cent of appropriations. In the 2010-11 Budget the Government reduced Treasurer's Advance to 0.75 per cent of appropriations as a savings measure. This reduction was mitigated by the substantial investment in service growth in the Budget. An action which has proved successful.

Mr Speaker, even with a reduced level of Treasurer's Advance available in 2010-11, the Government did not need recourse to all the funding. The unspent balance of the Treasurer's Advance is \$7.013 million. This clearly demonstrates the Government's

ability to control costs, and once again illustrates our strong track record in prudent management of our financial resources. The funds will be returned as a saving.

This package contains instruments signed under section 18 of the Act, totalling \$21.617 million.

Mr Speaker, these instruments, and other instruments authorising expenditure under Section 18 of the FMA have been approved to address both a range of necessary expenses that were not foreseen at the time of the original appropriation and/or payments made in response to increased activity necessary to maintain front line service delivery standards.

Mr Speaker, I commend these papers to the Assembly.

ACT Community Sector Mental Health Services—Review, dated May 2011.

Mr Speaker, today I table the Report of the Review of the ACT Community Sector of Mental Health Services.

I welcome this report, which will greatly assist in growing and strengthening the mental health community sector in the ACT.

The report has the support of community agencies, who have taken a major part in developing the recommendations. Throughout the review process, community agencies have been assured that the review was not about removing money from the sector, but about enhancing the quality and sustainability of community sector mental health services and their coordination with the public sector services.

The community sector is an important and growing part of mental health service delivery in the ACT, with a key role in areas such as recovery services and rehabilitation, supported accommodation, sub-acute residential and outreach services, mental health promotion and prevention, and mental health education to schools and community. Furthermore, over the term of this Government the community mental health funding has grown by over 300%.

The ACT Mental Health Services Plan 2009 – 2014 (the ‘Services Plan’) provides an integrated approach to service delivery between government and community agencies, and directs a greater role and strengthened capacity for the community sector. This report supports these goals.

The Services Plan provides a coordinated approach to mental health service delivery. However the current review was established because the ACT Government and the community sector mental health services recognised that historically, the community sector had developed in response to individual circumstances and submissions to Government rather than because of more strategic planning across the sector.

It was also time for a broad assessment of the pattern of service delivery against consumer and carer needs. Mental health consumers and carers have been closely involved in the review.

The review began in 2009, and has included comprehensive mapping of services, an in depth consultation process by ConNetica Consultants during 2010, and direct liaison between the Health Directorate and the community sector. There is currently significant local and national reform being undertaken within health, aged care, disability and the community sectors more generally. The recommendations will be implemented within this larger context.

The report provides an Action Framework which will support:
more integrated service planning with public services (Mental Health ACT)
better outcome measurement
quality benchmarking, and
measures which will give agencies capacity to voluntarily consolidate into more sustainable organisations.

The Action Framework aligns with the measures being taken across all portfolios by the Labor Government to build the capacity and sustainability of the community sector.

I thank mental health consumers, carers and community agencies for their contribution to the review. The Health Directorate will begin work immediately with the community sector peak body, the Mental Health Community Coalition of the ACT, to implement the Action Framework.

The Labor Government is committed to the continued development of the mental health community sector as a vital partner in delivery of high quality mental health services for the ACT.

I commend this report on the Review of the ACT Community Sector Mental Health Services to the Assembly.

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Answers to questions

Health—electroconvulsive therapy (Question No 1585—revised answer)

Ms Bresnan asked the Minister for Health, upon notice, on 9 March 2011:

- (1) What is the evidence that the ACT Government draws on to support the use of electroconvulsive therapy on some consumers, given that clause 3 of the *Draft Charter of Rights for Mental Health Consumers* states that consumers have the right to evidence based health care at all stages of their illness.
- (2) How many people have received electroconvulsive therapy under a electroconvulsive therapy order, pursuant to section 55E of the *Mental Health (Treatment and Care) Act 1994*, in (a) 2006, (b) 2007, (c) 2008, (d) 2009, (e) 2010 and (f) 2011 to date.
- (3) On how many occasions has electroconvulsive therapy, under an electroconvulsive therapy order, been conducted in (a) 2006, (b) 2007, (c) 2008, (d) 2009, (e) 2010 and (f) 2011 to date.
- (4) How many people have received electroconvulsive therapy, that was given with the consumers consent and not because of an electroconvulsive therapy order, in (a) 2006, (b) 2007, (c) 2008, (d) 2009, (e) 2010 and (f) 2011 to date.
- (5) On how many occasions has electroconvulsive therapy been conducted, that was given with the consumers consent and not because of an electroconvulsive therapy order in (a) 2006, (b) 2007, (c) 2008, (d) 2009, (e) 2010 and (f) 2011 to date.
- (6) How many consumers received electroconvulsive therapy on 10 or more occasions (a) under and (b) not under an electroconvulsive therapy order for the period covering 2006 to date.
- (7) What is the most number of occasions that any singular person has received electroconvulsive therapy between 2006 to date.

Ms Gallagher: I am advised that the answer to the Member's question is as follows:

- (1) Electroconvulsive Therapy (ECT) was introduced into psychiatric practice in 1934. It was initially hailed as a treatment for Schizophrenia, and quickly recognised as an effective treatment for the affective disorders. The use of ECT is supported by the American Psychiatric Association for Major depression, Mania and Schizophrenia and the Royal Australian and New Zealand College of Psychiatrists gives similar support. ECT has been extensively researched and its effectiveness has been supported by reviews and meta analyses covering the last 20 years.
- (2) The number of people who received eletroconvulsive therapy under a electroconvulsive therapy order, pursuant to section 55E of the *Mental Health (Treatment and Care) Act 1994* are:

2006-2007	- 25 people
2007-2008	- 17 people
2008-2009	- 15 people
2009-2010	- 11 people
2010-2011	- 10 people to 26 May 2011

These figures do not include Emergency ECT orders or ECT undertaken in the private sector.

- (3) The number of occasions that electroconvulsive therapy has been conducted under an electroconvulsive therapy order is:

(a)	July 2006 - June 2007	Data not available.
(b)	July 2007 - June 2008	Data not available.
(c)	July 2008 - June 2009	160
(d)	July 2009 - June 2010	142
(e)	July 2010 – 26 May 2011	66

- (4) The number of people who have received electroconvulsive therapy, that was given with the consumer's consent and not because of an electroconvulsive therapy order, is:

(a)	July 2006 - June 2007	Data not available.
(b)	July 2007 - June 2008	Data not available.
(c)	July 2008 - June 2009	17
(d)	July 2009 - June 2010	12
(e)	July 2010 – 26 May 2011	14

- (5) The number of occasions that electroconvulsive therapy has been conducted, and given with the consumer's consent and not because of an electroconvulsive therapy order, is:

(a)	July 2006 - June 2007	Data not available.
(b)	July 2007 - June 2008	Data not available.
(c)	July 2008 - June 2009	208
(d)	July 2009 - June 2010	121
(e)	July 2010 – 26 May 2011	175

- (6) The number of consumers who received electroconvulsive therapy on 10 or more occasions (a) under and (b) not under an electroconvulsive therapy order for the period covering 2006 to 26 May 2011 is a cumulative total of:

(a) More than 10 Involuntary	18
(b) More than 10 Voluntary	30

- (7) The most number of occasions that any singular person has received electroconvulsive therapy between 2006 and 26 May 2011 is a cumulative total of 145 voluntary treatments.

Members should note that this data does not include ECT undertaken in the private sector.

Housing ACT—Causeway tenants (Question No 1647)

Ms Bresnan asked the Minister for Community Services, upon notice, on 28 June 2011:

- (1) In relation to question on notice No 546 of 11 February 2010, what decisions has the ACT Government made with regard to the future location of the Housing ACT tenants that live at the Causeway.
- (2) What recent consultations has the ACT Government had with the residents of the Causeway about their future housing.
- (3) What is the current timeframe for those matters affecting the Causeway residents with its redevelopment.

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

- (1) The ACT Government has made no decision about the future location of the public housing tenants that live at the Causeway. The Government agreed that there will be some public housing included in the Eastlake development, however there has been no decision on the number of dwellings. The public housing tenants at the Causeway have been advised that if the Causeway/Eastlake area is redeveloped they will have the first offer of the public housing that is provided there. The tenants have also been advised that they can apply for public housing in other locations.
- (2) Officers from the Community Services Directorate and the Environmental and Sustainable Development Directorate meet regularly with the public housing residents at the Causeway. In 2011 meetings have been held on 22 February and 24 May. The next meeting is scheduled for 23 August 2011.
- (3) The ACT Planning and Land Authority is expected to present a submission to Government later this year on the Eastlake Planning and Design Framework. This will assist in deciding what changes to the Territory Plan need to be made so that development in Eastlake can proceed.

Housing—display villages (Question No 1649)

Mr Seselja asked the Minister for Economic Development, upon notice, on 29 June 2011:

- (1) Does the Government have a formal agreement with display home builders to provide them with provisions for display home villages; if so, how many villages have been promised and at which suburbs.
- (2) Are there any outstanding villages that are owed to the builders by the Government; if so, when will these be made available to the builders.
- (3) What are the current agreements for display villages at developments in Bonner and Molonglo.
- (4) What are the marketing and advertising arrangements between the Government and the builders in these suburbs.
- (5) Are there similar provisions for display villages in Crace; if not, how are the developments at Crace delivered and is this the Government's preferred model in future developments.

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

- (1) No.
 - (2) No. There are no outstanding obligations to display village builders.
 - (3) There are no agreements in relation to Molonglo, and the existing display village in Bonner is scheduled to close in 2011-12.
 - (4) No arrangements exist in relation to marketing and advertising.
 - (5) There are no agreements to provide display villages in Crace. The developments at Crace are undertaken by Crace Developments Pty Ltd under the Joint Venture Agreement between Crace Developments and the Land Development Agency.
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**Molonglo—waste depot
(Question No 1675)**

Ms Le Couteur asked the Minister for Economic Development, upon notice, on 30 June 2011:

- (1) In relation to the Land Development Agency's plans for a construction waste depot for Molonglo, what progress has there been in establishing a construction waste materials recycling facility in the Molonglo Valley.
- (2) Has a site been identified for such a facility.
- (3) What are the impediments to establishing such a facility.
- (4) Are there any targets for construction waste materials recovery.

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

- (1) The Land Development Agency (LDA) intends to establish an on site Builder's Waste Recycling Facility for Wright and Coombs. The LDA has undertaken preliminary consultation with ACT No Waste, undertaken market research and identified a number of potential providers. The proposal will be further progressed once a site has been selected.
 - (2) The LDA is currently undertaking analysis on several sites to identify the most suitable location for the Builder's Waste Recycling facility.
 - (3) There are a range of impediments to establishing a Builder's Waste Recycling facility, including zoning, noise, dust, servicing and proximity to residential areas. However, the LDA is confident these issues can be resolved and intends to call for proposals from the private sector to run the facility before the end of the year.
 - (4) As required for EnviroDevelopment certification, the LDA is targeting recycling or reuse of at least 60 per cent of all civil and built form construction waste. However, it should be noted that the LDA is not able to compel builders to use the on site Builder's Waste Recycling Facility. The LDA will, in conjunction with the operator of the facility, undertake a marketing and education program to ensure all builders in Wright and Coombs are aware of the facility and the benefits of utilising it.
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**Planning—Mingle
(Question No 1677)**

Ms Le Couteur asked the Minister for Economic Development, upon notice, on 30 June 2011:

- (1) In relation to the Land Development Agency's Mingle program for Molonglo, what are the plans for Mingle in the new suburbs of the Molonglo Valley.
- (2) Will they be based on the Bush on the Boundary model.
- (3) Will it involve use or coordination of the community gardens site.
- (4) Will it involve establishing a local Parkcare Group.
- (5) How much will the program cost to run.
- (6) How many years will the program be funded for.
- (7) What are the longer term objectives in terms of ongoing community building after funding for the Mingle program runs out.

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

- (1) Initial planning for the roll out of the Mingle program in the suburbs of Wright and Coombs in the Molonglo Valley will commence in 2011-12. The Land Development Agency (LDA) is currently preparing a Request for Tender for a consultant to develop a strategy specific to Wright and Coombs and research will be conducted in August/September 2011 to inform this strategy.
 - (2) The plan will be based on the same model that the LDA is currently using in Franklin and will aim to build a vibrant community through a range of activities such as new resident programs, family events, community working groups etc. The specifics however, will be informed by the strategy developed by the consultant and the research findings.
 - (3) There would be opportunities for community events/activities to revolve around any community gardens. The final plan may also include other events/activities to do with gardening and sustainable living options.
 - (4) The details of the Mingle strategy for Wright and Coombs are yet to be defined. Initiatives such as Parkcare are a good fit with the program and will be considered in developing the strategy.
 - (5) The budget for the five year program for Mingle in Wright and Coombs is \$600,000 per suburb.
 - (6) The program will be funded and managed by the LDA over five years.
 - (7) A community organisation will be engaged to roll out the five year program in partnership with the LDA. It is expected that at the conclusion of the five years the community partner would be in a position to take over the events, activities and initiatives initially delivered as part of the Mingle program.
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Questions without notice taken on notice

Alexander Maconochie Centre—governance

Mr CORBELL (*in reply to a supplementary question by Mr Smyth on Thursday, 23 June 2011*): The SRS (AFP's Specialist Response & Security Tactical Response Group) has never been asked to respond to such requests from the AMC, nor has any such group external to ACT Corrective Services.

Custodial Officers at the AMC are provided with training in the handling of various types of incidents in custodial settings, including riot control, as part of their standard training.

To date custodial officers have undertaken cell searches, cell extractions using force and other detainee management activities required at the AMC.

Planning—community space

Mr CORBELL (*in reply to a supplementary question by Mr Coe on Thursday, 23 June 2011*): The Territory and Municipal Services (TAMS) Directorate has carried out maintenance in the form of mowing of the public land located between the Illawarra Retirement Trust (IRT) at Kangara Waters and Lake Ginninderra foreshore. Officers from TAMS also met recently with the developer's consultant and a representative from the Illawarra Retirement Trust to discuss issues of concern in relation to the maintenance of the land around the retirement complex - agreement has now been reached on areas of responsibility.

Planning—Scullin shops

Mr CORBELL (*in reply to a supplementary question by Ms Hunter on Thursday, 23 June 2011*): The public realm at Scullin shopping centre will be upgraded during 2011/12. Construction will commence in late 2011 and be completed by June 2012.

No further upgrades are planned for shopping centres in the Ginninderra electorate in the next two years.

Housing—waiting list

Ms BURCH (*in reply to a supplementary question by Mr Coe on Thursday, 30 June 2011*): During question time on the Thursday 30 June 2011, Mr Coe asked me, as the Minister for Community Services a question in relation to the ACT Ombudsman Report, were any issues raised in that report also raised in internal audit reports?

Mr Coe would be aware, following 2 separate Freedom of Information requests to the Community Services Directorate for Internal Audit reports that this material is exempt from release under section 40 of the Freedom of Information Act, which deals with documents concerning operations of agencies.