



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

~~WWW~~ ~~ACT~~ ~~GOV~~ ~~AU~~ 201F

[www.hansard.act.gov.au](http://www.hansard.act.gov.au)

## Thursday, 18 August 2011

Petitions (Ministerial response): .....	3463
Planning—pitch and putt golf course—petition Nos 119 and 121 .....	3463
Crimes (Certain Penalty Increases) Amendment Bill 2011 .....	3464
Education, Training and Youth Affairs—Standing Committee .....	3467
Planning, Public Works and Territory and Municipal Services—	
Standing Committee .....	3480
Executive business—precedence .....	3484
ACT Health Council—annual and quarterly reports .....	3484
ACT Health—performance reports.....	3486
Global economic situation .....	3488
Disability services—community access .....	3496
Leave of absence.....	3500
Justice and Community Safety Legislation Amendment Bill 2011 (No 2) .....	3500
Questions without notice:	
Economy—cost of living.....	3505
Bimberi Youth Justice Centre—strip searches .....	3507
Planning—Griffith.....	3509
Auditor-General—appointment.....	3510
Bimberi Youth Justice Centre—Oakton report .....	3512
Health—nurse-led walk-in centre.....	3513
Parking—fees .....	3516
Education—tertiary .....	3517
Corrective Services—governance .....	3521
Housing—affordability.....	3524
ACT Supreme Court building.....	3526
Supplementary answer to question without notice:	
Planning—Griffith.....	3528
Education, Training and Youth Affairs—Standing Committee .....	3529
Executive contracts .....	3529
Health, Community and Social Services—Standing Committee .....	3531
Independent Competition and Regulatory Commission .....	3532
Paper .....	3533
Roads—infrastructure ((Matter of public importance) .....	3533
Statute Law Amendment Bill 2011.....	3549
Evidence (Miscellaneous Provisions) Amendment Bill 2011 .....	3552
Adjournment:	
Vietnam Veterans Day remembrance service .....	3558
HMAS <i>Canberra</i> memorial service .....	3558
“Art in, butt out” competition.....	3560
National Tree Day .....	3560
Malkara school .....	3561
Llewellyn Choir.....	3562
DisabiliTea.....	3563
Ross Walker Lodge .....	3563
St John Vianney primary school.....	3563
Autism Asperger ACT.....	3563
NAIDOC Week .....	3565
Answers to questions:	

Taxation—utilities (Question No 1638) .....	3567
Actew Corporation Ltd—investments (Question No 1639) .....	3567
Canberra Hospital—outdoor spaces (Question No 1640) .....	3569
Housing—residential tenancy disputes (Question No 1641) .....	3570
Kangaroos—cull (Question No 1642) .....	3572
Health—spinal cord injuries (Question No 1643) .....	3575
Calvary Hospital—ward 2N (Question No 1644) .....	3576
Mental health—services (Question No 1645) .....	3577
Land rent scheme—review (Question No 1646) .....	3578
Housing—display villages (Question No 1649) .....	3579
Government—regulatory impact statements (Question No 1650) .....	3580
Government—regulatory impact statements (Question No 1651) .....	3580
Government—regulatory impact statements (Question No 1652) .....	3581
Government—regulatory impact statements (Question No 1654) .....	3582
Government—regulatory impact statements (Question No 1655) .....	3582
Government—regulatory impact statements (Question No 1656) .....	3583
Government—regulatory impact statements (Question No 1657) .....	3583
Government—regulatory impact statements (Question No 1658) .....	3584
Government—regulatory impact statements (Question No 1659) .....	3585
Government—regulatory impact statements (Question No 1660) .....	3585
Government—regulatory impact statements (Question Nos 1661, 1691, 1692, 1693, 1694 and 1695) .....	3586
Emergency services—telephone warnings (Question No 1662) .....	3587
ACTION bus service—statistics (Question No 1663) .....	3588
ACTION bus service—bus stops and shelters (Question No 1664) .....	3591
ACTION bus service—distances travelled (Question No 1665) .....	3591
Revolve—site cleaning costs (Question No 1666) .....	3592
Roads—traffic fines (Question No 1667) .....	3592
Roads—traffic infringements (Question No 1668) .....	3593
Roads—parking meter revenue (Question No 1669) .....	3593
Roads—car park revenue (Question No 1670) .....	3596
Territory and Municipal Services, Department—clothing allowance (Question No 1671) .....	3596
Trees—removal and replanting (Question No 1672) .....	3597
Education—course statistics (Question No 1673) .....	3597
Teachers—casual (Question No 1674) .....	3600
Molonglo—waste depot (Question No 1675) .....	3601
Planning—Coombs (Question No 1676) .....	3602
Planning—Mingle (Question No 1677) .....	3602
Land—block 2, section 22, Phillip (Question No 1678) .....	3603
Schools—community halls (Question No 1679) .....	3604
Environment—cities for climate protection program (Question No 1680) ..	3605
Planning—Kenny (Question No 1681) .....	3606
Environment—heritage issues (Question No 1682) .....	3606
Couranga and Tralee homesteads (Question No 1683) .....	3607
Planning—strategies (Question No 1685) .....	3608
Housing—assistance (Question No 1686) .....	3612
Planning—infrastructure (Question No 1687) .....	3616
Genetically engineered crops (Question No 1688) .....	3617
Cycling—Molonglo Valley (Question No 1689) .....	3619

Planning—eastern broadacre zone (Question No 1690) .....	3621
Questions without notice taken on notice:	
Housing—waiting list.....	3623
Domestic violence laws .....	3623
Domestic violence laws .....	3623
Domestic violence laws .....	3623
Director of Public Prosecutions .....	3624
Director of Public Prosecutions .....	3624

**Thursday, 18 August 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.

## **Petitions**

### **Ministerial response**

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

By **Mr Corbell**, Minister for the Environment and Sustainable Development, in response to petitions lodged by Mr Rattenbury and Mr Smyth on 21 June 2011 concerning an application to vary the Crown lease over block 4 Section 79 Phillip—Woden Pitch and Putt.

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

### **Planning—pitch and putt golf course—petition Nos 119 and 121**

*The response read as follows:*

#### Description of proposal

Development Application DA No. 201119563 seeking to vary the Crown lease over Block 4 Section 79 Phillip, the Woden ‘pitch and putt’ golf course, was lodged on 11 April 2011. The purpose clause of the Crown lease provides:

“To use the premises only for the purpose of a par 3 golf course comprising 18 holes and associated facilities”.

The variation seeks to delete clauses relating to access easements and to add the following uses:

- i) club;
- ii) commercial accommodation use;
- iii) community use EXCLUDING hospital;
- iv) drink establishment;
- v) indoor recreation facility;
- vi) outdoor recreation facility LIMITED to a par 3 golf course comprising 18 holes and associated facilities;
- vii) public agency;
- viii) restaurant;
- ix) shop;
- x) tourist facility.

#### *Site*

The site is located at the northern end of the Woden Valley Town Centre. The block is adjacent to the roundabout at the intersection of Yamba Drive, Adelaide Avenue and Melrose Drive. The block is bounded by Yamba Drive, the confluence of the floodways that adjoin Irving Street and Woden Campus of Canberra College.

The site contains a pitch and putt golf course and an associated building. The site is currently accessed via footbridge. No direct vehicular access is provided. The site contains a number of service easements that dissect the current golf course. There are also easements for emergency access which are specified in the Crown lease.

The application has been assessed in accordance with the requirements of the *Planning and Development Act 2007*. The application was referred to Environment and Sustainable Development Directorate (ESDD) Planning Services for advice on whether the DA raises any significant policy issues, particularly surrounding potential conflict between the proposed commercial uses permitted and those in the Town Centre. Planning Services confirmed that no significant policy issues exist.

The site adjoins two water courses. The Territory and Municipal Services Directorate (TAMS) and the ESDD City Planning Division were asked to provide comments on the potential for the site to be affected by flood. The advice received was that any potential from flooding would be reduced if a proposed development of the site were generally proposed to be 300 mm above the 1:100 year flood level. The approximate location of the 1:100 flood level determined by ACTPLA would leave sufficient room for a redevelopment of the site in accordance with the proposed uses.

#### *Public notification*

Pursuant to Division 7.3.4 of the Planning and Development Act, the application was publicly notified from 28 April 2011 to 18 May 2011. One hundred and five written representations were received during the public notification period, and four were received thereafter (outside the timeframe).

#### Concessional status of the lease

Numerous representations have suggested that the Crown lease was granted with a concession. The Crown lease is a “possibly concessional lease” in accordance with Part 5.3 item 8(a) of Schedule 5 of the Act. An initial investigation of the files indicates that market value was paid for the lease which would indicate that the lease is not concessional. The proponent has not submitted an application to ACTPLA to determine the concessional status of the Crown lease to date. To ensure that the status of the Crown lease is clear to the community. It is the ACTPLA’s intention to determine the concessional status of the lease after further research, on its own initiative, in accordance with s258 of the Act.

#### Referral of application

The DA was referred to the Minister for the Environment and Sustainable Development to consider exercising his call-in powers under s159 of the Planning and development Act. The Minister is currently considering the matter.

## **Crimes (Certain Penalty Increases) 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) (10.02): I move:

That this bill be agreed to in principle.

Today I introduce the Crimes (Certain Penalty Increases) Amendment Bill 2011, which increases the maximum penalties for five offences against the person. It is the government's aim to respond to community concerns about the appropriateness of the current penalties, to align penalties more closely with those in other jurisdictions and to better reflect the seriousness of the offences. The bill increases the maximum penalties for the offences of culpable driving causing death, culpable driving causing grievous bodily harm, intentionally inflicting grievous bodily harm, recklessly inflicting grievous bodily harm and negligently inflicting grievous bodily harm.

These penalties have been selected for amendment after careful consideration. I will begin by outlining how the bill reflects the government's measured and reasoned approach to this task. Firstly, the bill ensures that maximum penalties for certain offences more closely align not only with other jurisdictions but also with the Model Criminal Code. Secondly, the government has taken detailed analysis of how the amendments to penalties will fit within the balanced scale of maximum penalties that currently exist for offences against the person in the territory. This exercise involves close reference to the particular elements of each offence. Finally, the bill ensures that aggravated forms of these offences can be adequately penalised within the new range provided for basic offences.

Recent instances of the offences of culpable driving causing death and culpable driving causing grievous bodily harm have drawn the government's attention to the adequacy of current penalties for these two offences. Furthermore, the national road safety strategy 2011-20 endorsed by the government in May this year recognises that deterrence through appropriate penalties for driving offences plays an important role in educating road users. Deterrence through heavy penalties for these offences is an important aspect of road safety as it sends a clear message to all road users in the ACT about the serious consequences for both victims and offenders in culpable driving cases.

The ACT community appreciates the seriousness of culpable driving offences. The bill recognises this by proposing a maximum penalty of 14 years imprisonment for culpable driving causing death, which has been increased from seven years, and a maximum penalty of 10 years for culpable driving causing grievous bodily harm, an increase from four years. The new maximum penalties for culpable driving also address a concern raised by the Director of Public Prosecutions that current penalties are disproportionately low given the seriousness of these offences. The DPP's concern is emphasised by the higher penalties available for these offences in other jurisdictions—10 years in New South Wales and 20 years in Victoria—for culpable driving causing death compared to the ACT's current seven years and seven years in New South Wales and five years in Victoria for culpable driving causing grievous bodily harm, compared to the ACT's four years.

More importantly, the penalties for equivalent offences in the Model Criminal Code are also significantly higher than the current ACT penalties. Amendments that bring the ACT's criminal law closer to the Model Criminal Code are desirable. Under the Model Criminal Code the maximum penalty for culpable driving causing death is 25 years. The maximum penalty for culpable driving causing grievous bodily harm is 10 years. An ancillary result of increasing the maximum penalty for culpable driving causing death to 14 years is that such a charge would in future always be dealt with by the ACT Supreme Court. At present a charge can be dealt with in either the Magistrates Court or the Supreme Court. Given the seriousness of the offence, it is appropriate that it be dealt with by the Supreme Court.

It is possible that there will be an impact on the workload of the Supreme Court but Magistrates Court data indicates that in the three years to the end of the 2010-11 only five matters for this offence were finalised; so the impact is likely to be minimal.

In looking at the question of maximum penalties, the government has sought to ensure the overall penalty scheme remains balanced and progresses logically according to the relative seriousness of each of offence. Close attention has been paid to the elements of each of the offences against the person to ensure proportionality and fairness between penalties. As a result of this careful analysis and in response to concerns raised by the DPP, the bill also increases the maximum penalties for three more offences.

Intentionally inflicting grievous bodily harm currently carries a maximum penalty of 15 years imprisonment. The DPP has advised the government that in his view a 15 year maximum does not adequately reflect the seriousness of this offence. Grievous bodily harm includes any permanent or serious disfiguring of a person and covers injuries that are just short of death such as coma or paralysis. Most significantly, the offence is one of intent meaning that it involves the highest degree of fault recognised by the criminal law.

The bill raises the maximum penalty for this offence to 20 years. As a result, the penalty for intentionally inflicting grievous bodily harm will now be the same as the penalty for manslaughter, an offence of similar seriousness. The increase also better aligns the offence with the new culpable driving penalties.

Mr Speaker, the bill raises the penalty for recklessly inflicting grievous bodily harm to 13 years from 10 years and the penalty for negligently causing harm to five years from two years. The new penalties for these offences are appropriate given the relative seriousness of the offences and ensure that the penalties fit within the balanced scale of maximum penalties for offences against the person.

The bill also modifies the operation of section 48A. Section 48A was inserted into the Crimes Act in 2006 and creates an aggravated form of some offences where there is harm to a pregnancy. By virtue of section 48A a higher maximum penalty applies where an offence is committed against a pregnant woman and the woman loses the pregnancy or serious harm is caused to it or death or serious harm is caused to the unborn child. Currently the penalties specified for these aggravated offences are approximately 30 per cent higher than the penalty for the basic offence.

Although the bill retains the application of section 48A to the culpable driving offences and the offences of intentionally and recklessly inflicting grievous bodily harm, there will no longer be a higher penalty available for the aggravated form of these offences. Sentencing for the aggravated offence will take place within the new range set by the basic offence. The government has made this modification because the penalties for the basic offences would be increased by this bill to a level that is also appropriate for punishing the aggravated offence.

In 2010, the New South Wales government appointed retired Supreme Court judge Michael Campbell to review New South Wales laws involving deaths of unborn children. The review confirmed that existing New South Wales penalties were appropriate. As the new penalties for the basic ACT offences would be similar to those that exist in New South Wales, the government has concluded that the new maximum penalties are at an appropriate level to also punish the aggravated offence. The aggravated offence will continue to be available to be charged and proven in courts to focus judicial attention on the seriousness of malicious harm to a pregnancy.

As such, and as there have been no instances of the use of section 48A, I have come to the view that there is no justification to further increase the aggravated maximum penalties, although this will have the effect of doing away with the current 30 per cent loading on such offences.

Mr Speaker, this bill takes a careful and considered approach to amending the maximum penalties for a very select number of offences to remedy some existing deficiencies. I commend the bill to the Assembly.

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

## **Education, Training and Youth Affairs—Standing Committee Reference**

**MRS DUNNE** (Ginninderra) (10.11): I seek leave to move the amended motion standing in my name on the notice paper:

Leave granted.

**MRS DUNNE:** Thank you, Mr Speaker, and I thank members for the leave. I move:

That this Assembly:

- (1) notes that the report entitled *The ACT Youth Justice System 2011* was published by the Speaker on 29 July 2011; and
- (2) refer the Human Rights Commission's report to the Standing Committee on Education, Training and Youth Affairs for consideration and review, including but not limited to:
  - (a) overseeing the implementation of the recommendations in the Commission's report;

- (b) taking evidence from witnesses, including the authors of the Commission's report;
- (c) seeking expert advice in response to the recommendations made in the Commission's report;
- (d) reviewing any other relevant material;
- (e) considering any other matters the committee considers relevant;
- (f) making recommendations to the Assembly; and
- (g) reporting on progress to the Legislative Assembly from time to time as it sees fit.

Just to address the amendments to the motion as printed on the notice paper, they take out reference to the Oakton report, which I am pleased to say the government has now provided, and make this motion a lot cleaner. And I have had discussions with Ms Hunter about an amendment that she will be moving, which I welcome.

There is no better way to sum up the catastrophic failure of the Minister for Children and Young People than to share a few quotes from the *ACT Youth Justice System*, a report to the ACT Legislative Assembly by the Human Rights Commission and Children and Young People Commissioner. The first quote comes from a staff member:

... staff were not valued and taken care of, particularly when there was a major incident and/or a serious assault on staff.

Further:

We were all really tired and we didn't have time to work on their behaviours. We were in crisis the whole time.

And from a young person subject to segregation:

There's no education in Coree, it's not fair. Nothing to do, didn't even get a magazine to read until after a week, couldn't go to school, just had work brought in after a while

We live in a democratic society with a proud history on human rights and, as a member of the ACT Legislative Assembly, I am proud to have contributed to bringing this matter to the attention of the Assembly and the Canberra community. And while reading these submissions, though not surprised, given the information brought to my attention prior to this inquiry, I came to the view that this highlights the disgraceful negligence those opposite should never have let happen. I fear the consequences, had I and my colleagues in the Canberra Liberals not been persistent in our requests for some time.

It is interesting that my staff have asked me to demonstrate this to you. Yesterday Ms Burch came in here and said, "The Canberra Liberals are not interested." Here are

the letters that have been written by the Canberra Liberals in relation to Bimberi to Ms Burch and her predecessor, Mr Barr. I am not going to table them but I will just show the members here the number of questions, the number of times this matter has been raised by my colleagues and me in this place. And quite frankly, our list of contributions on the issue of Bimberi is much larger than what Ms Burch tried to demonstrate yesterday. We have a long and proud history of standing up for the young people who are sentenced to Bimberi and the people who look after them.

The ACT is a signatory to the United Nations Convention on the Rights of the Child. The quote from the young person subjected to segregation highlights a breach. It highlights the fundamental failures of this minister. I could quote many submissions from the report which highlight breaches, but I feel that it is time to move forward, and this report gives us the opportunity to move forward.

In addressing the recommendations of the report, the highest priority should be given to improving the culture, the working conditions and the practices of staff at Bimberi. We must improve the lives of the young people so that they have an opportunity to use their time at Bimberi to improve their lives, to reflect on why they are there and how they can become better citizens.

For those of us who have pored over this report, there are many responsibilities which are placed upon us all. And I endorse many of the recommendations and the tenor of the recommendations in this report. I think the underlying and single most important recommendation is that any change has to come from the community. Any change has to be driven by the community.

I submit that, as the representatives of the community, people in this Assembly have a very important part to play. There are a number of recommendations in this report that refer directly to the ACT Legislative Assembly. And I think that it is important that now that this report has become available, the ACT Legislative Assembly take ownership of this report.

My intent today in moving this motion referring the report to the Standing Committee on Education, Training and Young People is to ensure that the Legislative Assembly has an ongoing ownership of this report. We must reflect that this report is not a report to the government, it is a report to this place. It is a report from the human rights commissioner and the young people commissioner to this place because we asked for it. And it is now important that, once we have this report, we have ownership of the solution.

My intention in moving this motion today is to ensure that that ownership is clearly stated and is ongoing. I believe, and I envisage by this reference, that the Standing Committee on Education, Training and Young People will have an ongoing brief to oversee the implementation of the recommendations for the life of this Assembly, and I would recommend to an incoming Assembly that that remit be taken up in the next Assembly as well. There are no reporting dates in my recommendation because I envisage that there will be ongoing reporting as the committee saw fit in the course of the Assembly. I see that this is not a closed time frame and that their remit would continue for the life of this Assembly.

The young people who enter Bimberi and the youth justice system do so under unfortunate circumstances, and we, as representatives, have an obligation to do our best to ensure that these young people turn around their lives, re-enter the community and become responsible citizens. We must guide them to realise their potential and encourage them to be positive contributors to the community. This must start from the day they come in contact with the youth justice system.

Today I would like to use this motion to highlight ways in which we can all move forward. The report gives ownership, as I have said, to the members of the Legislative Assembly and the community, and my vision is to see the recommendations put into action. The report is useful and confirms a lot of the things that we have been thinking. I wish to thank the Human Rights Commission for their efforts in this report. Although the Canberra Liberals and I have been critical of the final outcome and believe that we could have had a better outcome, we do believe that this report goes a long way to addressing the issues.

But as I have said before, there are real concerns about what was not looked at and there are real concerns about the culture in the Community Services Directorate that let this situation arise, which I do not believe have been addressed by these recommendations, and the fact that there are issues that have not been addressed by the inquirers, by their own admission. The report is useful in that it confirms a lot of what we have said. One recommendation, for instance, requires a “whole-of-government and whole-of-community approach” to develop a clear and shared vision and statement for the purposes of youth justice in the ACT and a clear and shared statement of purpose for the Bimberi Youth Detention Centre.

I am referring the Human Rights Commission report to the Standing Committee on Education, Training and Youth Affairs because I believe the report highlights the fact that there is a need for an ongoing brief to look at the youth justice system and Bimberi in the ACT. I think part of the solution to the problem is this Assembly being actively involved.

Recommendation 4.15 states:

The Legislative Assembly Standing Committee on Education, Training and Youth Affairs consider holding hearings every two years on achievements towards the vision and outcomes for vulnerable young people in the youth justice system.

Recommendation 15.1 states that the Legislative Assembly standing committee responsible for youth justice annually invite ACT Policing, the DPP, the Children’s Court, Legal Aid and peak bodies in the community sector to raise issues of interest or concern about the youth justice system. While I appreciate the recommendations in relation to the Assembly committee, I think that they have not been brought together sufficiently in this report, and I hope that this reference today will help to bring that together.

I note, for instance, that Ms Burch has written to the chair of the Standing Committee on Education, Training and Youth Affairs, Ms Bresnan, and asked her to comment on

the recommendations. And I think that it is instructive and it means that the government is at least part of the way to agreeing with us in this reference today. I will share the minister's views as they were passed on to me by her staff earlier this week. Ms Burch has written to Ms Bresnan:

I am writing to you in your capacity as the Chair of the Legislative Assembly Standing Committee on Education, Training and Youth Affairs.

On 29 July, the Attorney General circulated, through the Deputy Speaker, the ACT Human Rights Commission Report titled 'The ACT Youth Justice System 2011'.

The Government has appointed a taskforce to oversee the implementation of recommendations from the Report, and provide advice to the Government on its response to the Review. I expect the Government's response will be available by early October 2011.

The Report makes several recommendations that relate to the Standing Committee on Education, Training and Youth Affairs - namely recommendations 4.3, 4.15 and 15.1.

The Report also makes a key finding that proposes that 'To be successful the youth justice system needs to be connected with the ACT community, including the Legislative Assembly, the youth and community sectors, young people and their families, victims of crime and the broad community'.

While the Government is currently working closely with the Taskforce and considering the Report, I would welcome committee members' consideration of these recommendations.

I am genuinely interested in fostering greater connection between the community, including the Legislative Assembly, and the youth justice system with the aim of embedding a shared vision for youth justice. To this end, I would welcome the Committee's comments on the Report's recommendations noted above to inform our response to the Report.

Yours sincerely

Joy Burch MLA  
Minister for Community Services  
16 August 2011.

I think that we are essentially all singing from the one hymn sheet but I think that we need to reinforce that, while the government has a large job to do in implementing the recommendations, this was not a report to government, this was a report to this Assembly, and this Assembly must continue to maintain ownership and use its powers and offices to ensure that the government sticks to the program.

As an issue of some concern, I noticed yesterday in question time Mr Doszpot asked the minister about one of the recommendations, which was that the government urgently act in relation to time out and to urgently amend the Children and Young People Act in relation to time out. The minister is not acting urgently on this. She is

basically saying, “We are going to respond in October and then we will work from there.”

I think that these are things which are important. The government has a responsibility to do this. While the government are acting on longer term issues they should be also acting urgently on those issues which the Human Rights Commission has highlighted, and I think it is reprehensible of the minister that she could not stand up in question time yesterday and say, “That is underway; I expect to introduce the appropriate legislation,” and give us a date.

The minister has had this report for as long as the members here have. She has a large number of resources at her disposal. She says that she is interested in bringing this matter to resolution. If she cannot respond quickly to something which has been highlighted as needing urgent action, we have serious concerns. Because I continue to have serious concerns about this process and because this is such an important issue which this Assembly must maintain ownership of, I think that this is the only way forward.

I have had a conversation with Ms Hunter and she has an amendment which, whilst taking out all the words, has a simpler and an interim approach. I know that she will speak to that, but we are generally in support of her amendment. That means that at the end of the day the Assembly will have taken control and ownership of this report, and I think that this will be a good way forward. I commend the reference to the Assembly and look forward to a positive vote.

**MS HUNTER** (Ginninderra—Parliamentary Leader, ACT Greens) (10.27): I am pleased to see that Mrs Dunne has brought this motion to the Assembly today. It was quite clear from the report that there were a number of recommendations that refer to the standing committee here in the Assembly that looks after young people and that it had a role to play in ensuring that there was some sort of monitoring and oversight of where this report is going next. The report is comprehensive. I made quite a long speech the other day around the report. I congratulate all of those who were involved in putting it together. I cannot go through all of the names, but I thank the team.

Extensive consultation was conducted in a number of ways. There were surveys, face-to-face interviews and focus groups, and arrangements were made so that staff could also have input in an anonymous way. A whole range of different consultation measures were put in place. I congratulate the commission on the range of different ways that people could participate. I think it was a very good practice that other inquiries could follow.

What we have here is a comprehensive report that has not only looked at all aspects of Bimberi but has also touched on the broader youth justice system, as the motion in the Assembly requested it to do. Of course, a lot of the focus has fallen on the closed community, the youth justice centre, because it is important that we ensure that there are proper policies and procedures in place. As I said, it is a closed community and that is why it needs proper external monitoring. There need to be people ensuring that any policies and procedures are properly followed. We found from this inquiry that there were a number that were not followed. There were some gaps and there were areas where things just needed to change.

Part of that was also around staff, and proper supportive staff. If we are to have a consistent staff team and not see high turnovers and so forth, we need to value those staff. We need to ensure that they have proper support and proper ongoing professional development and that other training is made available to them. They must also be supported in understanding what the policies and procedures of the place are. It is all very well to put them into one big manual and hand them to someone and say, "There you go," but that is really not the way people are going to understand how they are to do their job day to day. We need a proper process if things are going to change so that it engages staff in understanding what the new policies and procedures, or current policy and procedures, are.

I asked a question of the minister the other day about supervision, because it appeared that ongoing supervision was not provided to staff. There were some concerns around the opportunity for debriefing, particularly after critical incidents had occurred. The minister has come back to inform the Assembly about the number of times people have taken up that opportunity, but I can say that it is one area that I will be keeping a close eye on. If you want a healthy workforce and a consistent workforce, you are going to have to value them and you are going to have to provide them with the supports to do their job properly.

There were a number of recommendations, as we saw, around the need for change in other areas. Bimberi had become very risk averse and therefore there were options that had been shut down for young people to engage in things like training. I remember having this conversation around why more young people were not being able to engage in things like introduction to construction-type courses. It appeared that most of them had been assessed as being in a risk category which meant that they could not participate in a whole range of training. That sort of thing needs to be reassessed. We need to be providing the literacy and the numeracy, those sorts of classroom-type learnings, but we also need to be looking at other sorts of vocational education training opportunities that we can provide to young people.

When Mrs Dunne first put this motion to the Assembly it was very much focused on staff because a lot of the complaints had started to come out from staff in the community. They were complaints that we needed. There were stories and experiences that very much needed to be investigated. What I did was to broaden out the terms of reference to include young people. Part of that was to look at segregation and the restraining of children and young people within Bimberi. Mrs Dunne has touched on this slightly. I think it is a very important one because it goes to the heart of the behaviour management system that is applied within Bimberi.

This is a difficult group to work with at times—there is no doubt about that—but we do need to be looking at other ways that we can manage and change behaviour. We need to be looking at training around de-escalation of behaviour, so that we do not get to the point where a young person has to be restrained, and where we can minimise putting young people into segregation.

Mrs Dunne touched on young people in segregation not being able to access education. In fact, it is a specific recommendation in this report, at 12.14:

The Education and Training Directorate inform the Public Advocate and Official Visitor if a young person is denied permission to attend school for two consecutive days in a row, to ensure transparency of segregation or behaviour management decisions that impact on young people's right to education.

That is just one reason why we need to be looking at how we can provide the training so that segregation and restraining are places of last resort.

The minister and Mrs Dunne this morning talked about the importance of bedding this into the community, engaging a whole lot of players in our community youth justice system. There is very good sense in doing that. As part of those players, we need to consider how the diversionary-type framework that is out there at the moment is going to engage at the very early stage—for instance, first contact with police. The first contact with police can be a critical time when an intervention can happen that can change the path of that young person. We need to be looking at how we can also support and train police and how we can ensure that there are services that are connected and engaged with police to which they can refer children and young people and their families so that we can stop them even entering the youth justice system. That is what we need to be doing.

When I was over in the UK I met with the Youth Justice Board for England and Wales. One of the things they are starting up in a number of local areas is embedding youth workers in police stations. I think there is also an on-call operation. It means that when a young person comes into contact with the police there can be a rapid assessment of what is going on. Hopefully, at that point you are starting to get some diversion away from the youth justice system and into other sorts of programs that could be about supporting the family and young person, but certainly achieving a better outcome than if they continue to travel down that path and end up in our youth justice system.

Not only does it make a lot of sense for those children but also it makes a lot of sense for all of us because with any child going into the youth justice system there are obviously costs for the community around community safety. There are also costs that go along with courts and incarceration. We need very much to look at that diversionary end and what we can put in place to ensure that they are not going to get to the last resort, which is incarceration at Bimberi.

There needs to be better engagement with the community agencies out there. We need to see how we can foster that and how we can ensure that through-care and after-care are properly resourced and happen. A number of families have contacted me saying that through-care and after-care has not happened or has not been very well implemented. It is essential. If we do not want a revolving door of young people going back into Bimberi and back through the youth justice system, we need to have good exit planning in place. We need to ensure that there are organisations, natural supports, that are locked in and that are part of that planning process.

Families are absolutely critical here. I understand that in some cases the natural family is not necessarily of great benefit to the young person. But in many other cases they are. So we need to be looking at the natural supports; we need to be looking at the

extended family. We need to be looking at those who have had an important role in and impact on the young person's life so that we can get that through-care and after-care right.

What I have done this morning with my amendment, which I will move in a moment, is to strip it back a bit to simplify Mrs Dunne's motion. I do not think we are asking the standing committee to go and re-prosecute the report. What we are saying is that there are recommendations in this report that see a role for the standing committee. It is about sending it off to the standing committee to ask them to look at the recommendations and consider how they might play their part and implement those recommendations. That is one way that we can ensure, as an Assembly, that we play a role, as Mrs Dunne said, in embedding youth justice in the community. This Assembly has a role to play in that.

There are many recommendations. This is not going to happen overnight. It is going to take a lot of dedication and commitment from a lot of players. I hope that what we will see is a positive response by the minister and the department to this report and the recommendations. I would not like to see recommendations discarded because it is just too hard or because that is not the way we have done it before. We need to have quite a bit of a rethink about how we are going to run our youth justice system. I think it is also important to stop here for a moment to say it is not all bad. We know that there are very dedicated workers out at Bimberi in the community youth justice unit. Right through the system there are very dedicated workers, and that needs to be acknowledged.

We also need to acknowledge the input from young people. Some of those have found intervention in our youth justice system to have been a turning point in their lives. It is important to acknowledge that as well. This is why I said earlier we want to ensure that our workers in the system are properly supported and have the training and supports that they need. We also, of course, have the education department in there with dedicated teachers. We need to ensure that that continues and that there is good communication and connection with the management and other staff in Bimberi around the Murrumbidgee education centre.

There are some roles there that I think need to be continued. I think that the family liaison officer role within Bimberi needs to continue. I am concerned—I have heard some reports—that that role will be pulled out. I disagree with that decision. I think that that worker has been quite critical on the ground in liaising with families. Even if other things are put in place, I see that as a critical role.

The other thing I noticed in the recommendations was a recommendation around the directorate employing and putting in place an Aboriginal liaison officer. I was a little bit taken aback by that recommendation because my understanding was that an Aboriginal liaison officer position had been filled. I would like to hear further information around why the recommendation is in the report when I have been assured that that position was filled and there was somebody carrying out that position. I move the amendment circulated in my name:

Omit all words after "That this Assembly", substitute:

- “(1) refers recommendations 4.3, 4.15, 4.16 and 15.1 of the Human Rights Commission Report, entitled *The ACT Youth Justice System 2011*, to the Standing Committee on Education, Training and Youth Affairs for inquiry and report on how best the Standing Committee may have an ongoing role in the implementation of the Human Rights Commission Report recommendations and oversight of youth justice in the ACT; and
- (2) report back to the Assembly by 20 October 2011.”.

I hope that I will have support for that amendment. I thank Mrs Dunne for bringing on her motion this morning. It is quite correct that the Assembly plays an ongoing role in this very important reform process that will need to be undertaken into our youth justice system. As I said, it will not happen overnight, but it certainly will be happening in the next 12 months. I think we need to get some runs on the board as soon as possible.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.42): I am glad to have the opportunity to discuss Bimberi and youth justice again.

The government has supported the appointment of the Human Rights Commission to undertake the review of the youth justice system. We welcome the youth justice system 2011 review report. It is a rigorous and comprehensive report. It has looked deep into the operations of youth justice, including the Bimberi youth detention centre. The government will be closely considering the advice in shaping our blueprint for youth justice in the ACT. We will also provide a full response to the review within the prescribed number of days, which I understand is 66. So there will be a government response—end of September. We have also established an experienced task force to ensure the implementation of the reforms stemming from this report. We have also established a team in house to continue those recommendations.

As Ms Hunter has said, this is something long term. Some of it could be implemented quite quickly; other parts will take a longer time. That is why we have committed dedicated resources to make sure that this work is facilitated and implemented. The task force met last week and will continue to meet next week to continue their work.

There were no grounds for the call of last month for a judicial inquiry, and there are certainly no grounds, as reflected in Mrs Dunne’s motion, to re-prosecute or have a standing committee undertake more inquiries. The Human Rights Commission have provided a comprehensive report, and that is what the government will work towards. The commissioner has taken evidence from an extensive range of participants, former and current residents, former and current staff, community members and community organisations. The report is comprehensive, as I think we can all agree. The government will be providing a comprehensive report back.

That said, there are a number of areas that the report does make reference to, involving the committee for education, training and youth affairs. I support those recommendations. One of the key findings in the report proposes:

To be successful the youth justice system needs to be connected with the ACT community, including the Legislative Assembly, the youth and community sectors, young people and their families, victims of crime and the broad community.

As has been mentioned here, recommendation 4.3 proposes:

... children and young people and the ... Standing Committee ... be ... engaged in the vision-setting process.

Recommendation 4.15 proposes:

The ... Standing Committee ... consider holding public hearings every two years on achievements towards the vision and outcomes for ... people in ... youth justice ...

Recommendation 15.1 proposes that the Assembly standing committee annually write to ACT Policing, the DPP, the Children's Court, Legal Aid and others about matters of interest.

I support those recommendations, which is why, as has been noted here, earlier this week I wrote to Amanda Bresnan, as the chair of that committee, noting these recommendations and welcoming members' consideration of the recommendations and the government's report. That is why, and I will put this on record early in the piece, I will not be supporting Mrs Dunne's motion. But I will be supporting Ms Hunter's amendments, because they reflect the intent and the interest that I have in engaging with the standing committee and indeed the broader community in youth justice.

The task force will get on and will provide work. They are experts in their field and I think they will support the government in working their way through this. CSD is committed to working through this review. It is an opportunity to reflect. We could put every one of those recommendations in place and in two years time we would come back after a review process on continually improving. This is not a static stand-in time or lock-in time process. It is something that we will continue.

I have counted close to 40 recommendations that are actively being worked on. That includes the reference to segregation, use of force and restraints. I think I mentioned yesterday that it will always be an issue of contention and public interest as to how those issues are managed and implemented within any detention centre, whether in the ACT or any other state or country. It is something that we have begun work on. I have asked the department to ensure that its practices are contemporary and are underpinned by human rights and best practice.

I would like to make a response to other comments. In relation to the Aboriginal and Torres Strait Islander liaison officer, there is a position there. It has been extremely difficult to fill, so we need to go back and see what other options we can put in place to satisfy that need if we are not able to recruit to that single position. It is something that we are aware of. Perhaps there is a way through that now that we have

implemented a single case management model that can apply to Aboriginal and Torres Strait Islander matters or matters of family engagement as well. A single case management model may be able to offset some of those concerns. I am not saying they will offset all of them, but it is something that we will be working through.

Diversion and the notion about investment and early intervention are what I see when we look at youth justice broadly. Bimberi is not the be-all and end-all of youth justice, a final point. Whilst we need to make the right investments, and good investments, in the detention centre, in many ways we have missed the boat for these vulnerable young people when we are concentrating on the detention area. A diversion framework is in place; we have got an after-hours bail service and single case management.

We also need to appreciate and recognise that on top of this report, which is comprehensive, we have a continual presence of oversight bodies across Bimberi and our youth justice service. The Public Advocate is a regular visitor to Bimberi. The human rights commissioner, the Commissioner for Children and Young People and the Official Visitor are all regular visitors to Bimberi. And the residents there have free access to their oversight bodies. In one of my most recent pieces of correspondence with the Official Visitor she noted that there was a period when there were no issues raised by the young people. I think that is telling us that we have implemented some significant changes since the latter part of last year that are starting to filter through, to resonate and get traction across the centre. It is comforting when you get correspondence from the Official Visitor that says that for the first time no issues have been raised by the young residents there.

Let me go to some other matters. Mrs Dunne came with a swag of paper in reference to her interest in Bimberi. But I continue to note that there was one letter of concern. There has been one visit by Mrs Dunne and Mr Seselja, and no visits by any others opposite. It just reinforces that since it has been operating—

**Mr Coe:** Be careful. I did visit there, Joy. You know I did visit there.

**MS BURCH:** The log record to me has said that since there have been residents there you have not been there, Mr Coe. Do provide me with the date and I will be happy to confirm that or otherwise. To me it just confirms that this is not a genuine interest. A genuine interest is quiet, considered conversations, private briefings and information, not the hysteria which they have approached it with here. I also draw their attention to the fact that the commissioner notes and acknowledges that the political and media reactivity to certain incidents in Bimberi has placed significant pressure on CSD and probably weakened the story of the rehabilitation vision of the youth justice centre.

I am glad to hear now that we are, if I can paraphrase Mrs Dunne, singing off the same hymn sheet. We are looking to have a whole-of-community buy-in about how we better support our vulnerable young people and have a youth justice system that does them well—as any society should want for our young people.

I will conclude. Whilst I accept that there is much to do and much to learn, it is also worth noting that the commission themselves have noted in their report that, positively, the commissioner has heard that much has changed in the last six to eight

months and that generally participants report feeling cautiously positive about the leadership behaviour of the current management team and welcoming of the change management strategy that was introduced in late 2010. I accept that there were improvements to be made. I will not step away from the challenges ahead. I am committed to make those improvements. I am committed to work across government agencies, with the community, including members of the Legislative Assembly, for positive outcomes for our vulnerable young people who find themselves engaged with the youth justice system.

Amendment agreed to.

**MR SPEAKER:** The question is that the motion, as amended, be agreed to.

**MRS DUNNE** (Ginninderra) (10.52): I thank members for their contributions and I particularly thank Ms Hunter for the positive way in which she has approached this. There is much that could be said about the minister's intervention, but this is a day for moving forward and I shall refrain from doing that.

We are here again today talking about Bimberi because the Canberra Liberals have taken an interest in it. I will go back; I will comment on some of the things. The tenor of the minister's comments shows that she is still in denial despite this report, which, it was quite clear the other day, she had not read when she opened up a pristine copy in this place and had to break the back of it before she could open the page. It is most interesting that she could quote from page 2 of the report. It is quite clear. Her comments here today show that she is still in denial about what is wrong with Bimberi and she is still in denial about her involvement in what is wrong at Bimberi.

**Ms Burch:** That was tabled.

**MRS DUNNE:** No; it was distributed out of session.

*Members interjecting—*

**MR SPEAKER:** Thank you, members. Order! Mrs Dunne has the floor, thank you.

**MRS DUNNE:** It is quite interesting that the minister is in denial and her comments here today show that she is still in denial. She is criticising the Canberra Liberals at every opportunity for bringing this matter forward. In a sense she is criticising us here today. She is happy to support Ms Hunter's amendments, which do exactly the same thing, essentially, as my motion does, but she does not want to support my motion.

Ms Hunter and I have come to the same place, which is that this matter should be owned by the Legislative Assembly. Ms Burch could not engage in that. She does not want the Legislative Assembly to have any sort of ownership of this. If she did, she would have been prepared to support my motion. She could have moved her own amendments. To say that she does not support my motion shows that she does not want the Legislative Assembly to have ownership and involvement in this process. She might have had problems with the wording and all of those sorts of things; that is perfectly legitimate. But to say that she is so disengaged that she would not support my motion, but she would support Ms Hunter's amendments when they essentially do

the same thing, shows just how disengaged this woman is from this very important issue.

I see this as a very positive step for the implementation of the recommendations. It does not mean that the members of this Legislative Assembly have to own every one of those recommendations; there will be some that all members will have concerns about. Ms Hunter has highlighted some of her concerns here today, and that is as it should be. We have to have a very positive and active role in ensuring that this process is not let go until we have a much better system.

The other issue that I want to comment on from this minister, which I think is a disgrace, is where she said basically that in relation to anyone who has actually made it through the front gates of Bimberi we have just about given up on them—that they are too far down the track. That is a disgrace. It is a shame that the person responsible for the young people in this place has basically said, “These people are beyond it and we should concentrate our efforts elsewhere.” I believe that we should concentrate our efforts on prevention. No-one disagrees with that. But we have responsibility for these young people. This minister is the person charged by the ACT to look after these people, and she basically said today that they were a dead loss. That is a disgrace. That is an absolute disgrace.

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

**MRS DUNNE:** I think it is time to conclude. I do thank members and I thank Ms Hunter particularly for her participation in this debate. I look forward to a timely report from the Standing Committee on Education, Training and Youth Affairs. I look forward to their recommendations about how we carry this forward and I hope that we will have a successful and ongoing collaboration in the area of youth justice in this Assembly.

Question resolved in the affirmative.

Motion, as amended, agreed to.

## **Planning, Public Works and Territory and Municipal Services—Standing Committee Report 11**

**MS PORTER** (Ginninderra) (10.58): I present the following report:

Planning, Public Works and Territory and Municipal Services—Standing Committee—Report 11—*Draft Variation to the Territory Plan No 302—Community Facility Zone*, dated 6 July 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

This report of the standing committee was released out of session and deals with draft variations to the territory plan which introduce new objectives for the community facilities zone, changes to the development table for the zone and revised community facilities zone development code applying to all community facilities zoned land. The committee noted the satisfactory community consultation process which had been conducted by ACTPLA and subsequent amendments already made in response to that satisfactory consultation.

The committee called for submissions and held public hearings, and it received eight written submissions, including from the Planning Institute of Australia ACT Division, the Australian Institute of Architects ACT Chapter, the University of Canberra and a number of community associations and councils. After consideration of the submissions and evidence during the hearings, including from the minister and his officials, the committee made six recommendations, the bulk of these recommending some further clarity around the terms “ancillary use” and “minor use” in the plan and the table. The committee further recommended that the directorate website should include details of the definitions of “ancillary use” and “minor use”.

I would like to thank all those who made submissions to and appeared before the committee, my fellow committee members, Ms Le Couteur and Mr Coe, and the secretariat office for their work during the period of the hearings and the preparation of the report. The committee has experienced some turnover as far as committee secretaries go in the recent past, and I would like to thank all who have contributed to the process and to the report.

**MS LE COUTEUR** (Molonglo) (11.00): I would also like to join the chair in thanking the numerous secretaries we have had during this process. I think it has been very hard for them with stopping and starting. Also, of course, I thank my fellow committee members, Ms Porter and Mr Coe.

This is a particularly interesting draft territory plan variation, because ACTPLA told us that this is the first review of a whole zone since there has been the new Planning and Development Act. The other draft territory variations which we have dealt with have been changing particular things for a particular part of the ACT, but this is the first zone review. So that makes it particularly interesting, but it also makes it particularly disturbing.

As Ms Porter said, we had evidence from a number of people, and probably the most interesting evidence was that from the Planning Institute of Australia ACT Division. The thing that struck me mainly from that was that these people are professional planners; they know what to do. But the message I got from them was that they did not actually understand all of the things that were in this variation. If the professional planners do not understand it, what hope do the rest of us have? What hope does the Legislative Assembly have? I suppose we have a small amount of hope, because at least we are working on it on a bit more of an intensive basis, but what hope does the community have? The real message from this is that we need to have better written territory plan variations.

The planning institute talked a lot about the DAF principles, which is the development assessment forum principles. They talk a lot about writing things clearly and objectively. They were certainly of the belief that this variation had not always achieved that. As a person who has read it, I would have to say, unfortunately, I have to agree with them.

The other thing I would like to say on a general basis is that one of the more positive things in this variation was the considerable introduction of precinct plans. Going forward, planning in the ACT is going to make a lot more use of precinct plans. In the past we have had neighbourhood plans, and I do not like saying “in the past”, but it was one of the items in the Greens-Labor agreement that neighbourhood planning be reintroduced, and I see Mr Barr smiling. This is one of the areas where, I think at this stage, we are agreeing to disagree. I am hoping that the precinct plan may be the way forward to have some more locality-based planning in a largely uniform system.

I think it is important that we have certainty, but it is also important that local communities get to have their say about what happens in their areas. That is what neighbourhood plans did. We will talk about that more at other stages, but there was clearly a considerable lapse in locality-based community consultation. I am hoping that the fact that we have a lot of precinct plans in this variation is a positive sign for more area-based consultation, and not just for master plans, local shops and shopping centres. I agree that they are important, but they are not the be-all and end-all.

Getting to the specific recommendations, the committee agreed that the draft variation proceed, and in general we were in agreement that it was a positive step forward. We made six recommendations, and I have given you the first one. The second one was that we look at sites not just as being suitable for community facilities but what community facilities they are suited to. Things that are suited to aged care may not be suited to a park, for instance. And that goes back to what I was saying about precinct planning and precinct codes. We have to look at the individual instance.

Recommendation 3 was around the terms “auxiliary use” and “minor use” and the fact that they should be clarified. This was an area which we spent quite a bit of time talking about, because it had managed to confuse not only the committee, but, as I mentioned earlier, also the planning institute. That is also dealt with in recommendations 4 and 5.

Recommendation 6 was also largely inspired by the planning institute, as they have a better knowledge than the committee as to how all the bits of planning go together. They were talking about how we should look again at the possible benefits of statements of intent. As I understand it, with the revision of the Planning and Development Act 2007, the previous policy was, in effect, swept aside. The planning institute saw that there was no way that we could put them in at this point, and they gave us a number of examples of places where they think there are mismatches in policy where we have criteria and rules no longer lining up.

It is a considerable issue if the professional institution feels that we have got it wrong. I will quote from their evidence to the committee:

You are stripping all of the policy of all of the governments of the day since self-government that have put through variation processes and public consultation—every variation to date: all 300-plus of them. You are throwing all of that policy out. That is the decision that is underpinning this removal of intent. It is a significant policy change. It fundamentally destroys the territory plan.

That clearly is a very worrying statement. The Chief Planning Executive had a different view—that the purposes and the objectives of the zone are, in effect, giving you the intent. But, at the very least, I would say as a non-planning professional that it is worrying that the planning institute thinks we have managed to get it wrong and leave out the policy.

I would also say as a Green who is really concerned about some of the higher order planning issues such as greenhouse gas reduction that it is worrying that we do not seem to have a structure which puts the things that the community has decided as a whole—such as a 40 per cent legislated greenhouse gas reduction target—clearly front and centre. This is what has got to happen. It seems quite bizarre how it is all going to get involved.

One other smaller issue I might mention is solar access. The previous community zones had more in them about overshadowing solar access. We asked ACTPLA about it and they said there was a nexus between 302 and 306, and that following 306 coming into place, it will expand on it and flesh it all out and there will be a firm basis for the policy. My problem is that 306 has not come into effect, and given the complexity in it—I have been to a number of community council meetings, including the inner south this week, where people were expressing considerable disquiet, and some of the professional institutes are in the same position—it strikes me that it is going to be a long time before we see 306.

I put out a press release a few weeks ago suggesting that with 306 we were repeating the problems of 301 and 303 and that we should separate it into two—having the solar part and the other part—in the interests of managing to get the solar access legislation passed within this Assembly's lifetime. At the rate 306 is going, I am not confident that it will be passed within this Assembly's lifetime.

That is probably all I have to say on 302. I commend the variation to the Assembly and look forward to other ones being better written.

**MR COE** (Ginninderra) (11.10): I, too, rise to speak about the report of the Standing Committee on Planning, Public Works and Territory and Municipal Services, draft variation to the territory plan No 302 into the community facility zones. I thank you, Madam Deputy Speaker, in your capacity as chair of the committee and Ms Le Couteur in her capacity as deputy chair. Most of my views have already been put on the record by both you, Madam Deputy Speaker, and Ms Le Couteur and also, of course, in the report itself, which is something I support.

It is worth stressing, however, the view put forward by the planning institute and captured in part, or perhaps even in full, in recommendations 3 and 5 with regard to the use of the words “ancillary use” and “minor use”. Both terms have caused considerable confusion and they have, to an extent, been a catch-all that has been

applied too broadly with regard to some developments. Whilst that is not to say the developments should not have gone ahead, there is scope to refine those terms so that we better capture the planning intentions of the territory plan and also give developers, proponents and neighbours a better understanding of exactly what is being proposed when a development application goes in and it talks about “ancillary use” or, indeed, “minor use”. Again, I commend the report to the Assembly.

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

## **Executive business—precedence**

*Ordered that executive business be called on.*

## **ACT Health Council—annual and quarterly reports** **Statement by minister**

**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), by leave: On behalf of the Chief Minister and Minister for Health, I rise today to formally extend my thanks to the ACT Health Council, both to the most recent members and to those who have served on previous councils, for their extensive contribution over many years of operation. With the introduction of the Local Hospital Network Council, the government has made a decision to cease the operations of the ACT Health Council, effective from 30 June this year. This is the end of an era and it is appropriate for us to mark it in the Assembly.

Ms Gallagher and indeed I, as Minister for Health before her, have appreciated the efforts of the many council members over the years. Council membership has ranged from distinguished medical and health professionals, very active community members, high profile representatives from numerous non-government organisations and dedicated staff from health-related agencies. The council was established as a result of the Reid review in 2002 as a community reference group to provide consumer input into ACT Health’s policy and planning activities. It has supported the government’s vision for health and has been central in the ongoing plan to improve the health system in the ACT.

It has guided and monitored the progress of health policies and plans throughout the years and provided advice on matters regarding the delivery and integration of health services. It has provided valuable advice over the years with different views and expertise. The council has considered and participated in a number of interesting and valuable ventures. These have included the ACT health action plan which originated from the ACT health summit of February 2002 that set directions for public health services in the territory for the following three to five years. In 2005 the Health Council requested that a progress report be prepared to map the progress made in implementing the plan. The report showed significant progress.

The Health Council facilitated a public forum in December 2005 titled “How do we know the health system is performing” to explore the complexities of the health system. The forum was well attended and was held at the National Gallery of

Australia. As the then Minister for Health, I attended this forum, along with a number of other prominent guest speakers. These included Fiona Tito, a lawyer and researcher in healthcare accountability, Professor Peter Collignon and Mr Jack Waterford of the *Canberra Times*. A key finding of the forum was that there is a need for more comprehensive, robust and public data around the health system. As members would appreciate, this continues to date.

Another public forum facilitated by the council was held in March 2007. Minister Gallagher attended this forum, which was held to obtain community feedback on key planning for future health services within the ACT. Six key themes were explored, all with equal importance. They were timely access to health care, mental health, aged care, chronic disease management, early childhood and vulnerable families and Aboriginal and Torres Strait Islander health. Attendees provided some interesting input and there were lively discussions around a number of key areas.

More recently, members recall that the Health Council organised a citizen's jury. The jury was held at Old Parliament House in August last year. The jury objectives were to engage the community and gain a better understanding of their expectations and prioritise the delivery of health services within budget constraints. Professor Gavin Mooney facilitated the jury, in close consultation with Kate Moore, the former chair of the council. This was a new concept of engagement with the community and it was well received. The 15-member jury listened intently and questioned the experts on a range of matters. The event resulted in the report on ACT Health Council citizens' jury, which the government welcomed, to assist with informing and improving health services in the territory.

The Health Council has been instrumental in developing a number of key policies and plans. A number worth noting include the draft Aboriginal and Torres Strait Islander health and wellbeing plan, chronic disease management, access health, workforce planning and the capital asset development plan. All this work has been greatly appreciated and the government looks forward to progressing similar themes in consultation with the ACT Local Hospital Network.

This brings me to the establishment of the network. On 29 March this year the Assembly passed amendments to the Health Act that provided for the establishment of the network and a skill-based ACT Local Health Network Council. In July this year the minister announced the appointment of the council's membership, which sees a range of dynamic, experienced and committed Canberrans coming together to support the implementation of national health reforms in the territory.

The ACT Local Health Network Council will build on the good work undertaken by the Health Council and will be tasked with providing high level strategic advice to the government. In providing this advice, the council will also be required to undertake community consultation each year, the outcomes of which must inform its advice to government. It is exciting times ahead as we move towards implementing national health reforms.

In closing, and on behalf of Minister Gallagher as Minister for Health, I would like to thank all of the past and present council members for their tireless work, their professionalism and their many achievements over the years.

**MS BRESNAN** (Brindabella) (11.18), by leave: In the debate on the Health Amendment Bill on 29 March I noted that, despite the Local Hospital Network being set up, the Greens would not want to see the disbanding of the ACT Health Council. While the Chief Minister said yesterday in the MPI discussion on the social determinants of health that the LHN Council would have a broader mandate than just hospitals, the vast majority of its work will focus on issues around the LHN and, consequently, around the hospital issues that flow out of that. In the Health Amendment Bill debate I also said that if the function of the Health Council were to change at all, it should be directed towards looking at the bigger picture of population and population health, as the hospital network obviously, again, will focus on hospitals.

The positives of having a health council are that it can look at a far greater range of issues that do not have to relate to hospitals. I think it is disappointing that we are seeing the disbanding of the Health Council. While the LHN Council will have a broad membership, as we have seen, it will very much be focused on those issues around the implementation of the LHN. I think it is disappointing that we will not have the Health Council as it has a far greater mandate.

My fear in this is that increasingly governments seem to be caught up more and more with a focus around acute hospitals and the factors which flow out of that. They do not always then look at the full spectrum of factors which they need to consider for improved health outcomes for people, and that includes the ACT community. Again, I register a disappointment that the Health Council has been disbanded. It is not something we support. It is disappointing that we will not have that broader council which has a far greater mandate in terms of the health issues that affect the community.

## **ACT Health—performance reports**

### **Statement by minister**

**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), by leave: On behalf of Minister Gallagher as Minister for Health, in March this year the Assembly passed a motion in regard to the health system's reports provided by the government. In that motion members asked Ms Gallagher to investigate developing outcome measures to be reported in annual and quarterly reports and report back to the Assembly by the first sitting week in August.

Before I speak directly about the outcome measures, I would like to make some comments about our current quarterly and annual reports. I would like to note, Madam Deputy Speaker, that the ACT has been at the forefront of publishing public reports on the state of our health system. We commenced reporting extensive details of the health system to the public back in 2004. The territory was the first jurisdiction in the nation to provide a comprehensive health system's performance report. Since that time the quarterly performance report has undergone numerous iterations to improve the level of detail contained in the report to provide the public with a comprehensive

report that depicts just how ACT public hospitals are performing in a range of key areas.

The report shows how we meet demand, the challenges that we have in ensuring timely and appropriate access to a broad range of services we offer, as well as examining the quality of care we deliver. The report is under continual review to ensure it continues to meet the needs of the community, as well as ensuring that an accurate reflection of the constantly changing health system is depicted in the report. In March this year Minister Gallagher agreed to review the quarterly performance report to address the Assembly's concerns. It must be noted, however, that there is already a range of outcome measures already incorporated in the report.

The report already includes outcome measures such as access block. We know that if people are waiting too long in the emergency department for an appropriate in-patient bed then this can ultimately have a negative effect on their outcome. We report on the proportion of mental health clients followed up within seven days of discharge from a hospital, as well as the proportion that have completed outcome measures. The report also already includes quality measures such as the unplanned returns to the operating theatre within the same episode of care, as well as unplanned returns to hospital within 28 days. We apply this indicator to our mental health clients also.

The government reports on ACT immunisation rates, another marker for positive health outcomes, and there are even outcome measures incorporated into the reporting of the walk-in centre. We report the number of people who present to the walk-in centre and are required to be redirected to other health services, reflecting the outcome of each visit to the centre. Once a year, in the fourth quarter report and in the annual report, the government provides details on a range of outcome measures, including life expectancy, heart disease rates, diabetes rates and cervical screening rates.

I would also draw to the Assembly's attention the existence of the Australian Capital Territory Chief Health Officer's report. This report is provided and published biennially and covers a broad range of outcome measures, particularly in the area of population. For example, the report includes outcome measures such as morbidity and mortality rates, including life expectancy, the rate of notifiable conditions in the community, which includes rates of infectious diseases, trends in the health status of the ACT community, including rates of asthma, mental health and diabetes, as well as public health risks. Public health risks include the rates of smoking in our community, alcohol consumption, obesity, drug use and physical activity.

Having said this, the government does believe there is room for further work on outcome measures. There is development underway on a national level in terms of measuring patient outcomes and the ACT needs to tie in with these initiatives as they come to light. Some of the measures being developed nationally include improved patient safety and quality measures that will be reported nationally, including bloodstream infection and adverse events; patient experience measures, which will provide better information than just patient satisfaction rates, even though they are also important; and the full waiting time to care and for follow-up care when seeking health services, including waiting times to GPs and specialists prior to hospitalisation.

Additionally, it is essential that we do not overburden the health system with multiple, complex reporting requirements that divert resources away from the core business of providing patient care. Accordingly, the government believes that any further development of performance reporting should be directly aligned with the improved national reporting arrangements that all governments have committed to. The territory is not alone. It should be noted that the other states and territories are not reporting outcome measures much differently to the way we do here. Capturing and then reporting outcome measures is quite difficult. It is not as easy as counting the numbers of people who turn up to our emergency departments or the time it takes from point A to point B. To get a good measure of outcomes you almost need to follow patients right through the health service delivery journey to establish a true outcome rating. This can be difficult to achieve.

There are also some major debates around definitions and processes for determining accurate outcome measures. As you can see, Madam Deputy Speaker, the government is committed to ensuring that the public are aware of all aspects of population health, as well as health system performance reporting. Once again, Minister Gallagher is aware there is more to be done and will continue to monitor what, when and how we will report the range of health service performance indicators into the future.

The first report for 2011-12 will be developed and published following completion of the first quarter. The report will reflect the changes that have been implemented through the restructure of health services. As members may be aware, ACT Health, now the Health Directorate, underwent a restructure of services in March this year, so it is important that our reporting is in line with these changes. At the Assembly's request and consistent with the Chief Minister's commitment to an open and transparent government, the minister will be sure to highlight all aspects of the quarterly performance report, be they positive or negative. The government will also be looking at expanding the type and nature of information we report to the community in the future.

## **Global economic situation**

### **Statement by minister**

**MR BARR** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation), by leave: I thank the opposition for their enthusiasm for the statement. Madam Deputy Speaker, given the events of recent weeks and months, I would like to take this opportunity to provide an update on the outlook for the territory economy.

It is important to state from the outset that the fundamentals of our economy remain strong. Seasonally adjusted state final demand, or SFD, grew by 3.3 per cent in the March quarter 2011, and this was the strongest growth rate in the country. In the nine months to March 2011 SFD grew by a solid six per cent, the strongest three-quarter growth rate since the June quarter 2007 and again the strongest growth compared to other jurisdictions.

We experienced the equal lowest consumer price inflation of the capital cities in 2010-11, at 2.7 per cent. The ACT labour market performs well compared with other jurisdictions. We have the lowest unemployment rate in Australia—it was four per cent in July 2011, well below the national average—and we have the highest participation rate of 72.5 per cent.

Our housing market also continues to perform well. Current housing indicators point to stabilising growth, after the peaks which occurred following the commonwealth government's stimulus measures. The trend of housing finance commitments for owner occupiers in the ACT remains above its five-year average in June 2011. The value of housing finance commitments for individual investors for new and existing dwellings increased again in June 2011 for the third consecutive month, and it, too, remains above its five-year monthly average.

The government's policies and programs are working to keep our economy strong. Year on year to the March quarter 2011, dwelling investment increased by 26.1 per cent, and dwelling investment was the second largest contributor to state final demand growth. Data shows residential investment remains strong, with residential building approvals in the ACT increasing to a record level in June 2011. This was the ninth consecutive monthly increase, and, again, approvals remain significantly above their five-year monthly average.

The number of residential building approvals rose by 28.7 per cent year on year to June 2011. Nationally it decreased by 5.1 per cent. Through a range of initiatives in the 2011-12 budget, the government continues to release more residential land. Over the next four years, the land release program aims to deliver 18,500 residential dwelling sites.

Strong population growth in the territory is also supporting our economy. The ACT's residential population increased by two per cent in the year ending 31 December 2010. This is the highest annual growth in two decades. Compared to other jurisdictions, it was the second strongest population growth after the mining state of Western Australia.

As members would be aware, the degree of uncertainty surrounding the global economic situation has increased in recent times. Global financial markets are experiencing extraordinary financial instability flowing from a deepening of Europe's sovereign debt crisis and the United States' growth and sovereign debt woes. The volatility in the currency, equity and interest rate markets has indeed been severe. International equities have fallen substantially since the beginning of July, and market volatility has affected Australian equities and interest rates.

So we must be clear: the volatility in markets experienced in recent days is not solely the function of the recent downgrade of the US credit rating. Global share markets have in fact been deteriorating since July. This is due to the Euro sovereign debt concerns, caused by the risk of default by Greece and challenges for both Portugal and Ireland. More recently, possible defaults on Italian and Spanish debt—and the continuing poor economic conditions in the United States—have further increased uncertainty.

Global financial markets are being affected by this intense uncertainty, and as a result share markets are fluctuating wildly. We can expect continuing volatility, a continued focus on excessive global public debt and continued weakness in consumer spending in developed economies. And we can expect this to continue until market concerns and uncertainty can be appeased with clear policy responses from governments and from central banks.

Experts consider that there is little change in the economic fundamentals underscoring the global and national economies. In a recent statement, the International Monetary Fund projected that Australia's real gross domestic product will grow by two per cent for the calendar year 2011 and by three per cent in 2012. This is expected to be on the back of strong demand for commodities and private investment in mining and LNG.

While there are some questions over the strength of the "developed economies", particularly the United States and Europe, the outlook for developing economies, such as China and India, remains positive. If the international outlook worsens significantly, short-term domestic impacts are likely to come from a further loss in business and consumer confidence. This in turn would impact on private sector investment and employment, household consumption and the housing market.

Consumer confidence in Australia is currently at a relatively low level. The Westpac-Melbourne Institute survey of consumer sentiment shows its consumer sentiment index confidence is 24.8 per cent below its level a year ago. This was the situation, of course, prior to the events in the stock market of the last few weeks, and I think we can expect to see more. Financial market turmoil undermines consumer confidence and, in turn, falling consumer confidence is often associated with a slowdown in household consumption.

Household consumption is likely to remain weak for some time as households focus on protecting their balance sheets either by saving or by paying down debt.

The prospects of the Reserve Bank using its monetary policy levers in the short term are now less likely. This should, however, provide a stabilising effect on the national and domestic economy. Market volatility and some recent softer than expected domestic economic data could mean, in fact, that the RBA might not increase the cash rate in the near future as many commentators previously expected. There is, in fact, some prospect that the next movement will be downwards. This would provide some temporary relief to consumers and homeowners with mortgages and in businesses.

While the ACT economy continues to perform strongly, there is no doubt that downside risks to the budget in particular have increased. It is unclear at this stage whether these risks will transpire.

In comparison to many countries, Australia is well positioned to meet the challenges to our economy, and this is also the case for the ACT. Economic policymakers here and nationally have ample scope to react to any negative external shocks should that be required.

Because of its current monetary policy stance and sound fiscal position, Australia has options in both monetary and fiscal policy to respond to a global downturn. Although it is clear that some sectors, particularly tourism and education, currently face challenges from a high Australian dollar, overall the ACT economy is well placed to face any adverse impacts.

But as I indicated earlier, the budget does now face noticeable risks. There is a risk of slower growth in the GST pool due to lower household consumption. If this does eventuate, it will have implications for the ACT budget. There could also be direct impacts if the financial environment changes substantially. These include lower investment returns for both our superannuation investments and the territory's cash balances, and higher superannuation liability and expenses.

There could be revenue impacts as well, as uncertainty may restrict private investment, which would affect revenue such as conveyance duty and payroll tax. All of these impacts, though, could be partially offset by lower borrowing costs. However, as I indicated earlier, international and domestic economic fundamentals remain strong and the situation is unclear. The risks remain just that—risks only.

The ACT government stands ready to deal with any negative shocks to our economy. We have a track record of sound and sustainable economic and financial management. We will maintain a close watch on events abroad, in Australia and here in the territory. And, if necessary, we will act. The underlying budget structure is sound as a result of prudent financial management. If a negative economic scenario unfolds, we will adjust our policy settings to maintain the territory's strong financial position.

The ACT economy continues to perform well, and we benefit from a strong demographic base and an economic structure that will substantially shield us from negative global economic shocks. The territory's high income demographic and our young, well educated population contribute to a strong workforce participation rate, which, as I indicated earlier, is currently the highest of the Australian jurisdictions.

Public sector employment is a solid and stable driver of skilled employment in the ACT, delivering job security and a stable income source. It is also a driver of population growth and reduces uncertainty, allowing local businesses to invest with confidence and contribute to the territory's economic growth. Existing ACT government policy settings will also provide some buffer.

Through our record investments in education and training and our skilled and business migration program, the ACT government are working hard to enhance our already skilled workforce. We are ensuring housing demand is met and we work actively with the private sector over the timing of our comprehensive public works program. And we are working to ensure that our tertiary institutions are positioned for growth ahead in what will be challenging times.

Of course, the commonwealth government's presence will remain important to the ACT economy. We continue to engage with our commonwealth colleagues so that they are aware of the impact of their decisions on our economy. We know that global uncertainties and soft domestic economic data might put the commonwealth budget

position under pressure, which could have an adverse impact on the ACT economy. While the commonwealth public service is a buttress to the ACT economy, it is also the source of considerable economic risk.

The federal Liberal Party have made it clear that on forming office they will cut 12,000 public servant positions, most of them Canberrans. This is the same populist Canberra-bashing policy that former Prime Minister Howard implemented in 1996. It smashed the ACT economy. It put Canberrans out of work. It saw the ACT become the only jurisdiction to go into recession in that year. While there are many risks to the ACT economy, this is one of the most significant we will face in the next few years.

The government is well aware that some groups in our community may be particularly susceptible to tough economic circumstances. These include self-funded retirees who rely on their investments and savings, part-time and casual workers who are vulnerable to changes in working hours, and those workers with fewer skills. The government provides a range of financial assistance in areas including energy, water and sewerage, public transport, motor vehicle registration, drivers licences and spectacles. The ACT government's concessions portal is designed to make it easier for low income households to access information on concessions. The government increased the utilities concession by \$131 from 1 July this year, bringing it to \$346 per annum, and we continue to work hard to target concessions to those most in need.

In conclusion, global economic and financial uncertainty will be with us for some time. The national economic fundamentals and those of the territory are strong. But we are not immune to international economic events. We will continue to monitor developments closely and stand ready to respond, should that be required.

**MR SMYTH** (Brindabella) by leave: Thank you, members, for the granting of leave. I will start where the minister finished off, Madam Deputy Speaker, and I would say that the minister is right. The national economic fundamentals and those of the territory are strong, but they are certainly not as strong as they could be. I think that certainly, with some of the federal policies, some of the moneys that have been expended could have been expended more wisely. I do not think we need to go back through things like the pink batts episode and things like that. And the minister is also right: global economic and financial uncertainty will be with us for some time.

It is very important therefore that with the revenue that we have, the revenue base that we have in the ACT, we do get it right and we do use the funds that we receive very wisely. So I thank the Treasurer for presenting this statement, a much more considered view than some of them previously presented by the former Treasurer, which included statements like guesswork and pulling out of hair. So we are certainly not at that stage yet, which I think is very good.

I thank the minister for presenting the statement, and I do note generally the positive outlook for the ACT. Again, I agree that caution is necessary. Federal government decisions do affect us. I am not sure whether the federal public service is a buttress to the ACT economy or, indeed, the foundation of the ACT economy. I think it is far more than just a buttress, which is why federal government decisions are so important.

The minister mentioned that consumer confidence declined, and that is indeed true. But on the other side, we have actually seen Australian consumers now saving far more in recent years. I think that is an acknowledgement of how people do see the economy. You have to reflect particularly on the recent falls in retail sales in the ACT. But it is patchy. Some people are talking about a two-speed economy; others are speaking about three or four, or a patchwork economy. Depending on what sector you are in, in the retail market, for instance, it really does affect your view of the world.

I note this morning that an article in the *Canberra Times* makes comment about the quarterly financials that were delivered earlier in the week, and one statement by the minister does stand out: "Overall taxation revenue also performed marginally less than expectations." I think we need to be very careful here, because if you look at page 5 of the consolidated financials, it is actually \$192 million up on the budget. From the minister's own chart, the 2010-11 annual budget was \$3.667 billion of total revenue. The actual outcome was \$3.860 billion, or \$192 million more than was expected against the budget.

We all like the way the minister for spin operates here. The minister very skilfully has just gone to the revised estimated outcome. And, yes, on that it is down some \$13 million. But the reality is that, across the year, across the budget that this place approved, we are actually up \$192 million. That is another \$192 million out of the taxpayers' pockets. That is another \$192 million of revenue that this government has managed to spend.

So I think we need to be very careful when we say that it is a little bit less than expectation. It is about five per cent more than what was budgeted for. It would have been better had the minister been more total in his statement to the *Canberra Times*. Instead of saying, "Gloom, it's a little bit less." It actually has come in much stronger. What we have seen is a five per cent increase. The Canberra Liberals have been arguing in this place that this government is putting increased pressure on the Canberra community against increased cost of living charges, and \$192 million, I suspect, confirms that.

The minister also spoke about the superannuation account liabilities. And he is quite right: there are concerns about the returns and the volatility in the market. But I am more concerned about some of the numbers that are being presented. I would urge the minister to look at some of the numbers that have been tabled, perhaps over the last 12 months, and some of the conflict in those numbers.

If you monitor the accounts—and they are indeed updated, and they are on page 11 of the quarterlies that were tabled—you can see that for the last five quarters at least, we have had greater than \$4½ billion worth of superannuation liabilities. Of course, that will be affected if the markets move in either direction. I would like to refer to a summary that my officers made of some of the data that the government has put out, and some of the conflict that we have in the numbers.

The budget document this year said that our liabilities would be \$4.3 billion; therefore the proportion funded is 53 per cent. But this consolidated financial report says that our liabilities are now \$4.8 billion, which means we are only covered to the degree of

46 per cent. This is not a big gap in terms of the time, and of course the consolidated are to 30 June, so they do not take into account the recent tumble in the markets. I would certainly be asking the minister how, when your own chart on page 11 of your consolidated financial report for the last five quarters has the superannuation liabilities well above \$4.5 billion, the budget contains the figure of \$4.321 billion. It is a difference of \$557 million, members, and it is a significant number.

**Mr Barr:** Presumably it would have been an actuarial reassessment. I will take some advice on that but I presume that is—

**MR SMYTH:** The minister proffers a possible answer, but if you look at the data presented, I am not sure that it will cover that answer. The interesting thing is that, if we go back to the mid-year financial review which was tabled in this place on 15 February this year, the liabilities in the mid-year review were \$4.281 billion, with coverage therefore of 52 per cent, but the quarterly financials which were also tabled that day have it at \$4.743 billion and only 46 per cent coverage. So on the same day the government has proffered two numbers that are almost \$500 million apart. You actually have to ask how accurate are the figures that this government tables when on the same day you can have two different numbers almost half a billion dollars apart. It is very curious.

The quarterly financials for September 2010 tabled in this place on 15 November last year had it at \$4.6 billion. But if you look at the chart, as I have said, it is quite clear that some of these numbers are wrong. The Treasurer said he would take it on notice, and I thank him for that. He needs to come back and explain those differences.

I am extremely concerned at the differences in the extent of liabilities as represented by these financial reports. They are not explained by what has happened in the last couple of weeks. This was a much calmer period in the markets when those numbers were tabled. We need to know that the extent of liabilities now varies between 45 and 53 per cent on the same day and over a matter of months. You need to remember, members, that the funding used to be well over 60 per cent.

The swings in the proportion of liabilities that are funded here are as bad as some of the swings in the Chicago VIX index, which is the index of volatility. So we need to question how the liabilities are being valued. Alternatively, we question how these liabilities are being reported and why such major differences in the values of the superannuation provision account liabilities are being reported by this government.

I do appreciate the minister making the statement, and I appreciate members giving me the opportunity to respond.

What the minister did not perhaps mention was the need to diversify the ACT's economy. I notice the rhetoric has changed slightly in the last couple of days. I was lucky enough to go to the Canberra Business Council's lunch on Friday. The subject on the invitation was that the Chief Minister was going to present her vision for the business community in the future. There was not much vision. There was a lot of repetition of material in the budget.

What some of these numbers that we have had presented today, and some of the economic conditions both nationally and internationally, do say to me is that (1) there is opportunity there and (2) there is also a need to note that should we get to the stage where a federal government suffered a downturn—and that may occur in the next couple of years under the Gillard government, or other governments may feel the need to cut—clearly the people of the ACT are the ones that suffer.

If we really want to buttress against those sorts of effects then what we need is a much larger private sector. I think we all acknowledge that a lot of the private sector really does depend on federal government or ACT government spending. But there are opportunities to diversify the market. I know the minister has promised, now that we have a Minister for Economic Development, some strategies and statements in coming years, and we will be looking forward to these strategies.

**Mr Barr:** I'm not going to have industry plans for everything, though. I hope you understand that.

**MR SMYTH:** The minister quips that we are not going to need strategic plans for all these things. That is not entirely true. That is not entirely what I have said, but there are sectors where the government does play a crucial role and it is very important that the government acknowledges that. But if we are going to look for opportunities to support, if we are looking for opportunities to diversify the economy and to support the business community—in a way, the combination of Treasurer and Minister for Economic Development in one minister is a good opportunity. I note the steady approach that we have had today. I look forward to that approach growing and I look forward to jousting with the minister in the future about what we actually can do in the ACT.

There are numerous good ideas that are developed in the ACT, in government and not in government. The shame for us is that so many of those ideas are exported outside the territory to the states, or exported outside the country to other places where they are developed and taken to their fullest. The opportunity is here to reduce our reliance on the federal government. It is up to the minister, certainly for the next 62 weeks, to champion that.

**Mr Barr:** Have you got it down to days and hours as well?

**MR SMYTH:** Do you want days and hours? I can give you days and hours. It is 62 weeks; today is Thursday, so Friday would be a full day and then there would be about 20 hours after that until the polls close. I do look forward to it, minister. But I do look forward to what you have to say in the future. What you have said here, in the main, is correct, in regard to things beyond our control and the international circumstances. But there are opportunities in our economy that have not been exercised. They should be, and some of that requires leadership.

On one hand, when you were talking about risk, I think of the old statement, “The only thing we have to fear is fear itself.” But sometimes leadership from governments can overcome that fear and sometimes governments having strategies and plans in place assist others to have confidence about where the economy is going and what

opportunities it might present to them. Given that we have not had a great deal of that over the last four or five years, the opportunity is there for you to do so, minister. We look forward to it with great expectation.

## **Disability services—community access**

### **Statement by minister**

**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), by leave: In the 2011-12 budget the ACT government provided for an additional 29,000 hours of community access services for people with disability. This commitment is about increasing the opportunities for people with a disability to use—and strengthen—their ability to enjoy sociable independence and to participate in the community.

On 21 June this year the Select Committee on Estimates 2011-2012 tabled its report. Recommendation 173 of the report requested the government to provide further details on the breakdown of the anticipated extra hours of community access as outlined in the budget, how this figure was arrived at, the extent to which there remains an unmet need, and what provision is being made to resolve these matters.

Today I am pleased to advise members on the ACT government's response to the committee's request. The 29,000 additional hours of community access are based on service modelling. The respective components that make this up are as follows: 14,000 hours of support for the 2012 school leavers, based on each school leaver receiving a base allocation of 12 hours a week of community access service; another 2,000 hours community access is anticipated for those school leavers with exceptional needs that require additional ongoing support; 9,000 hours for new after school care and holiday program; and an additional 4,000 hours associated with increased commonwealth funding and the ACT commitments under the disability assistance package. The additional 29,000 hours brings the 2011-12 target to 233,000 hours of community access services, a total growth of 140 per cent since 2003.

This significant investment in community access services will address some level of unmet need among many families who require ongoing support in their caring role. It will provide their children with meaningful participation in activities that enhance their skill development and grow their independence.

The ACT 2009-10 national minimum data set collected on known unmet need is not a statistically comprehensive evaluation of unmet need for community access services in the ACT community. It does however indicate there are 240 existing users of disability services that have requested additional hours of community access of which 222 users, or 93 per cent, have requested up to eight additional community access hours per week; 13, or five per cent, have requested an additional 20 hours per week; three users have requested more than 20 additional hours per week but less than full-time community access; and two users have requested increasing their community access to full time.

The disability policy and research working group is currently undertaking the modelling of unmet need and demand at a national level as one of the priorities under

the national disability agreement reform agenda. Disability ACT is participating in this process.

This work should deliver a more accurate picture of the current level of demand for services and more refined estimates of potential demand and enhance the capacity to monitor the demand. The matter of unmet need in disability services is ongoing. Although funding for disability services has increased by an average by 9.8 per cent per annum since 2003, unmet demand for disability services continues to be an issue not just for the ACT but for all jurisdictions.

The Productivity Commission acknowledged that all jurisdictions face greater demand than can be met under the current arrangements. The commission has recommended the Australian government be responsible for the administration and funding of a national disability insurance scheme and proposes a doubling of funding for disability services.

On 10 August this year the Australian government released the final report of the Productivity Commission's inquiry into disability care and support and supports the vision for a system of lifetime care and support for all Australians. Work is expected to commence with the Australian government committing \$10 million towards policy work to build the foundations of the scheme. The ACT will continue to work collaboratively with the Australian government, states and territories to ensure that implementation best meets the needs of Canberrans with a disability, their families, and carers.

While we all acknowledge that there is more to be done to respond to unmet need, it is worth noting that in the ACT the disability program budget has increased by 101.4 per cent since 2002. Indeed, in the 2011-12 budget, funding of \$10.3 million over four years was provided to address unmet need. This funding is allocated to respond to needs of people whose formal supports have broken down, to young school leavers who need assistance to engage in meaningful activities during the day and to support after-school-hours and vocation needs of children and young people with a disability.

Additionally, accommodation places have risen by 64 per cent, the community places by 158 per cent, community access hours by 140 per cent, community access hours by 140 per cent and flexible respite hours by 117 per cent. These are significant figures when talking about provisions for responding to unmet need.

It takes more than funding to improve the opportunities and outcomes for people with a disability. It is also about recognising the abilities of people with a disability and giving them a chance to contribute and to be included and valued. These are the values that underpin the government's framework for the future directions towards the challenge 2014, which guides work around disability in the ACT.

The framework developed in partnership for people with a disability sets out the practical steps towards improving outcomes and opportunities for people with a disability. Disability ACT will continue with the program of ongoing planning and assessment with families and individuals once they have been allocated funding and order to best tailor services to the changing needs of the person with a disability.

Finally, whilst we await the detail of the implementation of the national disability insurance scheme and the national injury insurance scheme, this government will continue to make disability services a priority by responding as we can to the unmet needs of people with a disability here in the ACT.

**MR DOSZPOT** (Brindabella), by leave: I thank Ms Burch for the report she has given as a result of questions asked in estimates. The statement provides the information requested during estimates, and it confirms the department and the minister's proposition that disability services have increased over 100 per cent since 2002. One of the questions that remain to be answered is that, while services have increased, as the minister suggested, it would be interesting to compare that to the number of people with disability that have increased since that time and how the how those increases make sense in accordance with each other. The report outlines the anticipated extra hours of community access as outlined in the budget and shows how that figure was arrived at but, again, I stress that it would be interesting to see the figures compared to the growth in the number of people we have with disability at the moment as compared to 2002.

Many families across Australia and in particular in Canberra live with some truly difficult realities on a daily basis and have to deal with a system that is so often inadequate in so many ways: insufficient after-school care support for working families, lack of post-school options for students with disabilities, lack of suitable housing, long waiting times and often confusing red tape to access therapy services, and an absolute disconnect between the various government agencies charged with servicing clients with disability needs.

We heard from Minister Burch during estimates, and she has confirmed today, that 29,000 additional hours are being made available this financial year and that in the last eight years there has been a 140 per cent increase in funding. The 29,000 additional hours has to be spread a long way. For example, for school leavers, it means 14,000 hours, which only allows for 12 hours of community access service per school leaver. It means 9,000 hours for new after-school care and holiday programs this year. This was a need highlighted clearly in the health committee report *Love has its limits*. We, of course, await further take-up of the 28 recommendations from that report.

For example, I await with interest the scoping study that the minister is due to present to the Assembly by the end of this month on after-school care programs at the four special schools in Canberra. The disability community in this city of ours is patient and they certainly have needed to be, but their patience is also reaching extreme levels of frustration. That was demonstrated by the many witnesses we spoke to during the inquiry, and I know also from the people that I meet with on a regular basis as well the level of frustration and ongoing issues that they have to contend with.

Another ACT government paper on the sector—namely, the future directions strategy paper released in September 2009—was intended to respond to the community's call for better systems planning to ensure people with a disability could access the support they need at the right time and at the right place. Its vision—all people with disabilities achieve what they want to achieve, live how they choose to live and are

valued as full and equal members of the ACT community—is promising with six strategic priorities: one, I want the right support, right time, right place—continuous support when I use an agency or funding to secure my own support; two, I want to contribute to the community—I want to choose the adult form my life takes and where possible to contribute to the workforce I want to and am able; three, I want to socialise and engage in the community—I am able to access and be involved in the community through recreational, sporting and social clubs; four, I want to know what I need to know—I am provided with clear information on available services and support; five, I want to tell my story once—there is a common point that collects information about my needs and all relevant agencies will know them; six, I want a quality service system—I want a service system that responds to my needs and those of my family and one that continually improves by asking me what programs I need.

That was two years ago and, yes, there has been some progress, but it has been very, very slow. Only last week I received an email from a special school P&C group that listed a great number of their concerns. I met with them on a week night and for a number of hours. It was quite an emotional meeting between the parents who are nearing the end of the patience and capacity to deliver on behalf of their families. The issues they mentioned were—not in this particular order—one, lack of therapy services at special schools; two, lack of after-school care services at all special schools; three, lack of decent post-school options for students with special needs; four, lack of supported accommodation options; five, poor respite services—obtaining access to respite difficult and finding quality respite workers; and, finally, anger and fear about the lowering of the school leaving age which was done without any consultation and which is still causing a lot of pain and anger in the community as they cannot understand why decisions are made which they are not consulted about.

They suggested that politicians need to understand what caring is like and the impact that a disabled child has on a family, especially a disabled child with high care needs. They invited politicians from all parties—and I send that invitation to all my colleagues here today—to come to their school and experience what life is like for the children, their teachers, their families and their carers.

The recent Productivity Commission report on disability care and support had some harsh and blunt comments about disability services in Australia. It suggests:

... the current disability support system is underfunded, unfair, fragmented, and inefficient. It gives people with a disability little choice, no certainty of access to appropriate supports and little scope to participate in the community. People with disabilities, their carers, service providers, workers in the industry and governments all want change.

As harsh and as blunt as the comments from the Productivity Commission were and as idealistic and optimistic as the future directions might be, we have to recognise that it does not all go away or get better with commission findings or aspirational strategies.

The strategy is one thing; improving conditions at the coal face is quite another. We need to be better focused on outcomes than we currently are. The Productivity Commission recognised all those concerns and has proposed a national disability insurance scheme. The scheme would involve a serious commitment by all

Australians, and we need to get it right, because the system we have does not work and the solution is a costly one.

It was pleasing to hear our Chief Minister offer her support for the scheme on local ABC radio last week:

At the end of the day, whether you have a disability in Kaleen or a disability in Queanbeyan, it doesn't really make a huge amount of difference. You need the support, you need those dollars, and if you want to move around, you need those dollars to follow you.

Absolutely, Chief Minister. But why does that not apply to special needs education, and especially here in Canberra? Her comments go completely against the current disability benefits systems within the education system that, as Chief Minister, she oversees, which differ hugely between government and non-government schools and which are not fully portable if the student moves between sectors. It is the very reason why the Canberra Liberals called for non-government schools to be included in the Shaddock review into ACT special education, which education minister Andrew Barr was begrudgingly forced to do. I call on the ministers for disability and for education and their respective departments to be more interactive and responsive with the community.

I also want to stress the fact that the reason I am calling for the ministers to act closely together and in concert on some of these issues that involve both disability and education is that I still get far too many calls from frustrated and at times distraught parents who are reaching desperation levels and who feel they are not getting a fair hearing from this government.

I support—indeed all Canberra Liberals support—improved services for people with a disability. But you have to be just a little bit frightened about the capacity of the Labor Party, both ACT and federal, to fund and manage these very important areas.

## **Leave of absence**

Motion (by **Mrs Dunne**) agreed to:

That leave of absence be granted to Mr Hanson for this sitting due to illness.

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

Debate resumed from 30 June 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (12.12): The opposition will support this bill, which is in the form of omnibus legislation to amend laws administered by the Justice and Community Safety Directorate. In the event, this bill is quite important because it directly addresses a range of matters which have come forward in recent times. It might even be argued that the amendments give effect to new policy. But on this

occasion, I accept that they are not substantive in nature and therefore I am happy to support them being brought forward in omnibus form.

In effect, there are six amendments proposed in this bill. The first is to the Associations Incorporation Act 1991 and the Associations Incorporation Regulation 1991. The amendment addresses the apparently common practice in which associations, deregistered for want of compliance, simply re-register under a new name, but with the same objects and committee members. This is an abuse of the law that could have a negative impact on the broader community.

This amendment would enable the registrar to apply to the ACT Civil and Administrative Tribunal for an order, which can include a time period, to disqualify a public officer or committee member from serving on an association in either of those capacities. The explanatory statement makes the bald claim that this amendment does not affect human rights. I suggest that it does, however. It may engage the right of everyone to freedom of association. However, this must be balanced with the common good and manipulation of loopholes in the law is not in the common good. This amendment closes those loopholes.

Next, there is an amendment to the Births, Deaths and Marriages Registration Act 1997. This welcome amendment would allow the registrar to change a person's name on the births register if the name has been changed according to law, or if an Australian court orders or finds that the name should be changed. It fixes a technical interpretative issue that an order of the ACT Supreme Court may be required before the register can be changed, even if a finding or order has been made by another court.

I became aware of the need for this amendment in March 2010, when a local law firm sent me a copy of a letter they had sent to the Attorney-General in early February. The particular case involved the registered mother and father, who discovered by DNA testing that the registered father was not the biological father. By agreement of all the parties, an order of the Federal Magistrates Court was obtained, which required the parties to do all things necessary to change the name of the child on the births register. However, the registrar refused to make the changes unless parties obtained an order of the ACT Supreme Court, adding further expense and time to an already exhaustive process.

I wrote to the Attorney-General about this matter on 30 March 2010, asking what he planned to do about this rather onerous process. He responded on 6 May 2010 and said that his department was examining the matter. By January 2011 I had heard nothing further from the attorney, so I followed it up with him. He responded nearly two months later, indicating that it was still with the department and he was expecting advice on the matter soon. It took until 30 June, fully 17 months after the matter was first brought forward, for the attorney to introduce what is a very simple amendment to fix this process.

I am pleased that the attorney eventually did this because it has saved me the task of doing the same thing. I was about to commission amendments myself to fix this when the attorney introduced these changes on 30 June. That said, I am quite perplexed at the way that this issue has been addressed. I did receive correspondence from the legal firm who first raised this matter, when I asked them to comment on the legislation to

see whether it met their requirements. They wrote back, and I think it is useful to quote from the letter. They said, in a letter to me on 25 July:

I have looked at the proposed amendment which in effect is the addition of section 16(3A) which says to the effect *this section does not limit section 40*. Section 40 appears to have some amendments proposed to the effect that the registrar can correct a register taking into account any finding of a relevant court.

Section 16(3) will still be in its current form which refers to omission of a parent requiring an order of the ACT Supreme Court. In our view to refer to a court of any ... jurisdiction would be clearer. I am not sure what the relevant officer may do at the Office of Regulatory Services given existence of section 16(3) in its current form. Notwithstanding in the way it is drafted it theoretically meets the problems but plain English would have been good.

I was quite perplexed. It took a while for us to join all the parts to see whether this amendment did what it was said to do.

The next amendment makes changes to the Crimes (Sentence Administration) Act 2005. This amendment would exclude time served in custody from being used to discount a reparation order in the same way that it can be used to discount a court-imposed fine. To discount a reparation order would discount the right of the beneficiary of that order to full reparation. This would thwart the intent of the order and disadvantage the right of the beneficiary to restitution.

The next amendment is to the Land Titles (Unit Titles) Act 1970, which would replace prescribed standards and specifications for unit titles documentation with a generic provision that would allow the registrar-general to approve the format by way of a notifiable instrument. Essentially what this means is that currently there is quite an onerous set of requirements about paper size on which unit plans must be printed before they can be lodged with the registrar-general, and they are non-standard paper sizes.

This is a good amendment because it will reduce red tape and cost for applicants. In brief discussions with the principal writers of unit plans in the ACT, the overwhelming response was, "About time that this change was made." There were adjectives added to that which I will not repeat here. But it will be so only if the registrar takes a pragmatic view and does not simply replicate the current prescription as an authorised course. I will be monitoring the legislation register for the notifiable instrument, and I expect to see a more workable and flexible set of specifications and requirements.

The next amendment comes from another very current case. Thankfully the government has been a little more diligent and understanding in dealing with this matter. This bill amends the Victims of Crime (Financial Assistance) Act 1983. Members will recall the very tragic and very public case from 2009 in which a young driver of a motor vehicle, by culpable driving, crashed his vehicle, killing two friends and seriously injuring another, all of whom were passengers in the vehicle. The driver has received what many consider to be a light sentence for the serious incident and, despite an appeal by the DPP, the full bench of the Court of Appeal upheld the Supreme Court decision.

But there was another element of this very tragic case that has caused considerable concern for the victims of that crime. Currently the act to be amended provides that the primary victims of criminal injury arising from the use of a motor vehicle and related victims of deceased victims of such crimes are not entitled to any financial assistance under the victims of crime program. Currently the families of those killed in the accident I cited have no entitlement to financial assistance under the scheme.

This amendment will remove criminal injury or death arising from culpable driving offences from that exclusion. It also makes the changes retrospective to 29 July 2008, on the basis of a policy intention at that time which was given effect in the JACS Bill 2008 (No 2). This is a good outcome for the people concerned and for those who have suffered as a result of a tragic incident like the one that I mentioned earlier. It may even assist those victims directly, due to the retrospectivity of this amendment.

Finally, this bill makes a simple amendment to four acts to reflect the change of name of the National Institute of Accountants to the Institute of Public Accountants.

The amendments proposed by this bill are sensible and in some cases deliver better justice for people in our community. Some of them are a bit late in coming, but that seems to be par for the course for this government. Notwithstanding that, we will be supporting this bill.

**MR RATTENBURY** (Molonglo) (12.22): The Greens will be supporting this bill. It makes mechanical amendments to the law which are important but which are non-controversial and do not introduce substantive policy.

I would like to make mention of two particular aspects of the bill. Firstly, I would like to discuss human rights compatibility—not because I think that any parts of the bill interfere with human rights but because this is the first time the Assembly will debate a bill that was tabled after the June 2011 cabinet meeting. At that cabinet meeting it was decided, and I quote from the published summary, that “compatibility with the Human Rights Act 2001 must be addressed in the explanatory statement for every bill presented in the Legislative Assembly”. As members will be aware, some explanatory statements do not adequately discuss human rights issues and this draws comment from the scrutiny of bills committee and members themselves.

For this reason I am pleased there has been a decision by cabinet that human rights compatibility must be addressed in each explanatory statement. We are a human rights jurisdiction and that is something to be proud of. One of the concrete and measurable ways in which we see that in operation is here in the Assembly when the attorney is required to sign a compatibility statement asserting his belief that the bill is compliant with human rights.

That statement is a two-line pro forma and it is the reasoning behind the conclusion that is most important. I think the explanatory statement that accompanies the bill is of a good standard because it assesses each change and determines whether or not it affects any human rights. A statement has been made against each amendment that it does not affect human rights. And I agree with the conclusions that the bill does not interfere with any human rights.

However, I would like to place on the record one small but important point. There are times in the explanatory statement when the conclusion is made that the amendment does not interfere with any human rights. However, there is no supporting information to support the conclusion.

For example, the changes to the Associations Incorporation Act are said to “not affect human rights”. I happen to agree with the conclusion, but I think that in the interests of transparency, the explanatory statement could include the reasons and information used in making that finding. It is a small but important point, and I will write to the attorney to suggest some ways to address this.

The second matter I would like to discuss is the Births, Deaths and Marriages Registration Act amendments. As Mrs Dunne touched on, the changes relate to the legal process required for parents to have the name of their child changed. An order to change the name of a child can be made either by a commonwealth court or by an ACT court. However, the legislation currently states that the registrar can only make the change following an ACT court order. This was an unintended loophole that required the parent to go through two court processes when a single court order was all that was originally intended by the legislation.

Such a seemingly simple mix-up has had costly repercussions for parents who, at the end of a long court process, have been told they need to make another application to the ACT courts. This has been the case even where the commonwealth court has explicitly made the order that the registrar change the name.

This matter was flagged with my office by a constituent some months ago, and I forwarded their concerns on to the attorney. In light of Mrs Dunne’s comments, I suspect it may well have been the same constituent. It seems likely to be the case. On behalf of the constituent and other people caught out by the drafting error, I would like to thank the attorney for bringing forward the change. It is a reminder of how important the drafting of legislation is and how a small error can have costly and unintended repercussions for the community. It is important that bills like this, by their nature, are able to correct some of those things in a relatively straightforward way. In conclusion, the Greens support the bill.

**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) (12:26), in reply: I thank members for their support of the bill. It would be remiss of me if I did not just briefly reflect on the approach adopted by the Liberal Party in relation to this, and indeed many other pieces of legislation from the justice portfolio.

The speech we heard from Mrs Dunne this morning was pretty much as good as it gets in terms of opposition support for a government bill—the sort of grudging, snide assertion: “We all knew this had to be done two years ago and you haven’t done it and you have been so slow, but it’s still a good idea and we’ll support the bill.” Quite frankly, I think Mrs Dunne deserves to show a little more respect for the work of my directorate and my directorate’s officers, for the very significant work they put in every day in updating and maintaining the contemporary nature of the territory statute

book. This is a mammoth task, and whilst there will always be issues that arise from time to time, this type of snide, begrudging assertion that “yes, it should have been done, but you should have done it ages ago and I would have done it” really is most unconstructive and does not show a lot of respect for the very good and positive work that officials in my directorate do every day.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

**Sitting suspended from 12.28 to 2 pm.**

### **Questions without notice**

#### **Economy—cost of living**

**MR SESELJA:** My question is to the Chief Minister. You recently made comments about families struggling with the ever increasing cost of living under the ACT Labor and Federal Labor governments. When discussing the options that people had to tackle rising costs of living, you said: “They could ... cancel the Foxtel for a while.” Chief Minister, as of 1 July, the average Canberra family was slugged with more than \$300 a year in car parking costs, \$86 in increased electricity costs, water costs are up by an average of \$142, most Canberrans will pay \$300 more in federal taxes, and this before the rates increases courtesy of your government. Chief Minister, will you apologise for reducing the concerns of struggling families to just whether or not they have a subscription to pay TV?

**MS GALLAGHER:** I thank the Leader of the Opposition for the question. I was beginning to think that maybe they had forgotten all about me this week—two sitting days without a question from the Leader of the Opposition. Anyway, having said that, I think I could have been misquoted by the Leader of the Opposition. I am not sure. My comments in relation to Foxtel from an interview I gave were that people on higher incomes had more choices available to them about cutting costs for their families in the event of rising costs. I said that, for example, you could choose to cancel Foxtel. The context of those comments was about higher income earners having greater choices than lower income earners, and that we needed to focus on the lower income earners in regard to any government assistance that might be required.

That is my memory of the interview I gave, which was a longer interview, and it may have been cut so that it gave the impression that I said that about families who may have been having significant cost pressures. The comments were made in relation to higher income earners.

I do also want to have, and would welcome, a mature discussion in this place around how we support families who are experiencing financial hardship. The campaign being run by the ACT Liberals and the federal Liberals on this is that everyone deserves government assistance, that nobody in the community is able to deal with the

cost of living increases. I think what is needed here is some understanding that governments need to raise revenue in order to run programs and offer services to the community. They do that through a various range of means. One is through their own revenue raising measures. But at the same time, for those members of the community that need extra government support, we should also be looking at how we provide assistance to them. That is going to be my focus—

*Mr Smyth interjecting—*

**MR SPEAKER:** Mr Smyth, you will have a chance in a moment.

**MS GALLAGHER:** over my time as Chief Minister. But I will not stand here and get into some silly argument that the cost of living will not increase. I do not expect that I will be able to hear Mr Seselja, in the context of any commitments he might give, say, “The cost of living will never increase under a government I lead,” in the terrible event that that would actually become a reality in this place.

We have to stop being silly. Government revenue will continue to grow as the community requires the level of services that we have to provide. To reduce it to this silly little debate that the Liberals have been running for the past couple of years does not give due attention to the people that we need to focus on, which is those that need an extra helping hand.

**MR SPEAKER:** A supplementary, Mr Seselja.

**MR SESELJA:** Minister, given your comments were directed at those on higher than average incomes, what do you say to the family where there is a police officer and a nurse who are on a much higher than average income but are still doing it tough?

**MS GALLAGHER:** Again I think, in the context of the longer interview I gave that that quote must have been grabbed from—I never saw it reported anywhere but it was a longer interview—I was talking about the choices that are available for people to reallocate their finances to meet costs where costs increase. And there are choices available to those who have higher disposable incomes and more discretionary spending. Those are choices available to people who earn higher incomes.

But I also couched it very much in the sense that there is a group emerging, those who are above the concessions threshold, who are in paid employment, who are experiencing financial hardship, and that is the next group that the government would like to focus on now that we have provided substantial increases to those who are in receipt of government concessions. We now need to look at those who sit just above it and whether there is anything we can do. Minister Burch and I are having a roundtable, I think on 1 September, to pull everyone together, all our providers—

**Mr Smyth:** That will fix it.

**MS GALLAGHER:** Mr Smyth, you might laugh at having a roundtable but actually there are a lot of good ideas that come out of them. In fact, the last idea that came out of a community roundtable was to have an emergency relief fund. I have to say that at

the time when that idea came out, none of us expected that the Liberal Party would be the first ones to race through and actually find that money.

**MR SMYTH:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Chief Minister, what is your advice to those families that may consist of a police officer and a nurse who are already doing without a pay TV subscription to reduce their cost of living?

**MS GALLAGHER:** I do not sit here and give advice to families about how to—

**Mr Seselja:** That is what you did on the radio.

**MS GALLAGHER:** No. I gave—

*Members interjecting—*

**MR SPEAKER:** Order! The Chief Minister is answering the question.

**MS GALLAGHER:** Thank you, Mr Speaker. I do remain here able to listen and respond to any concerns that individual families may have to see what the government can do within our limited means to provide additional support. But that has to be seen in the context that governments need to raise revenue in order to deliver services. I have to say that you on that side would be the first to squeal if we started winding back services to the community because there was not the appropriate level of revenue being raised.

In the election campaign, we look forward, based on the last two years, to Mr Seselja standing up and saying that revenue will never be raised in excess of what is currently being raised under a government he leads, that cost-of-living pressures will never rise under him if he is to be Chief Minister. We look at all of those commitments. We look forward to them, Mr Seselja, because you will never give them because you actually know in your heart that you could not deliver them.

**MR SPEAKER:** Yes, Mr Smyth, a supplementary?

**MR SMYTH:** Thank you, Mr Speaker. Chief Minister, how much is an annual subscription to Foxtel?

**MS GALLAGHER:** I think it depends on the package you would like, Mr Smyth. There are a range of options available.

### **Bimberi Youth Justice Centre—strip searches**

**MS HUNTER:** My question is to the minister for children and young people and concerns the Bimberi Youth Justice Centre. Minister, the Human Rights Commission report makes a number of findings and recommendations about the practices and conditions within Bimberi that can be implemented very easily and certainly do not

need a task force to evaluate them. Minister, you said earlier today that 40 recommendations were in progress. Could you please tell the Assembly which of the recommendations have now been completed and provide the Assembly with a list of the remaining recommendations that are underway?

**MS BURCH:** I thank Ms Hunter for her question. We have put into play a number of those recommendations that, as I have alluded to, do not require a task force or should not be delayed in looking at. I mentioned this morning the matters around segregation, use of force and restraint. Those are one of the things that I have asked the department to look at. I am quite happy to go through, formalise and look at those that are in place. There was commentary in that about the after-hours bail service, which is one that is in place. The single case management system is effective from this week. That is the advice I have from the department. The diversion framework, which really outlines that forward-thinking picture about a number of aspects across youth justice, will be put into place. As far as a note by note, line by line recommendation, I can bring that back to you.

**MR SPEAKER:** Ms Hunter, a supplementary?

**MS HUNTER:** Thank you. Minister, are there now operational teleconferencing facilities linking Bimberi with the Children's Court and, if so, how often are these used?

**MS BURCH:** I do not believe they are operational. I know it has been raised before that it would be a useful notion to look at. I think that was through the Public Advocate's report some time ago. I am supportive of it, but it is something we will continue to look at. I think there is a place for it, but clearly, also, the young residents deserve the right to present themselves in court should that be their desire. But it is something that we are looking at.

**MR SPEAKER:** Yes, Ms Bresnan, a supplementary?

**MS BRESNAN:** Thank you, Mr Speaker. Minister, are young people still strip searched as a matter of course when attending court hearings? Have you ensured that there will be an appropriate support person for any detainee that is subjected to a strip search?

**MS BURCH:** Certainly, strip searches have been raised. In the report, the human rights commissioner noted, with a level of concern, her view on strip searches. But certainly it is the policy that there is a support person. They are the same sex. There are two people involved in searches. There is one that is near the young person and there is one that in many ways supervises or observes that person. That is my understanding about how they are operating. I have no evidence to say that that is not the practice that is being followed.

**MR HARGREAVES:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Thank you very much, Mr Speaker. Minister, does the report to which Ms Hunter referred recognise that the Bimberi facility is four times larger than the Quamby facility? Does it recognise the youth of that facility, and does it recognise that a zero-based budgeting approach must be implemented?

**MS BURCH:** Certainly those elements are part of the advice contained within the Human Rights Commission's report. Bimberi is four times the size of Quamby. It has additional facilities that have certainly come as a result of the review and the look at Quamby when it was far less than an adequate process and facility. We have swimming pools, decent sports facilities, educational facilities, training facilities, woodwork, metalwork, kitchen—a whole range of facilities—that have been built in place to ensure that those young folk that find themselves in Bimberi have at their fingertips good programming to find a very restorative and beneficial environment.

### **Planning—Griffith**

**MS LE COUTEUR:** My question is to the minister for planning and concerns the Brumbies' plans for Griffith, lease variations and draft variations to the territory plan. The current draft variation 307 to the territory plan proposes changing the zoning of the Brumbies site on Austin Street in Griffith. There is also out a lease variation for the same site, 18 Austin Street Griffith. How is it possible that there are two contradictory planning processes at the same time on the same site?

**MR CORBELL:** I do not think there are. The fact is that a leaseholder can make application to vary their lease, consistent with the current provisions of the territory plan. Concurrently with that—which I understand is what has occurred in relation to the site in Griffith—and further to that, of course, the territory is considering a request to potentially vary the territory plan at that location. No decision has been made in relation to the variation to the territory plan at this time, and that matter is currently with me for consideration.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** Yes, Mr Speaker. Minister, how can the public identify what the actual proposal for the Brumbies site is, or in fact any other site with a lease variation, when the lease variation notice is almost content free?

**MR CORBELL:** A lease variation, as Ms Le Couteur should be aware, does not involve details of a particular development because it is not an application for development; it is an application to vary the lease terms.

**MS BRESNAN:** A supplementary?

**MR SPEAKER:** Yes, Ms Bresnan.

**MS BRESNAN:** Minister, given that the Griffith draft variation is No 307 and the inner north draft variation is No 310, what are draft variations 308 and 309?

**Mr Hargreaves:** On a point of order, Mr Speaker, the original question and the supplementary from Ms Le Couteur related to a specific variation, 307. Therefore, any questions relating to another draft variation are not consistent with the original question.

**Ms Bresnan:** On the point of order, Ms Le Couteur's original question actually concerned the Brumbies' plans for Griffith and lease variations and draft variations to the territory plan. My question was about draft variations to the territory plan.

**MR SPEAKER:** Yes, the question is in order.

**MR CORBELL:** I will have to confess that I am not familiar with the exact process that the planning authority use for determining what sequence of numbers they append to a territory plan. I would simply make the observation that some territory plan variations progress more quickly, and others progress more slowly. That may be an explanation as to why some territory plan variations with higher numbers are in the public arena ahead of territory plan variations with lower numbers. But I am glad the Greens are focusing on the big issues.

**MR SPEAKER:** A supplementary, Ms Hunter?

**MS HUNTER:** Thank you, Mr Speaker. Minister, what is the government doing to provide more information to the public on development application notice signs and advertisements when a lease variation is proposed?

**MR CORBELL:** As members would be aware—should be aware—my colleague and predecessor Mr Barr, as the responsible minister, made a series of changes to public notification requirements to ensure that notification of proposed changes to a lease or indeed a development application proposal was much clearer to the public. This included such straightforward but important steps as making signs larger so that they can be more clearly identified and seen and improved public notification requirements in relation to advertisements in papers and so on.

These are all issues which the government keeps under review. As the Greens would be aware, there is agreement to further strengthen pre-assessment processes in terms of notification. The government will be bringing forward a range of proposals in relation to those matters later this year.

### **Auditor-General—appointment**

**MR SMYTH:** Mr Speaker, my question is to the Chief Minister. Chief Minister, on 31 May this year you put out a media release headed "New Auditor-General for ACT". This media release related to a proposed appointment to a senior statutory position within the ACT government. Chief Minister, why did you put out this media release before the public accounts committee had time to consider the nomination and make a recommendation to you?

**MS GALLAGHER:** I thank Mr Smyth for the question. I made that decision in the interests of openness and transparency. It is a very important senior position across

the ACT public service and I thought that the community had an interest in knowing who the government nomination was.

**MR SPEAKER:** Mr Smyth, a supplementary?

**MR SMYTH:** Thank you, Mr Speaker. Chief Minister, did you speak with the Chair of the Standing Committee on Public Accounts about the proposed appointment in the days following your media release?

**MS GALLAGHER:** Yes, I did. I had a conversation with—

**Mr Seselja:** Yesterday you said you didn't.

**MS GALLAGHER:** No—

**MR SPEAKER:** Order! Let us hear the answer.

**MS GALLAGHER:** I did not have a conversation along the lines of what I was being accused of yesterday. I had a conversation with Ms Le Couteur, as I had been made aware that the committee was angry at the fact that I had put out a media release announcing the appointment. I went to Ms Le Couteur to apologise and to say that I had not meant to offend the committee in any way, but that I had intended to make it clear to the public who the government's nomination was.

**MR SPEAKER:** A supplementary, Mr Seselja?

**MR SESELJA:** Chief Minister, will you now as a matter of course be putting out media releases in relation to statutory appointments prior to their approval through committee processes?

**MS GALLAGHER:** I have that under review, considering how upset I have made a range of members in this place. Without any intention to upset members, I seem to have upset some. It was my intention that, for government nominations, particularly to prominent statutory positions, that the government should be clear with the community who our nominations were. But I will take advice from the Assembly based on the concerns that have been raised with me about whether this is appropriate. But I say that in the interests of my trying to put out as much information as possible to the community about government reports, government decisions and, in this instance, government nominations.

**MR HARGREAVES:** A supplementary.

**MR SPEAKER:** Yes, Mr Hargreaves.

**MR HARGREAVES:** Thanks very much, Mr Speaker. Chief Minister, have you received any feedback at all from the community, or anybody else for that matter, other than the public accounts committee, following your announcement of the nomination?

**MS GALLAGHER:** I would have to check my records. Not that I can recall, but I will ask my office to undertake a search to see if we have.

**Bimberi Youth Justice Centre—Oakton report**

**MRS DUNNE:** My question is to the minister for children and young people. I refer to the report on Bimberi by Oakton consultants, known as the Oakton report. When making a request last week to your office for a copy of the Oakton report your staff, in an email dated 12 August, advised, “The Oakton report is cabinet in confidence.” In question time on Tuesday this week you said:

I will not be intending to table it. It has informed the budget considerations for the 2010-11 budget.

But the next day, also in question time, you changed your tune, advising the Assembly that the report had been posted on the CSD website. You said:

I requested that to go on there today. So you can review both reports and make your own considerations.

Minister, on what basis was the report made cabinet-in-confidence in the first place?

**MS BURCH:** It was part of the 2010-11 budget process. That is what it was used for. Following questions from the Assembly here on Tuesday I reviewed the document on Tuesday night and Wednesday morning and I considered it was in the best interests to be very clear about the information that was in there and to put it on the public record.

**MR SPEAKER:** Yes, Mrs Dunne, a supplementary?

**MRS DUNNE:** Minister, why did it take constant requests and questioning from the opposition before you released this report? In releasing the report, did you comply with the cabinet handbook?

**MS BURCH:** I reviewed the document to see if it was suitable for publication, for public notice. I agreed that it was and that was supported by my colleagues.

**MR SMYTH:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Minister, in failing to release the report for almost two years, what did the government have to hide and why could it not be more open and accountable to the Canberra community before yesterday?

**MS BURCH:** It is an interesting position. I get asked for something and damned if I do not release it. I get then damned for releasing it.

*Mr Coe interjecting—*

**MR SPEAKER:** Order, Mr Coe!

**MS BURCH:** It seems to me—I am not going to win this argument—that the Oakton report now is in the public domain—

*Mr Coe interjecting—*

**MR SPEAKER:** Mr Coe, I just asked you.

**MS BURCH:** That is what they were seeking and that is what they got.

**MR SMYTH:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Thank you, Mr Speaker, Minister, did you comply with the cabinet handbook in releasing this document?

**MS BURCH:** Look, it is in the public domain and all the requirements that needed to be dealt with were dealt with.

#### **Health—nurse-led walk-in centre**

**DR BOURKE:** My question is to the Chief Minister. Chief Minister, today you have released the independent evaluation of the nation's first public nurse-led walk-in centre. Can you please provide an outline of what this report said?

**MS GALLAGHER:** Thank you, Dr Bourke, for your interest in this very important public health service that is offered.

**Mr Seselja:** Thirty per cent utilisation.

**MS GALLAGHER:** I will get to Mr Seselja's comments later.

**Mr Seselja:** You're not meant to respond to interjections.

**MS GALLAGHER:** I know; it is disorderly to interject and then it is almost as disorderly to respond to them. So I will try. Perhaps you could stop trying to encourage me.

On the issue of the nurse-led walk-in centre, we have released the independent evaluation today. Overall, I think it shows that the walk-in centre has been very successful in its first year. Over 14,000 patients have presented to the walk-in centre. About 63 per cent of these have been able to have their treatment closed at the walk-in centre. It also shows that it has filled a need in the community, obviously, with that level of presentations; that it has improved access overall to primary healthcare services; that staff were able to deliver high-quality care and, importantly, safe quality care, which was an issue that had been raised as a concern in the lead-up to opening this; and that, overall, the service is having positive impacts for consumers and practitioners across the territory.

Another important finding in this report is the extremely high patient satisfaction survey, which showed that 84 per cent of those surveyed would definitely recommend the walk-in centre to family and friends. Eighty-two per cent said that they would definitely use the walk-in centre again, and 30 per cent of those surveyed were repeat attendees—that is, they had come there for a second visit. Also, the walk-in centre was chosen by these patients because it was quicker than getting an appointment with a GP, there was a shorter wait than in the emergency department, and also that it was cheaper than a GP or CALMS.

One of the overall aims of the walk-in centre was to improve access to primary health care across the ACT. I think it has certainly met that in terms of meeting one of those aims. One was to develop innovative strategies for the retaining of a very highly trained workforce in advanced practice nurses and nurse practitioners. I think overwhelmingly it has been successful in that regard as well, but the findings do lead us to reconsider the scope of practice, the profile of the staff and whether or not we need to add in other types of health professionals to complement a full multidisciplinary approach to providing care.

There was an issue—and I think this will be one of constant discussion over the next few weeks with stakeholders—about the pressure on the emergency department or whether it has increased activity in the emergency department. The report overall finds that—and it is not entirely clear—overall, after they have done a fair bit of analysis, they believe that it probably has increased activity in the emergency department and they have decided that that has been based on having the walk-in centre located on hospital grounds.

Those are issues that we need to look through as we build on this model. But I think overall this report shows that the walk-in centre is here to stay. We now need to have a look at the model of care, where it is located, the scope of practice for the staff within it, to make sure we can make the best use out of this service in the interests of the local community.

**MR SPEAKER:** A supplementary, Dr Bourke.

**DR BOURKE:** Chief Minister, what were the main findings of the report?

**MS GALLAGHER:** I probably touched on them in my first answer but I think, in terms of other findings and the way forward, we do have to look at the issue of the location of the emergency department in a hospital setting. But I think it also makes a number of recommendations—it does not make recommendations; it has findings—around, as I said, the model of care, the software that is used, the emergency department walk-in centre workloads and relationships, referrals to and from the walk-in centre, scope and practice for the staff. Things have come up such as active after-hours radiology, how staff are involved in training and management opportunities and directing the best way forward for the walk-in centre.

There is plenty for us to work on in terms of the findings or the areas for continued improvement. But overall I think the most important finding is that the service is having positive impacts for consumers and practitioners across the territory.

**MS PORTER:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Ms Porter.

**MS PORTER:** Thank you, Mr Speaker. Chief Minister, what other areas will be focused on for continued monitoring and evaluation to ensure the centre runs as best it can for the community?

**MS GALLAGHER:** I think there are a number of areas where we going to have to work collegiately with health stakeholders, including the AMA, the Division of General Practice, the Health Care Consumers Association, the ANF and the nurse professional bodies to talk about the future of the public walk-in centre. I think this report clearly shows that it is an established service now. It is providing safe, high quality care, but there are opportunities for us to refine the model.

I think one of the challenges will be to not have it at the hospital site. I think that will come with significant opposition from some of the professional groups who will not want to see it moved off the hospital grounds into community-based settings. I note that Mr Seselja, I think acting as the health spokesperson for the Liberals, said that putting it at the hospital was simply poor planning by ACT Labor. If Mr Seselja actually had an understanding of those discussions, he would know that it was not our preference. We actually would have preferred that it went to a community health centre and started off there, but in response to discussions—

**Mr Coe:** You're still responsible, though.

**MS GALLAGHER:** Well, again, it was listening and responding to the criticism that at that time was coming from the AMA and the Division of General Practice, which refused to give the model support unless it was based at the hospital. I never thought that we would be able to get a model like this up—a nurse-led centre—if we had the opposition from the most senior professional medical bodies in this territory. And they would not support it if it was not at the hospital. We had to demonstrate to them that the nurses could provide safe, high quality care, and they wanted that to be done under the clinical leadership of the Canberra Hospital.

What we have done through the evaluation—again, the independent evaluation was at the request of the professional groups—was to provide them with enough data to convince them that it is a safe model. (*Time expired.*)

**MR SPEAKER:** Yes, Ms Bresnan, a supplementary?

**MS BRESNAN:** Thank you, Mr Speaker. Minister, is there any evidence to suggest that expanding the scope of practice of the nurse practitioners would lead to less referrals to the emergency department?

**MS GALLAGHER:** Potentially; I think the view was yes, and you would broaden the scope of services offered at the walk-in centre. So that in itself would reduce referrals out. I think the other issue that has been raised with me around the scope of practice is that the model we are running under the current protocol-driven scope is

more suitable for advanced practice nurses, that it is not actually allowing nurse practitioners to utilise their full suite of skills.

So we need to make a decision about whether it is going to be an advanced practice nurse centre or whether we are going to allow it to grow, in which case you will get more interest from the nurse practitioners. My understanding is that the nurse practitioners have not found it as fulfilling working in the walk-in centre as they could working in, say, aged care, sexual health or wound management where they are allowed to have an increased capacity to utilise all their skills.

That is definitely one of the issues that we are going to have to decide on. Is it going to be an advanced practice nurse-run clinic or are we going to bite the bullet and expand the scope? If we expand the scope, of course, we will have to go through another process—a long process, I imagine.

### **Parking—fees**

**MR COE:** My question is to the Minister for Territory and Municipal Services. On 17 August, you said this in this place:

A key purpose of increasing the price of parking is to encourage the entry of private sector parking providers and operators into the market. The current price of ACT government owned parking is well below the level at which private sector parking providers would be attracted into the market.

Has the ACT government done any analysis of the level of pricing for ACT government parking that would attract private sector parking providers into the market? If so, what level of pricing does the analysis show would be required?

**MR CORBELL:** The government has done some analysis on this issue because the feedback from the private sector is clear. At current pricing levels it is not a conducive market for the private sector to enter the market and to provide paid parking facilities such as parking stations. For that reason, the government has locked in a series of increases to parking prices each financial year. That decision was taken a number of budgets ago so that each financial year the price increases by an increment. I do not have the details of that analysis before me, but I am happy to take that element of the question on notice.

It is worth making the observation too, as I said yesterday, that Canberra's all-day parking in the city centre is still cheaper than all-day parking in the city centre in Newcastle, Wollongong, Hobart and, clearly, larger capital cities such as Adelaide, Melbourne, Sydney or Brisbane.

The government has due regard to the price impacts on motorists of parking charges, but it also has regard to what pricing should be put in place to ensure that there is a greater choice of parking available to residents through the entry of the private sector into the market.

**MR SPEAKER:** Mr Coe, a supplementary?

**MR COE:** Thank you. Minister, is it the government's intention to progressively increase parking fees to reach that level of pricing and, if so, as you stated, how long will it take before it gets to a level where the private sector would be encouraged to enter the market?

**MR CORBELL:** The government has taken the view that we will continue to incrementally increase parking prices and that is now reflected in the budget decision taken a number of years ago and which takes effect each financial year. Obviously a range of factors will influence the private sector's decision as to whether or not they believe they can enter the market and provide improved parking facilities for motorists. Again, I will take the further details of Mr Coe's question on notice.

**MRS DUNNE:** A supplementary question, Mr Speaker?

**MR SPEAKER:** Yes, Mrs Dunne.

**MRS DUNNE:** Minister, will motorists continue to pay more each year to the ACT government to use their cars, and have you done any quantification of how much that will be?

**MR CORBELL:** I will take the details of the question on notice. Again, it is not material I have immediately to hand. But again, I would simply make the point that parking is part of the broader transport picture for the city. Managing parking demand is an important part of making the shift towards more sustainable transport options for the city and giving more commuters more choice about how they move around the city. And that is very much the government's focus.

**MS LE COUTEUR:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Minister, has the government looked at more demand responsive parking charges—in other words, the parking charges could change according to the time of day in a more responsive manner than they do at present, which is just on and off? There are web-based ones which I have seen.

**MR CORBELL:** I am certainly aware that there are a range of approaches applied, particularly overseas, that make provision for the sort of approach Ms Le Couteur refers to. The challenge with these approaches is that often they are very heavily technology dependent. Sometimes they involve the use of cameras to even deal with issues, for example, such as the size of vehicles. Larger vehicles pay more and smaller vehicles pay less and so on. That is not an issue that the government is considering at this time, but obviously we keep all developments in this area under review.

### **Education—tertiary**

**MR HARGREAVES:** My question without notice is to the minister for education—the best minister for education in recent times, I might say. Would the minister advise—

*Opposition members interjecting—*

**MR SPEAKER:** Order, thank you. Mr Hargreaves has the floor.

**MR HARGREAVES:** Twenty-five seconds and the rabble turn up! Good on you. I just thought I would wake you up, because quite clearly you have had a good lunch.

**MR SPEAKER:** The question.

**MR HARGREAVES:** You know, we've been down to VIP for our lunch, and everything's cool.

Mr Speaker, would the minister please advise what advice he has received in relation to the future of the tertiary education sector, both nationally and locally?

**MR BARR:** I thank Mr Hargreaves for the question and for his interest in the future of tertiary education in the territory. I think as members are aware, the tertiary education landscape changes dramatically from 1 January next year. In fact, there is change already occurring across the sector in Australia. The new world of tertiary education will be much more demand driven, letting students study the courses they want at the institutions that they choose. This will undoubtedly lead to more competition and institutions looking to break into new markets to take a larger share of student enrolments.

The central piece of advice from the architect of the national education reform, Professor Denise Bradley, is really to forget about what we currently know about the country's tertiary education sector. It will become unrecognisable. Governments and institutions across the country are implementing change to prepare themselves for this new world. Universities are currently over enrolling to insulate themselves against the shortfall in new students once the demand-driven model takes effect.

I can advise members that the Queensland government has just announced the merger of the Central Queensland University and the Central Queensland Institute of TAFE into a new dual-sector university. Now it is the significance of changes such as this that led me to ask Professor Bradley to advise on the changes that we would need to make locally to ensure that both the University of Canberra and the Canberra Institute of Technology can compete and, indeed, grow in this new education world.

Professor Bradley delivered her advice on options for future collaborations between the CIT and the University of Canberra two weeks ago. The report is available on the Education and Training Directorate website and feedback can be provided to the government until 23 September.

It is important to note that Professor Bradley recognises that both the University of Canberra and the CIT are good quality, reputable institutions that perform reasonably in the current climate. But her report also finds that neither the CIT nor the University of Canberra have sufficient scale or mass to effectively compete in the new demand-driven world.

Professor Bradley predicts that competition in the ACT market in the future will become red hot. UC and CIT will find themselves up against competition from Charles Sturt University, various TAFE institutes in New South Wales, the Australian Catholic University, the University of Wollongong and, indeed, quite likely, the University of Western Sydney. In particular, this competition will be at diploma and advanced diploma levels, areas that UC and CIT currently compete in.

Professor Bradley also advised that the ability of an institution to move quickly to meet changes in demand is critical in this new higher education environment. The size of the operating budgets and an institution's ability to move quickly to reshape offerings are key points of advantage when times are tough. Institutions will need greater flexibility to change quickly to meet changes in student demand. An example of this in the industry locally and where there is clearly demand from students relates to civil engineering offerings. Of course, neither of our institutions currently have the capacity to put together a course without government assistance. This, I think, represents a very practical challenge for the territory at this time.

Professor Bradley also noted in her report that international students tend to favour larger institutions when they choose to study in Australia. But what the report concludes is that the status quo cannot continue, and that is why I have ruled out doing nothing. Our institutions must move with the times. (*Time expired.*)

**MR SPEAKER:** Mr Hargreaves, a supplementary?

**MR HARGREAVES:** Thank you, Mr Speaker. Since the shadow minister for education rarely offers a question on this issue, could the minister please advise any specific recommendations that he has received in relation to the future of tertiary education in the ACT?

**MR BARR:** Professor Bradley has made several specific recommendations in relation to the future of the University of Canberra and the CIT. Her preferred way forward is the establishment of a dual sector university bringing the two current institutions together to form a new entity. Her reasons in favour of forming a new dual sector university include the significant extension of offerings at a degree level with new disciplines able to be made available within the ACT to meet community demand.

Professor Bradley is very firm in arguing that the new institution needs to be formed on the basis of three important principles: firstly, respect and value accorded to the unique characteristics of each partner; respect and value according to the values, cultures and traditions of each sector; and, importantly, an understanding and respect for the strengths that each would bring to a new institution.

It is clear that any marriage between UC and CIT must be the coming together of two equal parties to form a new institution. Professor Bradley's report also discusses the need to preserve access to programs for the educationally disadvantaged that are currently run by the CIT. Central to this government's support to these sorts of programs will be their continuity in any future model. In fact, I believe it provides us with a unique opportunity to make education for the disadvantaged a key strength of a new institution.

Professor Bradley did recommend, though, that if a marriage between the University of Canberra and the CIT were not to go ahead, the CIT must be given more independence in order to operate in this new environment. It will effectively boil down to a decision between a collaborative team Canberra approach or a competitive approach between the two institutions. My preference is to see collaboration and for these institutions to work together.

**MR SPEAKER:** Dr Bourke, a supplementary?

**DR BOURKE:** As I seem to be more interested in education than Mr Doszpot, can the minister please advise—

**Mr Seselja:** On a point of order, I believe Mrs Dunne had her question ruled out of order by making asides before asking her question. I would ask you to call Dr Bourke to order.

**Mr Hargreaves:** On the point of order, Mr Speaker, the question of Mrs Dunne's was not actually ruled out of order.

**MR SPEAKER:** Whether Mrs Dunne was ruled out of order or not is academic at this point. Dr Bourke, please just ask your question without the asides.

**DR BOURKE:** Thank you, Mr Speaker. Can the minister advise of any specific threats to the future of the tertiary sector in the ACT?

**MR BARR:** I think the gravest threat is inaction and if this important reform that is necessary for these institutions to thrive in the future is in fact stymied by either a political campaign against a new institution or, indeed, campaigns that are run against greater autonomy for the CIT. We need to be very clear. This issue has been on the agenda for some time. There are appropriate processes that the government is engaging in, including extensive community consultation. That has been through a number of phases. Ultimately a decision will have to be taken. We talk a lot in this place about diversifying the ACT economy. This is the most practical example where we can make a decision that will set this economy up for the long term.

Education and training is the third biggest industry for the ACT, outside government administration and defence. This is it. This is our silver bullet. This is the change that we need. This is the most significant issue that we will face in higher education and the greatest threat is to put our heads in the sand and think that this is all too hard or to think that cheap political shots will suffice when serious analysis of a dynamic environment is required. If it is simply going to be cheap shots from those opposite, then they will condemn themselves as a policy-free zone.

**MS HUNTER:** A supplementary.

**MR SPEAKER:** Yes, Ms Hunter.

**MS HUNTER:** Thank you, Mr Speaker. Is another challenge to the tertiary education sector the fall in international students and, if so, minister, will you be joining Premier Anna Bligh's call to the federal government to look at the issue around student visas?

**MR BARR:** Certainly, international student numbers are a challenge for all Australian higher education institutions, but they will not, in and of themselves, be the difference for institutions to survive in a competitive domestic market. It is important to note that one of the other goals that is driving reform across vocational education and training and higher education is a desire to lift the level of qualifications for the Australian people and the Australian workforce.

There are two important changes that I need to bring to the attention of members that Skills Australia have recommended, and I understand they will receive support across the country. The first is to effectively increase the education entitlement from year 12 to a certificate III level and to move to install a HECS-style system for co-payments from students for qualifications above that certificate III level. So the VET FEE-HELP system, a transformation of diploma and advanced diploma level qualifications and their expansion to see a much greater proportion of the Australian population have skills at that level, is what is driving these reforms to both vocational education and training and higher education. So the landscape has changed completely.

**Ms Hunter:** A point of order.

**MR SPEAKER:** Mr Barr, one moment. Stop the clocks, thank you.

**Ms Hunter:** I had asked, if it was a challenge regarding international students, if Mr Barr would join Premier Anna Bligh's call for the federal government to look at the issue of visas for international students.

**MR SPEAKER:** Mr Barr, could you touch on the specific question in your remaining time.

**MR BARR:** Indeed. In beginning my answer I pointed out that international students were only part of the question. In relation to visa classes, this is obviously something that jurisdictions will raise with the commonwealth at the next meeting, which is in two weeks, in Melbourne. And yes, I recognise that some of the changes that the commonwealth have put in place have had a detrimental impact on the number of international students. But I would also acknowledge it.

### **Corrective Services—governance**

**MR DOSZPOT:** My question is to the Attorney-General.

**Mr Hargreaves:** What, not education?

**MR SPEAKER:** Order! Mr Doszpot has the—

**MR DOSZPOT:** I did try and get a question to the education minister, but was not given an opportunity, on three occasions.

*Members interjecting—*

**MR SPEAKER:** Order, members! Thank you. Mr Doszpot, the question.

**MR DOSZPOT:** I did try and get a question in—

**MR SPEAKER:** Mr Doszpot, the question. I am not interested—

**MR DOSZPOT:** Mr Speaker, three times and I was ignored. Thank you.

**MR SPEAKER:** Mr Doszpot, I am not interested. Ask your question or sit down.

**MR DOSZPOT:** My question is to the Attorney-General. In the *Canberra Times* dated 16 August 2011 it states, in relation to former superintendent Doug Buchanan:

The Justice and Community Safety Directorate will now launch an independent investigation into the matter.

Attorney-General, who will conduct this investigation and what are the terms of reference for the investigation?

**MR CORBELL:** I thank Mr Doszpot for the question. As Mr Doszpot should know, it is not appropriate for me, or indeed for any other minister, to get into the specifics of an individual staffing matter within the ACT public service. But what I would say in relation to this particular matter and the issues raised by Mr Doszpot is that, first of all, it was not appropriate for my directorate to undertake its own investigations in relation to the matters involving the individual Mr Doszpot refers to ahead of any police investigation.

Now that that police investigation has concluded, it is appropriate that the Justice and Community Safety Directorate undertake its own internal investigations into the matter. I am also aware that a number of matters have also been referred to the Ombudsman. In relation to who will conduct the JACS investigation, that will be a matter to be determined by the director-general of my directorate.

**MR SPEAKER:** A supplementary, Mr Doszpot?

**MR DOSZPOT:** Minister, how can the community be assured that independence is maintained when the Justice and Community Safety Directorate is undertaking an investigation of its own actions?

**MR CORBELL:** Investigations in relation to staffing matters are conducted either by officers of the directorate or by appointed independent external reviewers. The exact circumstances and requirements in this case will be determined by my director-general.

**MR SPEAKER:** A supplementary, Mr Seselja?

**MR SESELJA:** Thank you. Minister, will the outcomes of the report be tabled in the Assembly, and when will the report be completed?

**MR CORBELL:** These are staffing matters and are appropriately dealt with by my directorate. They are not matters that I am involved in, nor should they be matters that the Assembly is involved in.

**MR SMYTH:** A supplementary, Mr Speaker?

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** Minister, in this new era of openness and accountability, is it not appropriate, where an individual has made claims publicly that he was sacked for his opinions, that the results be made public?

**MR CORBELL:** Those opposite seem to fail to grasp a fairly fundamental tenet of how a government is obligated to deal with individual staffing matters.

*Members interjecting—*

**MR SPEAKER:** Order! Let's hear the answer.

**MR CORBELL:** Those opposite should understand, but clearly they do not—

*Mr Smyth interjecting—*

**MR SPEAKER:** Mr Smyth, I would like to hear the minister's answer, thank you.

**MR CORBELL:** Those opposite should understand that staffing matters involving public servants are treated on a confidential basis. Whatever comments may be made by an individual do not release my officials and my director-general and her senior staff from their obligation to deal with these matters in accordance with the Public Sector Management Act and with the confidentiality that attracts to all staffing matters.

I also make the observation, for those opposite, that they have repeatedly claimed in this place that I—that is, I—sacked Mr Buchanan. Mr Buchanan was not sacked. I have outlined the circumstances of Mr Buchanan's return to New South Wales Corrective Services, where he holds his substantive position—

*Mr Doszpot interjecting—*

**MR CORBELL:** I would also draw to the attention of those opposite—

**Mr Hargreaves:** Point of order, Mr Speaker.

**MR SPEAKER:** One moment, Mr Corbell. Stop the clocks, thank you.

**Mr Hargreaves:** Mr Speaker, Mr Doszpot said, "Like George Washington, cannot tell a lie." That was an inference that the minister had done so. I ask him to withdraw it.

**MR SPEAKER:** I did not actually hear the full interjection from Mr Doszpot.

**Mr Doszpot:** Mr Speaker, I said, "Do a George Washington: 'I cannot tell a lie.'" That is what I said.

**MR SPEAKER:** To be honest, I do not understand the interjection and so I do not think I can ask for its withdrawal. Mr Corbell, you have a short amount of time remaining.

**MR CORBELL:** Thank you, Mr Speaker. I simply draw the attention of those opposite to the fact that I did not sack Mr Buchanan. He was not sacked, and if they continue to insist that I sack Mr Buchanan they should be liable for the claims that they make. *(Time expired.)*

### **Housing—affordability**

**MS BRESNAN:** My question is to the Minister for Economic Development and is about affordable housing. Minister, on Tuesday in question time you were asked about how the affordable housing strategy was performing and you outlined a number of measurements to say that the strategy was performing well. In fact, you said that using the Real Estate Institute of Australia's housing affordability index the ACT is the most affordable jurisdiction in which to own or rent a property. Minister, is that index somewhat unrepresentative of the ACT market, given that it looks at the average and people on low incomes are impacted more in the ACT because of high average incomes and prices?

**MR BARR:** I do not know that I can accept the fullness of Ms Bresnan's analysis but I will certainly acknowledge that elements of that particular index do reflect higher incomes within the territory. So to the extent that it is not broken down into a number of different market segments, I can accept at least some elements of her analysis, but I still think that in the context of making a statement in relation to affordability more broadly across the territory, my statements on Tuesday are fair and reasonable.

But I do acknowledge that depending on your economic circumstance and whether you fall below the average income within the territory, a higher proportion of your income would therefore be required to meet your housing needs. It is for that reason that the government put in place a range of innovative mechanisms within the housing affordability strategy to provide affordable product for people at different points within the housing market.

I think that even those who criticise some of the particular policy options that were taken would still acknowledge though that they were targeted at different elements of the housing market, be it those who can afford up to 74.9 per cent of market rent to those who might in fact be in full-time employment but need some assistance in order to access the housing market, particularly for the first time.

There are I think a range of policy options that are available to government. I think the most significant one, and this I think has been borne out now in terms of the totality of the housing market in the ACT, has been our supply-side response. A series of measures that have fuelled demand have not in fact improved affordability but have hindered it. So what is required is a dedicated long-term supply-side response.

The government has been delivering on that and you are starting to see across various market segments within the ACT real estate market prices either falling marginally or

stabilising. That has allowed incomes to catch up. We have seen wage growth in the territory in the last three or four years and that certainly has had an impact on housing affordability, together with some specialised product offerings that have been targeted at those who are on below average incomes. So the combination of all of those policy settings has made a difference. But clearly the most important thing for us to continue to do is to pursue supply-side solutions.

**MR SPEAKER:** A supplementary, Ms Bresnan.

**MS BRESNAN:** Thank you, Mr Speaker. Minister, what steps has the government taken to look at the bottom 40 per cent of income earners and find out what percentage of them are paying more than 30 per cent of their income on housing, and what have you found from those investigations?

**MR BARR:** I understand that there is considerable analysis underway in relation to the areas of work that Ms Bresnan has identified. Again, one would need to be careful in making absolute assessments in this area because, depending on circumstances within individual households and decisions that are taken, people even on lower incomes do retain the capacity to expend more than 30 per cent, by choice, of their income on a particular housing option. There is nothing to preclude you as an individual from deciding to spend more of your discretionary income or more of your income on housing to the exclusion of a number of other discretionary spending items.

That said, the issue, and the point of Ms Bresnan's question, really goes to those who do not have that discretion. Certainly, it is important to offer product that does enable those people to get into more affordable housing. But I do need to stress that there are some in the marketplace, regardless of their income level, who will choose to invest more of their income in housing, and that is their choice. If it is possible to exclude those who make that discretionary choice, you would get a better analysis of the level of need within the community.

**MS PORTER:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Porter.

**MS PORTER:** Minister, what consideration has the government given to other options for affordable housing for Canberrans?

**MR BARR:** Contained within the housing affordability strategy are approaching 60 different policy options that have been pursued. Amongst that suite of policy options have been things like shared equity, land rent, the OwnPlace scheme, our affordable housing requirements within new estates but, most importantly, the continuation of supply side—

**Mr Coe:** Release more land.

**MR BARR:** solutions is critical. That means keeping pace with the demand for housing and, in fact, seeking to exceed that demand so as to ensure that there is downward pressure on land prices, as Mr Coe has so helpfully interjected just a moment ago. Indeed, those are considerable factors that need to be considered. Also,

having the capacity to innovate and look at a range of policy options has been important in the totality of the ACT's response.

**MR SPEAKER:** Mr Seselja.

**MR SESELJA:** Minister, do you agree with the former Chief Minister that housing is affordable for first home buyers in the ACT?

**MR BARR:** Certainly housing is becoming more affordable as a result of the range of initiatives that the government has put in place—a focus, as I have said, on the supply side, on a range of innovative options. It has been particularly interesting to note the very strong take-up of the land rent scheme, for example, in spite of the campaign that has been run against it by the Leader of Opposition. Fortunately, his capacity to influence public opinion is fairly low. So it is encouraging to see that there has been very strong interest in that program, in the OwnPlace program, in the product that has been offered by Community Housing Canberra, in the shared equity programs and, in fact, in the variety of options that the government has put forward.

But again I stress that this is not something that we face alone. Every Australian jurisdiction is experiencing challenges in providing affordable housing and there is a need for a broad range of policy responses. Importantly, through a range of targeted concessions, the ACT government has sought to assist first home buyers into the market. We have seen, certainly in recent times, strong levels of take-up of properties by first home buyers. That has been very encouraging.

### **ACT Supreme Court building**

**MS PORTER:** My question is to the Attorney-General, through you, Mr Speaker. Can you please inform the Assembly about the ACT government's plan in regard to a new ACT Supreme Court?

**MR CORBELL:** I thank Ms Porter for the question. I am pleased to advise the Assembly that the government has decided to proceed with forward design work for a new Supreme Court building on the site of the existing Supreme Court building, starting in July this year. We have commenced advertisement for the project consultant team to guide this future stage of work.

This will be a new building for our Supreme Court, but a number of the heritage aspects of the current building will be incorporated into the design for the proposed new building. A proposed method of construction will be recommended during the forward design stage of the works, and this is very much more than simply a refurbishment or a renovation. The business case for the full design and construction work for this project will be considered in the forthcoming budget period, with design work to commence in late 2012.

The proposal by the government will see the preservation of the external heritage aspects of the building on the existing site. The new building will include the levelling of floor heights throughout the complex, resulting in two new levels above ground as well as two new basement levels.

The building concept includes a link with the existing Magistrates Court building through one of the new basement levels. This below-ground connection will preserve the existing curtilage and presentation of the Supreme Court as the pre-eminent building in the Knowles Place complex. It will also allow for a one-court complex with a common entry and the opportunities for shared facilities between the two courts. The new building will become a law courts building rather than separate Magistrates Court and Supreme Court buildings.

The proposed method of construction will be recommended during the forward design stage of works. As part of the current works, a temporary courts accommodation strategy will also be assessed and prepared. It is expected that the existing Supreme Court function will need to be relocated to temporary accommodation for a two-year period as part of this project.

As part of the next stage of works, the government is moving ahead with further engagement with key stakeholders and consultation processes. We expect that this project will include a floor space of between 9,000 to 10,000 square metres, and this will be further refined during the current stage of works after consultation with stakeholders. The 9,000 to 10,000 square metres is essentially double the existing gross floor area of just over 4,000 square metres in the current Supreme Court building. The government has allocated \$4 million for forward design work, and some of that is also being used for feasibility studies and some will be used for due diligence and concept design work.

This is an important project for the future of the justice system in the territory. Supreme Courts are central public buildings, civic buildings, and they need to be designed for the long term. The work currently underway and the government's decision on the preferred site allow this important work to now progress.

**MS PORTER:** A supplementary.

**MR SPEAKER:** Yes, Ms Porter.

**MS PORTER:** Thank you, Mr Speaker. Can you please inform the Assembly of how the plans for the new ACT Supreme Court will take in the heritage of the present building?

**MR CORBELL:** I thank Ms Porter for the question. The current Supreme Court is not a heritage-listed building but it has been recognised as having a number of meritorious design features which should be retained as part of any work on the existing building. The government is keen to see these features retained and preserved in the new building. Where possible, the design will incorporate those aspects of the existing building which have been recognised as values of significance, including the external marble cladding, the raised podium feature and colonnade, and the wood panelling inside the various courtrooms.

A heritage consultant has been engaged as part of the options study commissioned by the government to consider which of the options would best take account of these important design aspects of the building. The report confirmed that the exterior of the

building, particularly when it is viewed from London Circuit and from Vernon Circle, was important and should be retained where possible. It also has recommended retention in some way of the existing coat-of-arms on the exterior of the building. Therefore, the next stage of the project will be to consider whether the most cost-effective method of retaining these important design aspects is through their removal, restoring them off-site during construction and then seeing them reinstated in the final stages of construction, or whether development of the interior and subterranean components of the building can proceed with these elements remaining in situ.

It is worth mentioning too the wood panelling inside the six courtrooms. The wood panelling inside the courtrooms was provided as a gift from each of the Australian states during construction of the building in the early 1960s. Red cedar from New South Wales is in courtroom No 1 and a range of other timbers from other states are in the other courtrooms. (*Time expired.*)

**MR SPEAKER:** Mrs Dunne, a supplementary question?

**MRS DUNNE:** Thank you, Mr Speaker. Minister, what is the anticipated budget for the development of the new Supreme Court building?

**MR CORBELL:** A detailed budget figure has not been concluded at this time, as it is contingent upon the detailed feasibility and due diligence work which is currently underway. That will confirm a precise budget figure for the government to consider in the forthcoming budget process.

**MRS DUNNE:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Mrs Dunne.

**MRS DUNNE:** Minister, seeing that the proposal is to gut the present Supreme Court building, what contingencies are in place, especially for jury trials, during the redevelopment phase?

**MR CORBELL:** I thank Mrs Dunne for her question. I would simply draw Mrs Dunne's attention to my earlier answer to Ms Porter where I indicated that the next stage of work currently underway includes assessment of options for the relocation of the court. As I said in my answer to an earlier question, the court will need to be relocated for approximately a two-year period. The government will undertake, and is currently undertaking, a detailed assessment of options to provide for that accommodation of the court and all of its functions, including jury trials.

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

### **Supplementary answer to question without notice Planning—Griffith**

**MR CORBELL:** During question time, I was asked by Ms Bresnan where were draft variations 308 and 309. I can advise Ms Bresnan that draft variation 308 relates to the proposed redevelopment of the ABC flats on Cooyong Street, which is a proposal

currently out for consultation through my colleague Minister Burch's Community Services Directorate. Draft variation 309 was intended to introduce the RZ2 provisions. Because of changes as result of draft variation 303, if I recall correctly—

**Mrs Dunne:** No, 306

**MR CORBELL:** I beg your pardon, it is 306 now but it was 303—and 301. These provisions are now included in draft variation 306.

### **Education, Training and Youth Affairs—Standing Committee Statement by member**

**MRS DUNNE** (Ginninderra): Mr Speaker, I seek leave to make a brief statement in relation to the debate this morning on the reference to the education, training and youth affairs committee.

**Mr Hargreaves:** That is what the adjournment debate is for.

Leave granted.

**MRS DUNNE:** I did contemplate using the adjournment debate but I think that this is such an urgent matter that it should be dealt with now. During the debate this morning, Ms Burch said in relation to children at the youth detention centre:

Whilst we need to make the right investments, and good investments, in the detention centre, in many ways we have missed the boat for these vulnerable young people when we are concentrating on the detention area.

I think that this is an entirely inappropriate comment for a minister to make and I think the minister should withdraw the comments and dissociate herself from those comments.

### **Executive contracts Papers and statement by minister**

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

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Christine Murray, dated 3 December 2010.

Elizabeth Clarke, dated 3 June 2010.

Fay Steward.

James Roncon, dated 20 December 2010.

Karen Greenland, dated 24 December 2010.

Mary Toohey, dated 1 March 2010.

Meredith Whitten, dated 11 February 2011.

Phillip Perram.

Stephen Corbett, dated 21 September 2010.

Susan Morrell, dated 16 and 17 February 2010.

Susanne Pierce.

Short-term contracts:

Alison Playford, dated 7 July 2011.

Andrew Kefford, dated 26 May 2011.

Ann Goleby, dated 16 and 21 June 2011.

Benjamin Ponton, dated 29 June 2011.

Brett Stanton, dated 23 and 30 June 2011.

Christopher Cole, dated 14 July 2011.

Colleen Matheson, dated 16 June 2011.

David Peel, dated 1 July 2011.

Elizabeth Beattie, dated 12 July.

Gordon Elliott, dated 20 and 22 June 2011.

Hugh Jorgensen, dated 13 July 2011.

Ian Cox, dated 30 June 2011.

Janet Plater, dated 9 June 2011.

Kate Starick, dated 31 May 2011.

Michael Charles Brown, dated 9 June 2011.

Norman Fraser, dated 31 May 2011.

Philip Ghirardello, dated 8 June 2011.

Philip Hextell, dated 17 June 2011.

Rebecca Kelley, dated 12 July 2011.

Shane O'Leary.

Simone Fowlie, dated 20 June 2011.

Contract variations:

Adrian Scott, dated 6 July 2011.

Alison Purvis, dated 28 June 2011.

Andrew Cappie-Wood, dated 30 June 2011.

Anita Hargreaves, dated 6 June 2011.

Catriona Vigor, dated 17 June 2011.

David Dawes (2), dated 1 July 2011.

David Evans.

David Grey, dated 17 and 29 June 2011.  
David Metcalf, dated 31 May 2011.  
David Papps (2), dated 1 July 2011.  
Elizabeth McPherson, dated 28 June 2011.  
Gary Byles, dated 20 July 2011.  
James Corrigan, dated 28 June 2011.  
Jennifer Dodd, dated 28 June 2011.  
Jim Watterson, dated 1 July 2011.  
Joanne Garrisson, dated 1 June 2011.  
Julie Field, dated 31 May 2011.  
Kathy Leigh, dated 24 June and 1 July 2011.  
Liesl Centenera, dated 25 July 2011.  
Lisa Holmes, dated 6 June 2011.  
Malcolm Prentice, dated 25 July 2011.  
Mark Collis, dated 27 July 2011.  
Martin Hehir, dated 24 June and 1 July 2011.  
Megan Smithies, dated 5 July 2011.  
Michael Chisnall, dated 6 June 2011.  
Paul Peters, dated 29 June 2011.  
Peggy Brown, dated 24 June and 1 July 2011.  
Richard Baumgart, dated 28 June 2011.  
Sue Morrell, dated 1 July 2011.  
William Mudge, dated 13 June 2011.

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

Leave granted.

**MS GALLAGHER:** I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act which require the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 21 June 2011. Today I present 11 long-term contracts, 21 short-term contracts and 32 contract variations. The details of the contracts will be circulated to members.

## **Health, Community and Social Services—Standing Committee Report 5—government response**

**Ms Gallagher** presented the following paper:

Health, Community and Social Services—Standing Committee—Report 5—  
*Calvary Public Hospital Options*—Government response.

## **Independent Competition and Regulatory Commission Paper and statement by minister**

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

Independent Competition and Regulatory Commission Act, pursuant to section 24—Independent Competition and Regulatory Commission—Report 4 of 2011—ACT Greenhouse Gas Abatement Scheme—Compliance and operation of the Scheme for the 2010 compliance year, dated June 2011.

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

Leave granted.

**MR CORBELL:** I bring to the Assembly today the sixth annual report on the operation of the ACT greenhouse gas abatement scheme, for the 2010 compliance year. The greenhouse gas abatement scheme was developed to reduce or offset greenhouse gases associated with the reduction of electricity used in the ACT. The scheme was established in the ACT under the Electricity (Greenhouse Gas Emissions) Act 2004 and commenced on 1 January 2005. The ACT scheme mirrors the New South Wales greenhouse gas abatement scheme. The New South Wales and the ACT schemes are in many respects operated as a single scheme.

The scheme is designed to reduce or offset greenhouse gas emissions associated with the production of electricity. It requires retailers of electricity in the ACT to procure an increasing component of their products from cleaner and greener means, thereby effecting large reductions in associated greenhouse gas emissions. Tackling our emissions from electricity use is key to reducing the territory's greenhouse gas emissions.

Under the act, the ICRC is the scheme regulator in the ACT. One of the commission's functions as regulator is to determine the greenhouse gas reduction target or benchmark for the ACT in any given year. In 2010, there were 19 entities licensed to sell electricity in the territory. A total of 543,006 New South Wales greenhouse gas abatement certificates and New South Wales greenhouse abatement certificate equivalents were surrendered in 2010. This is equivalent to 543,006 tonnes of greenhouse gas. Emission reductions attributable to the scheme since its introduction total 2,875,068 tonnes of greenhouse gas.

The greenhouse gas abatement scheme is one of the most effective greenhouse gas abatement measures in the territory. Members will recall that in November 2007 the Assembly agreed to extend operation of the scheme from 2013 to 2020 or until such time as an effective national emissions trading scheme was put in place.

The commonwealth government have recently announced that they will be introducing a carbon price which will commence on 1 July next year. For the first

three years the carbon price will be fixed, before moving to an emissions trading scheme in 2015. This will have implications for the ongoing operation of the ACT's greenhouse gas abatement scheme and I will provide further information to the Assembly in due course. I commend the report to the Assembly.

## Paper

**Mr Corbell** presented the following paper:

Legislation Act, pursuant to section 64—Gaming Machine Act—Gaming Machine (Maximum Number of Gaming Machines) Declaration 2011 (No 1)—Disallowable Instrument DI2011-206, together with its explanatory statement (LR, 1 August 2011).

## Roads—infrastructure

### Discussion of matter of public importance

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

The importance of timely delivery of roads infrastructure.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.21): I thank the Deputy Chief Minister and the Chief Minister for their interest and for their anticipation. I can see the anticipation in their eyes. Where do we start when it comes to the delivery of roads infrastructure? Have a guess.

*Members interjecting—*

**MADAM ASSISTANT SPEAKER:** Order, members! Do not interject, please.

**MR SESELJA:** We could start where they would guess. You should go easy on them, Madam Assistant Speaker. You should allow them to interact on this, because I know that they want to. It will help.

Madam Assistant Speaker, we could start with WIN news about a week ago when we saw quite a good piece of journalism. It reviewed the history of the GDE. I think it was dubbed "Labor's iconic failure". I think that is what it was called—Labor's iconic failure. That is where we should start—with the GDE.

When it comes to the delivery of roads infrastructure, no-one has suffered more as a result of this government than the people of north Canberra, particularly the people of Gungahlin and large parts of Belconnen who rely on the GDE as a key transport route. They have been waiting for years and years. This government, this Labor government, has failed them year after year. One of the worst policy decisions that has ever been

made in the history of the ACT was that decision to build one lane rather than two lanes for the GDE. This idea that one lane was ever—

*Mr Barr interjecting—*

**MR SESELJA:** The difference is that Bruce stadium was delivered in full. That is the difference, isn't it?

**MADAM ASSISTANT SPEAKER:** Order, Mr Barr!

**MR SESELJA:** That is the difference. People point to it and say, “We have got ourselves a stadium.” They look at the GDE and they are still stuck in traffic. If you look at the worst policy failures in the history of the ACT government, there have been many in the last decade but this one stands out. The decision to build one lane instead of two—

*Mr Barr interjecting—*

**MADAM ASSISTANT SPEAKER:** Order, Mr Barr!

**MR SESELJA:** One lane instead of two. What an outrageous decision. Everyone knew. This is the thing. Mr Corbell would prefer to focus on green grass. It is more important that the people of Gungahlin have been, for years, stuck in traffic. For years they have been stuck in traffic. And it is because of poor decision making. Let us be clear on this. You can point to all of the other excuses you like. It is because of poor decision making.

Simon Corbell, in this excellent WIN news story, was the man sent out to respond. He could not bring himself to do it on the GDE; he did not like the backdrop of cars parked on the GDE. He decided he would do it at the Assembly rather than on site. He did not want to show off his road, perhaps because it has caused so much grief for so many people. Mr Corbell's response was: “Oh, well; it is not really our fault. It is the Libs or Save the Ridge.”

Save the Ridge do have to take some responsibility, without a doubt. But the government of the day made the critical decisions, firstly to pursue the wrong route and secondly to build a one-lane road. No-one else is responsible for that. No-one other than ACT Labor, and Simon Corbell and Katy Gallagher, is responsible for that decision. It was a very poor decision and one we are still paying for.

And it is one they were dishonest about. Let us be clear about this. Let us be clear about what this government said about it. We all knew that one lane was not going to be enough. We were told in committees that it would be a good road for 22 hours a day. I think anyone who drives there now would suggest that that was not very accurate. There is a lot more than two hours a day when people are stuck in traffic now on the GDE. At the moment I would argue that it is a good road for not many hours of the day. It is not a good road for many hours of the day at the moment.

But let us be clear on the dishonesty. Not only did they make the bad decision, but then John Hargreaves, once the one-lane extension was finished, said, “Duplication is

not on the books at all.” And it was not. He said, “Any such plan would be five to 10 years away.” That is what Labor would have subjected us to if they did not respond to the Liberals’ promise to duplicate the GDE. How dishonest. How dishonest to pretend that it was somehow going to be sufficient for five to 10 more years. If the government had their way, that is what the people of Gungahlin would be facing. If they had not been forced into the decision to duplicate, they would still be waiting. The fact is that they should have made the decision to build two lanes in the first place. That is the problem.

We should not let the Greens escape on this one. Bob Brown was doing his best to try and block it. We had Save the Ridge, we had the poor decision making of ACT Labor, and we had the federal Greens trying to intervene. We are seeing that again—we are seeing shades of that again—now with Throsby. They do not want the commonwealth to intervene unless it is on an environmental issue that they are interested in. Then they are happy for the commonwealth to intervene. There should be more commonwealth intervention, according to the Greens. Knock off a whole suburb if you can. Who knows what that will do for the likes of Horse Park Drive and other road upgrades for the people of Gungahlin—if Throsby is declared a no-go zone, as the ACT Greens would like. The Greens did their bit. In fact, the local Greens have said that if it was up to them it never would have been built. If it was up to Meredith Hunter, the member formerly known as a convenor, there would be no GDE.

These are the choices in the spectrum of the Labor-Greens coalition. You have got the choice of no roads—no new suburbs, no roads—from the Greens. And you have got the choice of half a road from the Labor Party. That is the strength of this coalition.

Let us look at some of the time lines. Let us look at some of the blow-outs. It was originally costed at \$32 million for a four-lane road to be delivered by 2005. ACT Labor promised to build the road for \$53 million in 2001, to be completed by 2004. It has come in at roughly \$150 million over budget—\$150 million and seven years over. Two of my children were born after this road was meant to be delivered. One is now at school; the other will be at preschool next year. They were born after this road was meant to be completed. That perhaps gives some context to just how long people have been waiting for this road.

That is why this is a matter of public importance today. This does matter. This does matter to Canberrans. It matters to them when they spend hours in traffic rather than spending time being productive in the workforce or spending time with their kids. That matters. It matters to them personally. It matters to their lifestyle. It matters to productivity and our economy when people are stuck in traffic for hours on end when they should not be. It should not be the case in Canberra.

Sometimes we hear those opposite say, “We are better off than Sydney or Melbourne.” We may well be, but we should be doing much better. Canberra has always been a good place to live. That is why people come here. The lifestyle is good. But this mob has done their best to erode that. And for the people of Gungahlin it has been eroded. For those who are sitting on the GDE every morning, that hurts. And that affects their lives. There has to be a better way. This short-term thinking that has epitomised this government’s road delivery and infrastructure delivery has to stop.

That is why we need an independent process. That is why we need an infrastructure commissioner. That is why our policy of “infrastructure Canberra” is about planning for not just the short term but also the medium term and the long term. It is about getting the experts to inform the plan. It is not about throwing together an infrastructure plan by asking each agency “What are you doing in your capital works budget?” and then throwing that together in an incomprehensible, shoddy document. It is about going to the experts, getting the board of industry and experts, and getting the infrastructure commissioner to assist the government in its planning and then in how it is going to deliver. It is about making those structural reforms that are so needed.

Wouldn't the people of Gungahlin have benefited if these kinds of structural reforms had been made a few years ago, if the government had made good decisions instead of poor ones? And we know that there is going to be pressure in other areas. It is not just going to be in Gungahlin; there will be other parts of Gungahlin as Gungahlin grows.

What of Molonglo? Molonglo valley will put pressure on our arterial roads. We know that the Greens want to limit the number of roads going in there and limit them to one lane. We vehemently disagree with that approach. That has hurt the people of Gungahlin, and we will not stand for it. We will not support that kind of approach. There will need to be road upgrades. There will be more pressure put on the Tuggeranong Parkway. There will be more pressure put on Parkes Way.

And if we look out to the east, the pressure on the Monaro Highway is building. It is building. The Majura parkway, once built, will certainly be an improvement not just for freight but for people travelling particularly between Gungahlin and north Canberra and places like Fyshwick and other parts of the city. And there will be growing pressure as we see growth over the border as well, as we see Googong going ahead in future years. Anyone who travels on the Monaro Highway knows that there is going to be pressure in coming years. There already is pressure on the Monaro Highway, but as that eastern corridor grows, as we see jobs in that corridor and as we see more people living over the border, those pressures will grow. What we need to be doing is now planning for those upgrades, not waiting for five or 10 years, when the people of Tuggeranong who use the Monaro Highway or who use Tuggeranong Parkway to get to work suffer the same fate as people who now use the GDE to get to work. That is what we want to avoid, and that is why we have got a plan to do it. That is critical.

This government has no credibility now when it comes to the timely delivery of roads infrastructure. It has no credibility. It will forever be known as the government of the GDE, the government that could not deliver, the government that chose not to deliver: the government that is going to deliver a road seven years late and \$150 million over budget and then has the hide to tell us—Simon Corbell has the hide to tell us—that it is going to deliver it ahead of time.

We all saw the tweet from Mr Corbell. He said that the GDE is going to be delivered ahead of time. That is news to my kids, who were born after it was promised to be delivered in 2004. That would be news to the people of Gungahlin, who have been

waiting a decade for this road. But if you listen to Simon Corbell, it is early. When were you planning on delivering it, Simon? Was it a 20-year plan? Extraordinary—absolutely extraordinary. There was an incredulous reaction to that statement from Simon Corbell by members of the media. We heard the awkward interview that he gave when he was asked about his tweet. He said, “No, really; it is early.” Believe me, Madam Assistant Speaker—no credibility.

I come back to where we started. I have laid out a different approach. I have laid out the fact that this government simply have no credibility on roads delivery. But we come back to that WIN story, the iconic failure of this government. It goes to their priorities; it goes to their competence; it goes to their ability to deliver; and it goes to their integrity and honesty when they claim that it is early, when they claim that it will never have to be duplicated. It goes to this government. This attempt to blame anyone else is a joke.

We can do better. We have got a plan to do it. The government should get on board instead of giving Canberrans more and more of the same, which we have seen over the last decade.

**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): I welcome the opportunity to debate this matter of public importance today. The government agrees that it is important to deliver road infrastructure in a timely fashion. The development of our city depends on the delivery of such infrastructure. I want to turn first and foremost to the childish critique we have heard from the Leader of the Opposition, who seems to suggest two things. He seems to suggest, first of all, that there was sufficient funding allocated by the then Liberal government in the 2001-02 budget to construct the project as a duplicated road. Secondly, he seems to suggest that time frames that are set out in the budget papers, against which the government is held accountable, are not relevant.

Let me deal with the latter of those two first. The fact is that in the budget papers, when the duplication moneys were first set aside following the 2008 election, we set out what the time frames were and we set out which of those time frames we would be held accountable to. That was that the duplication would be completed by December this year. The fact is that, weather permitting, those roads will be open, the duplication will be open, by the middle of October this year. I do not know which project they are looking at, but the project that I am looking at is the project that was allocated in the most recent budget papers.

*Mr Seselja interjecting—*

**MR CORBELL**: Madam Assistant Speaker, I heard Mr Seselja in silence and I would ask you to remind him to hear me in silence. He might not like my arguments, but I am entitled to be heard in silence, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Mr Seselja, you were largely heard in silence.

**Mr Seselja:** Just for the record, Madam Assistant Speaker, I was not heard in silence. I had interjections. He is very sensitive today.

**MR CORBELL:** I am not sure who interjected because it was not me, Madam Assistant Speaker.

**MADAM ASSISTANT SPEAKER:** Your colleagues were called to order on a number of occasions.

**MR CORBELL:** The fact is that the project was scoped to be delivered by the end of this calendar year and it will be delivered by the middle of October this year. That is good news for Gungahlin residents and it is good news for everyone who uses that road. I cannot believe that Mr Seselja would critique the government for delivering that stage of the project ahead of the timetable outlined in the budget papers.

Let us turn, Madam Assistant Speaker, to the other issue—how much this project was budgeted to cost. Who set aside the funding to deliver a four-lane duplicated road? Who was the government that first put down how much they were prepared to spend to deliver a duplicated road? It was the then Liberal government led by Mr Humphries. In the 2001-02 budget papers the first construction funding for the GDE was included. It included three budgets. There was the budget for a duplication of the road from the Barton Highway to Belconnen Way, the construction of a dual-lane road from the Barton Highway to Belconnen Way. An amount of \$32 million was authorised for the construction of what was described as four lanes and tunnels. Then there was a \$6 million component for what was identified to duplicate Caswell Drive. Thirdly, \$15 million was identified to upgrade the Glenloch Interchange. That was a total of \$53 million.

The government has very clear advice from our road engineering officials. They very clearly advise us that it would be fair to say it was not well scoped and the budget was inadequate for what was eventually constructed. So let us be very clear about this. This mob over there allocated a budget which was not well scoped and was not capable of delivering the duplicated four-lane road from the Barton Highway to the Glenloch Interchange. Let us be very clear about the credibility of this mob on the other side of the chamber in allocating money that was not sufficient to deliver a four-lane road, despite all their protestations to the contrary.

I would like to turn to some of the other important road projects where the government is delivering in a timely fashion. In the 2010-11 budget year more than \$170 million of roadworks were delivered. The Territory and Municipal Services Directorate achieved a 100 per cent expenditure of funds allocated in the year for the roadworks. This was an excellent achievement, given the scale of the capital works for roadworks has increased in recent years. So we delivered in full all of the expenditure for road upgrades in the city.

I take it, given we have achieved this full expenditure of the annual capital works cash allocation for roadworks, that we will see those members opposite applauding the government on this very significant achievement. But I anticipate that will not be the

case. So let me try and convince them a little bit more and just outline all those projects that the government has delivered on time in this period.

The Belconnen town centre improvement—\$23 million. Many members of this Assembly would be familiar with the improved public transport facilities in Belconnen and the joint development with Westfield. The new bus station at the western end of the precinct is an example of a facility the government is keen to promote to improve public transport. It also includes upgrades to key roads in the area.

The Lawson intersection upgrade—\$11.5 million. These intersections will enable access to be provided to the new suburb of Lawson and have been provided some eight months ahead of the time identified in the budget papers. The government has also completed the Gungahlin college off-site roadworks, worth \$8.3 million, and the Braybrooke Street extension, worth \$4.5 million. All were delivered on time.

Let me turn now to Mr Smyth's electorate and the Lanyon Drive upgrade, an \$11 million project. This upgrade has improved the link between Canberra and Queanbeyan on a busy road which carries a large number of commercial vehicles. The project has been delivered on time and includes collaboration with the New South Wales government and road authorities. Then there is the Bonner distributor road, worth \$13 million. This road also delivered on time. So there you can see the government working to deliver important road upgrades in a timely fashion.

Let me turn now to some other very important works that are underway in relation to planning for future road and public transport works. A \$90 million transport for Canberra program will be rolled out over the next few years. The Majura parkway project, a massive investment of \$288 million, is anticipated to commence towards the end of next year. I am delighted, of course, that the Chief Minister has been successful in securing the support of her commonwealth colleagues to see joint funding for that important infrastructure project between the ACT and the commonwealth governments.

Of course, we heard those opposite saying that it was never going to happen. We heard those opposite saying that the commonwealth was not going to come to the party. The fact is that our Chief Minister, Katy Gallagher, has delivered on her commitment to see the commonwealth government commit 50 per cent funding for that important infrastructure project. Have we heard a peep from them since on commonwealth funding? Not a bit—not even an acknowledgement that they got it wrong again. In the same way that they got it wrong on the budget they allocated for the GDE back in 2001-02, they got it wrong when it came to the commonwealth picking up 50 per cent of the tab for the Majura parkway.

There are, of course, a range of other important projects where the government has been successful in securing commonwealth support. This includes the \$42 million upgrade of Constitution Avenue. Again, we have secured the commonwealth's commitment for the upgrade of this important road which will support increased uses along that avenue as new office and residential projects come on line.

So, yes, Madam Assistant Speaker, the government is committed to delivering these projects in a timely fashion. The government is committed to making sure that

infrastructure is in place as our city continues to grow. Our government is committed to delivering these projects in a timely fashion. Finally, this government is committed to making sure that we see the commonwealth government itself make an important contribution to these projects.

Let me just turn to a couple of other issues. Road infrastructure is important for the movement of people and goods around the city, but it must be viewed within the context of the overall transport task. It is not just about vehicles; it is also about transit. It is about making sure people have choices. It is about making sure people have choices in the way they get around this city. It is about making sure we do not lock people in to expensive choices that restrict their ability and potentially restrict their mobility as prices increase in the cost of vehicle fuels.

For that reason, we will continue to invest in important projects that give greater priority to public transport—work such as the Belconnen to city transitway. The works that are currently underway between Marcus Clarke Street through to Barry Drive and the Australian National University will deliver improved timeliness. That is exactly what that busway project is all about. It is about making sure buses have priority on one of the busiest transport connections within the city. The corridor between the city and Belconnen is one of the busiest transit corridors in the city, both for private vehicles and for the number of public transport journeys that take place.

Giving buses priority along that route is absolutely critical to making sure that public transport remains a viable option and improves as an option for people who live in the Belconnen area. That is why this government is investing in the development of bus priority lanes along that corridor. Commencing at Marcus Clarke Street, through to the ANU exchange, we are building an integrated bus station in the heart of the student resident complex in city west. It is an exciting project that will see dedicated bus-only access through the heart of a large-scale residential complex where the residents are high users of public transport—students. This is a great development in terms of improving the public transport effort for the city. We are then going to give those buses further priority, beyond city west, through to Barry Drive—

**Mr Smyth:** Tell us about the busway, though.

**MR CORBELL:** I am telling you about it right now, Mr Smyth, and you do not even understand what the project is about. It is about giving—

**Mr Smyth:** So it's going all the way to Belconnen now, is it?

**MR CORBELL:** You guys just do not get public transport. You seem to think that if people do not catch it, you should cut it. That is Mr Coe's approach: it is too expensive, therefore, you have got to reduce costs; you have got to cut it; you have got to cut and reduce services because not enough people catch it. That is a vicious circle. The fact is that you have to build patronage. You have to build patronage through frequency, through reliability and through the better provision of infrastructure. That is exactly what this government is doing. The city west project is a great example of that.

We will move forward with providing transit and priority measures along Barry Drive and Belconnen Way. Important work has already been completed along parts of that corridor and more work is to come, particularly in the area around Childers Street and along Barry Drive up to the intersection with the entrances to the Australian National University. These are very important projects.

Equally, of course, the Chief Minister has indicated that priority is now being given to greater transit along Northbourne Avenue. We have indicated that we have put light rail firmly back on the agenda as an option along the Northbourne Avenue corridor. My directorate, the Environment and Sustainable Development Directorate, is now working in extensive detail on options to potentially deliver light rail along that corridor from the city through to Dickson and beyond towards Gungahlin.

These are important initiatives on the part of the government. We see roads as vital pieces of infrastructure but only one part of the overall transport task. We will continue to work in every respect to deliver these projects in a timely fashion, in a cost-efficient fashion and in a fashion which makes sure that Canberrans continue to enjoy the high levels of mobility they enjoy at the moment.

**MS LE COUTEUR (Molonglo) (3.51):** I am very pleased to speak today about this subject, continuing on from yesterday when we spoke about parking, which is a small part of the task of the transport task. I think what we are seeing today really is close to a clash in ideologies. It is certainly a clash in terms of time spans. The Greens are looking forward for transport solutions for the future. The Labor Party, to an extent, and the Liberal Party, to a much larger extent, seem to be looking for solutions for the past.

Looking at the past I was surprised to find that Mr Seselja started his speech by talking about the Gungahlin Drive extension. Mr Corbell also touched on it. So while it was not actually part of what I was prepared to say, I will speak on the subject. The Gungahlin Drive extension was, I have to agree with Mr Seselja, an example of poor decision making. Clearly, I was around as a member of the public when the decisions were being made. You will remember that there was a big push for light rail to go to Gungahlin in the first instance.

I can remember attending a public meeting at Gorman House which was addressed by Bob Winnel from Village Building. He was proposing light rail. I can remember a lot of opposition. I can remember, in fact, being told that I was a tool of the developers because I was supporting light rail at the time. But I think that with the benefit of hindsight everybody here could see that if we had light rail from Civic to Gungahlin we would have actually solved a lot of our transport problems. We would have solved the GDE problem because the vast majority of the transport of Gungahlin would have been able to be easily, quickly, without congestion conducted on a good light rail connection. Northbourne Avenue's problems would be vastly less.

As Mr Corbell said, at last the government is finally going to look at light rail again down Northbourne Avenue. I would point out, as we all know of course, that light rail was part of Burley Griffin's original plan for the ACT; so it was part of our past planning and it needs to be part of our future planning.

I will talk a bit more on the topic of this debate, which is the timely delivery of roads infrastructure. I had assumed that this debate was going to be about actually timely delivery of infrastructure and services. There are many ways in which the government can improve on this. For example, the Auditor-General, in her 2009 audit of the delivery of two major road projects, made some recommendations about deficiencies and failures in coordination and delay. While the Greens do not always agree with the government's and the Liberal Party's priorities, and in fact probably quite often do not agree, in terms of transport infrastructure, we do believe that once the decisions are made, we should manage the projects as well as possible. We want them to be efficient and effective.

I would like to spend more of my time on discussing the crux of the matter which is, after all, the timely delivery of roads infrastructure. I draw the Assembly's attention to the meaning of the word "timely". "Timely" means occurring at a suitable time. It means opportune and well timed. Possibly what Mr Seselja meant to title his MPI was "on time or punctual delivery of road infrastructure". But it is not actually what he did. He talked about timely and that is what I am going to be talking about. I am pleased that Mr Corbell also touched upon these issues.

As we have said before, we are looking for a transport system, a planning system and an urban form of Canberra which will suit going into the future, not the past. You have heard me bang on a lot about peak oil and I am going to bang on about it again. Peak oil is happening. The United Kingdom Industry Taskforce on Peak Oil and Energy Security predicted a crisis in the next few years. Lloyds and Chatham House predicted the oil crunch would occur around 2013. The joint operating environment report from the US Department of Defence predicated an end to surplus oil production by 2012 and a significant shortfall in output by 2015.

The UK Industry Taskforce on Peak Oil and Energy Security said recently:

We are asleep at the wheel here: choosing to ignore a threat to the global economy that is quite as bad as the credit crunch, quite possibly worse.

These are not seriously green organisations. These are well-informed serious studies. As I mentioned in the debate yesterday, the International Energy Authority has said that in terms of conventional production of crude oil it believes the peak has already been reached. WikiLeaks has disclosed the Saudi Arabian government has said that it has been overstating its oil reserves. I am just quickly flicking through—

**Mr Coe:** You want him to be man of the year, don't you, Caroline?

**MS LE COUTEUR:** Pardon?

**Mr Coe:** You want him to be man of the year—Julian Assange?

**MS LE COUTEUR:** No.

**Mr Coe:** I think you do—on your Facebook.

**MS LE COUTEUR:** Peak oil is one of the issues. I think this really points out that we need to look at infrastructure for the future. Engineers Australia made an interesting comment in their 2010 report on Australian infrastructure. It said:

Developing and planning for appropriate light rail or other mass transit systems is an issue that needs to be considered in some jurisdictions for the future. For instance, currently, a light rail or other mass transit system in the ACT could be justified if built at sufficient scale.

It went on to say:

... as population density and numbers increase, commencement of such a network becomes more important. It is imperative that work continues to define and reserve potential corridors, identify potential technological options and work with the private sector to develop such a network.

Again, Engineers Australia is not an out-there radical organisation. It thinks light rail should be part of our future. Interestingly, in its 2010 report card it gave the ACT a B for roads infrastructure. That was the highest mark for roads infrastructure of any Australian jurisdiction. I think that possibly this MPI, while appropriately named in terms of the debate, so far has been a bit off target.

It is clear that in terms of road infrastructure the ACT is in fact very privileged. The ACT budget continues to put a lot more money into roads than into sustainable transport infrastructure. The recent budget put about 13 times as much money in for capital works for roads and road widening as it did for sustainable infrastructure. This has real issues apart from the peak oil one.

I would start off with the equity issue, which I was pleased that Mr Corbell touched on in my debate about parking yesterday. Running a car is expensive. I think that we all agree on that but the Liberal Party's solution to this seems to be to build more roads. It is beyond me how that makes running a car cheaper. The Greens' solution is to look at alternatives. It is to say that the people who live in Tuggeranong and Belconnen in particular, and Gungahlin to a lesser extent, should not be forced to spend more money—a lot of money—on their transport because they live a long way out. They should have access to decent public transport like the light rail I have been talking about.

From an equity point of view, it is the people who are least able to afford it who are forced to use poor quality public transport. If we are concerned about costs of living, we should be concerned about good public transport. We should also be concerned about active transport. We should be concerned about walking infrastructure and cycling infrastructure. They have major advantages. They are great for the environment but they are also really great for our health.

Canberra, as with the rest of the Western world, has a problem with obesity. If people can get a bit of gentle exercise as part of their day-to-day life, as part of their day-to-day travel, it is a win-win-win. It is a win for the people, it is a win for our health system and it is a win for the environment because we are using less fossil fuels.

In the brief time I have left, I would like to reiterate that this is a very important debate. It is a debate about what we are doing in the future. Are we planning Canberra for the past when roads were the dominant form of transport or are we planning Canberra for the future, which will be a much more interesting transport future? It will be one where roads are part of the solution but not the only part. There will be public transport. There will be walking. There will be cycling. There will be an appropriate range of transport options. (*Time expired.*)

**MR COE** (Ginninderra) (4.01): This is, indeed, a very important issue that we are discussing today. I am very pleased that Mr Seselja did nominate it. It is, of course, one that is close to my heart, given that I am the shadow minister for transport services and shadow minister for urban services in this place.

I think Canberra and Canberrans have been let down by this government when it comes to the delivery of core infrastructure, especially when it comes to roads. This government seems not to recognise that cars are part of Canberra, they are part of how Canberrans live, and they are always going to be a part of how Canberrans live. No matter what happens with technology, cars are here to stay.

It is so disappointing that the ideological mission of some of those opposite and on the crossbench does restrict this government's ability to deliver for the people in my electorate and, indeed, in the other electorates in the ACT that desperately want high quality roads and adequate parking in addition to all the other areas of core business that a government should be delivering upon.

It is interesting that once again Ms Le Couteur talks about peak oil. It seems that there can be no speech that Ms Le Couteur delivers that does not include reference to peak oil. Looking through the orders of the day for today I see the Statute Law Amendment Bill 2011. I reckon we are going to see peak oil getting a run in there and maybe even in the debate on the Evidence (Miscellaneous Provisions) Amendment Bill 2011. Somehow it will get woven in, but we will see.

That is so much the case that Ms Le Couteur thought it befitting to include me on a Facebook post of hers back on 17 April this year at 1.31 pm, to be precise. It says:

Caroline Le Couteur via Caroline Le Couteur MLA ACT Greens

Her comment is:

Last week in the Assembly, Alistair Coe said, "What the car represents is a family. It is a family that lives in the outer suburbs of Tuggeranong or Belconnen."

She goes on to comment:

I hadn't realized it was that clear for the Liberals.

Then she continues:

He started by saying “she has made a significant impact in this place because of her commitment to core Greens’ socialist ideology.”

Her response:

Thank you Alistair.

“Thank you Alistair.” “Core Greens’ socialist ideology.” “Thank you Alistair.” I am very pleased that at least one member of the Greens does indeed come out and actually say what they are all about. They are not the environmental movement. They are not all fun and games. They are not all planting seedlings for Greening Australia. No, no, no, there is a red undertone, a red undertone to this Green party and Ms Le Couteur does state it there. We all know it. We all know it but at least someone has come out from the crossbench and actually said who and what they stand for.

Ms Le Couteur did make mention of WikiLeaks earlier and it is interesting that on 19 January this year Ms Le Couteur shared a link, “Nominate Julian Assange for Australian of the Year.” Australian of the Year, Julian Assange. Say what you will about Julian Assange, I am not sure I would be nominating him for Australian of the Year. Anyway, it is good to note that Ms Le Couteur does indeed publicise what she thinks when it comes to issues like Julian Assange, peak oil and the Greens’ socialist ideology. That, of course, was evidenced by the fact that she attended a protest supporting Julian Assange as well.

We also heard the Greens say on roads infrastructure that they did not support the GDE. Ms Hunter on 24 March 2010 said:

That is probably a straightforward one for the Greens. We did not believe that was the right road to build in the first place ...

Of course, they have come out against the Majura road duplication as well and Ms Le Couteur has said on many occasions that because of peak oil, demand for road travel is going to decrease. If the electric car phenomenon takes off as Simon Corbell thinks it shall, perhaps it will not. Or perhaps we will find more oil as well; who knows?

But we did hear, of course, from Mr Seselja about the incredible blow-out in costs for the Gungahlin Drive extension, from \$53 million in 2001 as promised to \$200 million now 10 years on. Then, of course, the minister has the gall to say that it is in fact going to be two and a half months early. That is a tremendous relief. It is a tremendous relief for my constituents in Nicholls or in Hall or in northern Belconnen that currently use that road, albeit for too long each morning and too long in the afternoon, for the many other thousands of Canberrans that use it in Gungahlin and the many other people that should be using it.

I know that regularly I will avoid using that road even though it is the most direct route. Therefore, I am actually creating more emissions, using more oil, putting more pressure on other roads because I am unable to take the most direct route, all because this government, in its short-sightedness and its inability to deliver timely roads

infrastructure, has stuffed up this project so majorly. It is extremely disappointing for my constituents in Ginninderra.

The litany of infrastructure failures is long for this government but it is worth noting, of course, the issues with the Well Station Road, with Horse Park Drive, with Tharwa Bridge. I have already spoken about the GDE. I wait to see what kind of errors we are going to see with the Majura parkway. We can only hope that the National Capital Authority has some role to play in the management of that project, because whilst the NCA is not perfect, I think by and large it does a better job at managing roads projects than does Mr Corbell, his predecessor Mr Stanhope or, indeed, Mr Hargreaves for that matter.

I do thank and congratulate Mr Seselja for bringing on this matter of public importance. I think the people of Canberra do expect more from this government. They expect a return to core business.

**MS PORTER** (Ginninderra) (4.08): I am happy to be able to speak to this matter of public importance today. As Mr Corbell said, the ACT Labor government agrees that the timely delivery of road infrastructure is vitally important for the Canberra community.

As a community, whether we drive cars, catch buses or ride bikes, getting to and from where we want to be is dependent on there being suitable road infrastructure. Whether we are going to work, shopping or delivering children to school, how safely and quickly we move around our city has a lot to do with how we as a government manage and deliver that road infrastructure.

Road infrastructure in today's world also has an impact on the environment. Good road planning and design can maximise our ability to reduce carbon emissions from vehicles on the road. If we plan and deliver infrastructure which can minimise the total amount of travel time through well-planned routes and minimised congestion, there is of course a win for the environment.

Given all the reasons why new roads are built and old roads redesigned and re-engineered, the most important, I believe, is that roads can be made safer—safer for drivers and passengers, safer for those on bikes and safer for pedestrians. Not only is it important today; it is vital for the future development and prosperity of this city.

This government has delivered its roadworks programs on time and it is proud of its achievements. This government has an outstanding record of achievement in providing road infrastructure in the best way possible. Road construction is planned and developed over a number of years. Construction is undertaken against that plan and with predetermined goals, project costings, contingency arrangements and a realistic time frame to ensure timely delivery of works.

Planning and development of road infrastructure is fraught with the difficulty of balancing the needs of current road users with those users of the future who will benefit from the improvements that are made to the road infrastructure.

It is frustrating and inconvenient to be delayed, we all know, at roadworks. From my point of view—that is, as a road user rather than as a member of the government—the most important reason for timely delivery of road infrastructure is the minimisation of those frustrating and inconvenient delays that can occur. Ensuring that the community are aware of roadworks that may delay their commute is just one of the actions that is planned for by the government when building roads. I believe, however, that infrastructure that provides for a safer, faster and efficient system of roads in the territory is what Canberrans are interested in.

The government delivers its road work programs in spite of those opposite, who have thwarted the government at every step, every kilometre along the way. Of course, Mr Seselja started his grandstanding with the construction of the Gungahlin Drive extension project—the GDE project, as we all know it as. Interestingly, those opposite delayed this project for two years. Let us remember the history. Those opposite used their federal colleagues to force the government to progress the route of the GDE to the east of the Australian Institute of Sport. Everyone in the Assembly knows that this government wanted to build the road on the alignment to the west of the sports institute. But, no, those opposite refused to see the sense of this, and the government was forced to construct the road on its current alignment. And we all know what immediately followed that change of route. Where was Mr Seselja or any of his colleagues then and what were they saying about the timely delivery of road infrastructure?

Delivery of road infrastructure, particularly major road projects, takes time. We all know that not all contingencies can be planned for. Weather is the most obvious example of the largely unpredictable. Obviously poor weather can delay construction. Last year was the wettest year in 30 years. This in turn has impacted on road work projects which, as you would expect, has meant major delays. However, the territory is aware of that and has factored in these things in their timely delivery. The Minister for Territory and Municipal Services has touched on other matters that have impacted along the way.

The government recognises these challenges and works diligently with the best interests of the community in mind to overcome the obstacles. It is indeed in the interests of all—road users, the community at large, government and the people who design, plan and build roads—that road infrastructure is delivered on time. No government would work against this intention, and Labor governments certainly have not.

This government understands that the development and delivery of projects take time. For this reason it has been planning the delivery of the Majura parkway for the last six years. The necessary environmental assessments needed to be undertaken—design works, development of cases to support major investments—are demanding. However, when you put in the effort you get good results—not that those opposite would necessarily understand that.

As the minister said, the announcement on 7 July of the shared funding arrangement for the Majura parkway by the ACT and the Gillard federal government was a significant achievement for Canberrans. This announcement will enable the

construction of the Majura parkway to proceed. It highlights the benefits of being persistent, and it also highlights the quality of work undertaken to support the project. It shows that both the federal and the ACT government are prepared to invest strongly in the future of this community.

What assistance has the government received from those opposite in achieving the timely delivery of this project? Over the last six years of the planning for the Majura parkway—zero. In the approaches to and lobbying of Infrastructure Australia, supporting the need for and priority of the road—zero. When Mr Seselja talks about the importance of timely delivery of road infrastructure, he needs to understand that it just does not emerge overnight, as if dropped by a stork into this place. The timely delivery of road infrastructure is about good planning, persistence, patience and an understanding of what is important to the community. Sadly, Mr Seselja has been measured against this and found lacking.

The Gallagher government, on the other hand, has delivered its roadworks program and can be proud of its achievements to date. Also it can give the Canberra community confidence in the future in relation to the timely delivery of the Majura parkway.

However, the ACT government does agree with Mr Seselja on the importance of timely delivery of road infrastructure. The difference is that the ACT government understands what this means and can demonstrate this by what has been delivered in 2010-11 and in recent years. Mr Seselja, on the other hand, can only talk about this matter of public importance.

**MR SMYTH** (Brindabella) (4.16): I am pleased that Minister Corbell has returned so that I can actually correct his version of the history of this project. Yes, I was the minister that started it. I am very proud of that achievement. Mr Corbell quoted from the 2001-02 budget and said this was the first time that money appeared for any of these projects. He is just plain wrong, and he actually should correct the record and apologise to the Assembly, because it actually appears for the first time in budget 2000-01, on page 126 of budget paper 3. There is money appropriated, small amounts, to start the planning for the Gungahlin Drive extension—four lanes plus tunnel. So there it is. There is the first mistake that Mr Corbell makes. As with all the mistakes Mr Corbell makes, he will not stand up and apologise for getting his facts wrong.

The second fact is this: Mr Corbell took to the 2001 election the famous on-time, on-budget promise. He was going to deliver a four-lane Gungahlin Drive extension on the Liberals' budget and on the Liberals' timetable. That would have seen this road opened—four lanes; that is two north, two south—on 1 July 2005. Mr Corbell, your efforts are six years, one month and 18 days late. It is not on time, it is not on budget, it is not going to be completed early.

The people of northern Canberra, and indeed the people of southern Canberra—because the traffic from Tuggeranong relies very much on the Tuggeranong Parkway, which leads to the Glenloch Interchange—and the people of Woden and Weston Creek, have been suffering because of your ineptitude, your inability to deliver and your broken promises. And that is the problem.

The easiest thing for a politician is to stand up and say, “They did it.” We did put the promise there, we did do the work, and it is Mr Corbell’s insistence in playing community group off against community group to try and gain electoral advantage that put him in this place. And he was caught. He was caught saying to one group, “Yes, we’d go this route.” He was caught saying to another group, “We’d go that route.” He was brought to account in this place before the 2001 election, because that is Mr Corbell’s nature. He does not have any credibility when he says that it is 2½ months early. I do not think anyone sitting on the GDE at this time or between now and when they get home, patiently—and you have to say Canberrans have been pretty patient with the management of this project by the government—would believe that this thing is going to be open early.

Of course we had the remarkable backflip in the lead-up to the 2008 election when the then Chief Minister got a whiff of a story that Zed Seselja had the temerity to announce that he was going to duplicate the GDE immediately. And there was Jon Stanhope, just a couple of minutes before 6 o’clock on an afternoon saying, “I’ve done it first. I’m going to make this announcement. Trust me. I did it before anybody else,” because he was caught. They had data that said the GDE, when it was completed as a single-lane road as proposed, was already beyond the capacity.

We heard the words: “Five years, 10 years, 20”—whatever it was—“from now, it will be a perfect road for a long time; for 22 hours a day it will be an exceptional road.” But it was not, right from the start. I think for me the crowning irony of this is that, as they finished the bits of the road that they could put signage up on, they put signage up that was too small to read. Someone told me today that some of those signs have now come down and they are being replaced. I dare the minister to stand up and tell us how much replacing those signs will cost the taxpayer of the ACT.

It really is the crowning glory of the ineptitude of a minister who, 10 years ago, said: “On time, on budget.” He accepted the timing and he accepted the budget because it was politically expedient, because that is all he is. He is politically expedient. He does not deliver. He does not have the commitment. He does not have credibility. He does not have ability. What he has is a record—a record of non-achievement, a record of failure, a record of letting down the people of the ACT, a record of non-delivery, of blown budgets, of blown scopes, of blown timings. And it continues. We know that everything this minister touches, including the GDE—

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Mr Smyth, I am afraid the time for the discussion has now expired.

## **Statute Law Amendment Bill 2011**

Debate resumed from 5 May 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MADAM ASSISTANT SPEAKER**: Mr Smyth, I believe you are resuming the debate.

**MR SMYTH** (Brindabella) (4.21): I am just the nameless person on the paper and I will hand over to any of my colleagues that wish to resume the debate on this issue.

**MR RATTENBURY** (Molonglo) (4.21): This bill makes 255 amendments to 34 different acts and regulations. If these amendments were taken individually they would not warrant an amendment bill in their own right. They are minor and consequential. However, taken as a whole, the small changes add up to a significant piece of work that improves the laws of the ACT by making them more consistent and straightforward. This is in the interests of the community affected by the relevant laws, the government which implements the laws and the Assembly which debates and scrutinises these laws.

The bill contains explanatory notes for each clause which give information on why the amendment is necessary. I will not repeat what has been set out in the bill, in the explanatory statement and in the presentation speech by the attorney, other than to say that the Greens agree that each of the amendments is necessary and is minor and consequential.

In conclusion, the Greens support this bill and the continuing work being done by each ACT government department and the parliamentary counsel's office to simplify and streamline the ACT statute book.

**MRS DUNNE** (Ginninderra) (4.22): I thank Mr Rattenbury for stepping into the breach while I found the right piece of paper. The Liberal opposition will be supporting this bill, which amends a range of acts and regulations for statute law revision purposes.

So-called SLAB bills usually carry amendments contained within four schedules. Schedule 1 provides for minor, non-controversial amendments initiated by government agencies. In this bill, one act is amended, the Road Transport (Alcohol and Drugs) Act 1977. In this bill, two amendments are made and both of them relate to evidentiary statements.

The first deals with evidentiary statements made by police officers requiring a person to provide an oral fluid sample for analysis. Currently, the police officer can state in an evidentiary statement that the person failed to provide a sample. I note that "failure" includes "refusal". This amendment will enable a police officer to state also that the person was unable to provide a sufficient sample for a test to be conducted.

The second amendment sets out the information that must be provided in an evidentiary statement by a doctor or nurse taking a blood sample from a person who was unable to provide a sufficient sample of oral fluid to police or who failed or refused to provide a sample. This will provide more streamlined evidentiary processes, saving court time and legal costs.

The bill provides that these sections will commence at the later of the commencement of the bill or the commencement of the Road Transport (Alcohol and Drugs) Amendment Act 2011, which the Assembly passed in early May this year.

The second schedule provides for minor, non-controversial amendments to the Legislation Act, initiated by the parliamentary counsel's office. There are three distinct sets of amendments in this bill.

The first set of amendments gives the parliamentary counsel's office more flexibility in how it can attend to notification of new legislation, legislative instruments, disallowances and Assembly amendments to disallowances or subordinate laws. Currently, if the legislation register is temporarily unavailable for technical or other reasons, the PCO can notify this in the gazette. These amendments will enable the PCO to give notification in another place it considers appropriate. Examples given in the bill are the gazette, another government website and outside the Legislative Assembly, like in the good old days. I note from the explanatory statement that the alternative means have never had to be accessed since the legislation register was established in September 2001.

The second set of amendments creates a definition of bank holiday and public holiday, tidies up the definition of business day and omits the definition of working day. These changes provide more clarity in relation to these matters.

The final amendment omits the definition of dental technician, because that discipline has been effectively deregulated by the Health Professionals Amendment Regulation 2010 (No 2).

Schedule 3 provides for minor or technical amendments initiated by parliamentary counsel. In this bill, 33 acts and regulations are amended. Finally, schedule 4 provides for routine repeals. One notifiable instrument and two disallowable instruments are repealed, which deal with the issue relating to dental technicians which I have previously mentioned.

The amendments put forward in this bill are once again testament to the great work of the parliamentary counsel's office. In my assessment, the ACT's statute book is the benchmark for Australia. No other jurisdiction has a statute book that is as accessible and readable as the ACT's and it is to the credit of the PCO that this is the case. We are pleased to support these amendments.

**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) (4.26), in reply: I thank members for their support of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Evidence (Miscellaneous Provisions) Amendment Bill 2011**

Debate resumed from 30 June 2011, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (4.27): The Canberra Liberals will be supporting this bill, although with some reservation which I will address a little later. This bill is the second in a series of three tranches of bills to introduce the territory's own evidence law, based on model uniform law. I note from the attorney's presentation speech that we can expect to see the third tranche introduced in the current sitting period.

This bill amends the Evidence (Miscellaneous Provisions) Act 1991, which will be retained in the legislation register to enable the territory to deal with evidence law that is unique to the territory. The Evidence Act 1971 will be repealed. It is intended that the three bills will commence together early in 2012.

This bill seeks to do a number of things. I will deal with each but not necessarily in the order in which the bill itself deals with them. Firstly, the bill takes the opportunity to update, consolidate and reorganise the Evidence (Miscellaneous Provisions) Act so that it sits better in the ACT statute book in terms of drafting protocols and logic.

Secondly, the bill inserts into the Evidence (Miscellaneous Provisions) Act 1991 the elements of the Evidence Act 1971 that need to be preserved when it is repealed. The miscellaneous provisions act will be retained in the legislation register to enable the territory to deal with evidence law, as it arises, when it is unique to the territory. At the same time, the nationwide approach reflected in the new Evidence Act will be preserved.

Thirdly, the bill provides that the court is not bound by the rules of evidence. It may inform itself as it considers appropriate when making determinations in relation to the discretion in making arrangements for witnesses and in determining whether matters should proceed in closed court.

Lastly, and most significantly, the bill restricts access to sexual assault counselling communications in civil proceedings. In essence, this means that counselling notes may not be admitted into evidence in civil proceedings, except by leave of the court. In seeking leave, the applicant must demonstrate a legitimate forensic purpose in having the communications admitted. This extends the current arrangements applying to criminal proceedings. I note that New South Wales, Victoria and South Australia have similar legislation in place.

The explanatory statement rationalises this initiative on this basis:

There is no compelling reason why the protections afforded in criminal proceedings should not be extended to civil proceedings.

But I would argue that there is a compelling reason to review the current arrangement. Indeed, the scrutiny of bills committee, the ACT Law Society and the ACT Bar

Association have similar concerns. The scrutiny committee summarised the position. It said, in its report No 40:

The exclusion of a counselling communication might thus have a significant detrimental effect of the ability of a party to prove their case.

The Law Society, in a submission to the government in relation to the exposure draft of the bill, noted that a legitimate forensic purpose must not only be asserted, it must be proved. The society stated:

This creates potentially an insurmountable threshold for gaining access to material that may well be highly probative but the existence and content of which the accused may never learn.

The society also remarked:

Further if the Crown doesn't know of the existence of the 'protected confidence' then their duty of disclosure will not be activated. In any event the Crown's duty of disclosure is similarly subject to these provisions.

The society concluded:

This additional restriction could prove incredibly prejudicial to defence counsel's ability to test the credibility, reliability and probative value of the evidence of complainants.

I acknowledge that the purpose of counselling is to assist a victim through a quite significant emotional and psychological event. Issues such as a sexual assault certainly fall into that category, and candour is important in this process. However, the Bar Association makes the point that counselling notes also invariably contain the facts and circumstances of the sexual assault incident and those notes usually are made a very short time after the occurrence of the incident, so the facts, as enunciated, are often the victim's most accurate recollection of the incident. When the matter comes to court, sometimes 18 months or more later, the ability of the victim to recall the incident with such clarity may be impaired by the passage of time. These matters may be of significant consequence in the delivery of justice for both parties.

We could even have extreme situations. I understand there was a case in which the victim alleged sexual assault by one person when, in fact, the counselling notes revealed a quite different story. The supposed victim actually manufactured the allegations in order to protect not only another person but also herself. Without the benefit of the counselling notes, a gross injustice would have been visited upon the accused.

The outcome of this case was more one of good luck than diligent management. The defence could never have known about the truth contained in the notes, much less their existence in the first place. The defence would have been utterly unable firstly to assert or prove their existence; secondly, to be aware of their contents; and thirdly, to argue a legitimate forensic purpose. A legitimate forensic purpose that involves the suspected existence of notes or the suspected content of them is hardly a legitimate forensic purpose. I can imagine the court's response if such arguments were advanced.

This is a classic catch-22. The defence, unaware of the notes or their content, has to argue a legitimate forensic purpose which cannot be argued because the defence does not know of the existence of the notes or their contents.

All of this said, I do acknowledge the dilemma that admission of counselling notes to evidence might diminish the candour of communication between the victim and the counsellor. It is for this reason and certainly not the rationale advanced in the explanatory statement that we will support the amendment at this time. The challenge that remains for us as legislators is to find a balance that delivers justice for all parties which, at the same time, protects the special relationship that victims have with counsellors. This bill does not achieve that balance, and I call on the government to do more work in this area.

The Bar Association also raised another element of concern in relation to this amendment. Their concern is that if there is to be a restriction on counselling communication being admitted to evidence, why is it being limited only to sexual assault? Why does it not extend to other forms of assault, such as grievous bodily harm, for example, a stabbing where the victim has suffered no less a personal intrusion and which creates no less an emotional and physical trauma and which is no less deserving of counselling? Why are counselling communications in such cases not subject to the same restrictions as for sexual assault? Should there be a more equitable process in relation to these communications? If so, how can these best be delivered?

This bill proposes a disproportionate application of the justice system for the ACT community, and that disproportionality is found in the bald claim of no compelling argument. There is a compelling argument, and the government needs to address that argument.

So in supporting this bill, we do so reservedly. We will be monitoring the impact of this amendment on the delivery of justice in the territory and to the people of the ACT, and we will be considering our position in relation to policy reform in this area in light of that.

**MR RATTENBURY** (Molonglo) (4.35): The Greens will be supporting this bill today. It is one of a number of evidence bills the government has foreshadowed they will be releasing this year. I understand it is the second in a series of three. This bill amends the existing Evidence (Miscellaneous Provisions) Act 1991 in two ways: firstly, there are a large number of amendments that are consequential on the first Evidence Bill passed earlier this year. This set of amendments also makes minor updates in clarifications that have become necessary over time. These amendments are uncontroversial. I am aware of two drafting issues raised by the Law Society during the government's consultation and that these two issues have been addressed by the government in the final bill and explanatory statement as presented to the Assembly.

Secondly, there is the more substantive amendment regarding access to notes taken during sexual assault counselling sessions, as has already been discussed by Mrs Dunne. The Greens support this amendment, and I would like to set out our reasons.

Currently in the ACT there is a restriction on distribution of sexual assault counselling notes. What the restriction means is that people accused of committing a sexual assault cannot subpoena the counselling notes unless the judge is satisfied that the notes contain discussion of facts directly relevant to the charge. The legal terminology is that the records need to be related to a legitimate forensic purpose. The judge also needs to be satisfied that it is in the public interest to allow access to the counselling notes, so there is a two-part test to be satisfied before the notes are released to the defendant.

As the attorney has previously discussed, the policy basis for this restriction is well accepted. If sexual assault victims know that their counselling notes will be distributed publicly, then they will not approach counsellors for support. What is also known is that counsellors may become motivated to keep false records to protect their clients, and this is also not in the interests of victims.

What the amendment does is extend the restriction so that it applies equally to both criminal and civil matters, not just criminal matters as is currently the case. There is an important balancing act to perform at the heart of this amendment. There are the interests of victims, their right to privacy and their right to have their innermost thoughts and private conversations remain so. On the other hand, there is the right of the defendant to a trial where relevant evidence is available for cross-examination.

While the current restriction which applies to criminal offences appears to have been working well for almost eight years, my office approached stakeholder groups for comment on the proposed extension to civil matters. The responses were very useful, and I would like to discuss them briefly.

On the one hand, we have the ACT branch of the Australian Lawyers Alliance expressing concern for the rights of defendants to evidence in cross-examination. In their letter to me, they expressed their interest in preserving the right of a defendant to access information that is related to a legitimate forensic purpose—that is, information that goes directly to one of the elements of the alleged crime. I understand and accept the importance of retaining access to that type of information.

However, on the other hand, the Greens also received correspondence from organisations involved in providing counselling and advice to sexual assault victims. I would like to thank the Canberra Rape Crisis Centre, the Women's Legal Centre and the ACT Council of Social Services, who were all good enough to provide comments in their busy programs.

I will not quote directly from each letter, but they all very warmly welcomed the government amendments and provided very compelling reasons in support of the proposed change. Importantly, these three organisations are all involved in supporting or advising victims of sexual assault and have firsthand practical experience of what is actually contained in the counselling notes. They were able to describe the re-traumatisation that comes from disclosure and the chilling effect that comes from the very threat of disclosure where victims are fearful of counselling notes being accessed.

Taking into account both these view points, I believe the existing provisions are appropriate and that their extension to civil matters is equally appropriate. Provisions require that a person seeking access to the information satisfy the judge that there is a legitimate forensic purpose in the counselling notes and that providing access is in the public interest. I think this approach is the best available. It is better than providing a blanket ban on any counselling notes at any time. It is also better than treating counselling notes the same as any other piece of evidence. They are different, and they deserve the added protections provided for in these proposed amendments and in the existing model. On that basis, and in conclusion, the Greens will be supporting this bill today.

**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) (4.40), in reply: I thank members for their support of this bill. The passage of this bill today is another important step towards facilitating the implementation of the ACT's first Evidence Act since self-government. In March this year, members may remember that the Assembly passed the Evidence Bill 2011. The Evidence Act, which has now been notified and is awaiting commencement, implements the model uniform evidence law agreed to by Attorneys-General in 2007.

The adoption of the model law will replace the application of the commonwealth's Evidence Act 1995 in the territory which has been directly applied since self-government. The territory's own Evidence Act will overcome the confusion that has arisen with this arrangement about the legal relationship between the commonwealth and ACT law.

The Evidence (Miscellaneous Provisions) Bill represents the second in a series of bills that will be presented this year to reform the law of evidence in the territory. I will be presenting a third bill in these August sittings, and the final fourth bill will be presented before the end of the year. It is intended that all of the bills presented this year will commence simultaneously early in 2012.

The rules of evidence that have been implemented in the territory through the model uniform evidence 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 older ACT laws—namely the Evidence Act 1971 and the Evidence (Miscellaneous Provisions) Act 1991. As part of the evidence reforms, the latter of these two acts 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.

The bill for debate today includes amendments that will update, consolidate and reorganise the Evidence (Miscellaneous Provisions) Act 1991. These amendments include removing redundant words and phrases, updating and simplifying language, and updating provision headings for clarity. Amendments have also been made to

remove references to the commonwealth Evidence Act which will no longer apply in the territory on commencement of these reforms.

More substantively though, as other members have mentioned, the bill includes a number of important reforms to assist in reducing the trauma experienced by victims of sexual or violent crimes when they are giving evidence in court. The most significant of these reforms relate to the accessibility and disclosure of the counselling records of sexual assault victims.

Currently, division 4.5 of the act provides an immunity framework for an ACT court to apply when a party seeks to access and disclose the counselling notes of a sexual offence victim in a criminal proceeding. The immunity is absolute in proceedings for the committal of a person for trial, for bail and any other preliminary criminal proceedings. 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 the 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 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 recordkeeping or the creation of dummy files, both of which inhibit the counselling relationship and militate 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.

The 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 the subject of consultation with stakeholders and has been supported.

Two less substantial but equally important reforms are included to clarify the operation of special measures for victims of sexual and violent crimes which formed part of the sexual assault reforms implemented in 2009. Firstly, amendments have been made to clarify that protections for witnesses will apply in proceedings for the offence for contravention of a protection order under the Domestic Violence and Protection Orders Act 2008, but only where those proceedings are related to sexual or violent offences. These amendments are designed to remove the ambiguity that currently exists and ensure that the protections are available to victims in need.

The second set of amendments will 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 witnesses in the normal process to establish that they require special measures to facilitate them giving their evidence.

Madam Assistant Speaker, this bill is an important part of the reform of evidence law in the territory. The amendments in the bill improve the operation of evidence law in the ACT and, more importantly, provide certainty for victims of crime in their interaction with the justice system. The reforms have received the broad support of key stakeholders in the justice system, who were provided with the opportunity to comment in detail on the proposals in April this year. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adjournment**

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

That the Assembly do now adjourn.

### **Vietnam Veterans Day remembrance service HMAS Canberra memorial service**

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.48): Today I had the opportunity to attend the Vietnam Veterans Day remembrance service organised by

the Vietnam Veterans Association of the ACT and District. It was held at the Australian National Vietnam Forces Memorial on Anzac Parade. I would like to thank Peter Ryan, the President of the Vietnam Veterans Association, who hosted. We also had the Principal Army Chaplain, Chaplain Geoffrey Webb, and we were treated to a wonderful speech from Bill Rolfe. There were also Australia's Federation Guard, the band of the Royal Military College Duntroon, and Vietnam veteran "Major Voice" Robert Morrison, who, as always, was there and always is a wonderful addition to these types of events.

Today I also want to say some words to commemorate the Battle of Long Tan. Today is the 45th anniversary. I want to pay my respects on the 45th anniversary of the Battle of Long Tan. The Vietnam War was a conflict that occupies a special position for many Australians, and the Battle of Long Tan was one of the most important actions within that period.

On this day in 1966, soldiers of D Company of the 6th Battalion and attached New Zealanders had moved out to try to find the opposing forces who had bombarded the Australians with over 100 mortar rounds, wounding 24 and killing one. In a rubber plantation at 3.40 pm, they encountered an enemy force of regimental strength, far greater in numbers than their own force. The exact numbers are not settled, but Australian Vietnam veteran Bob Breen has written that "just over 100 diggers withstood the best efforts of over 1,500 Viet Cong soldiers to kill them".

Wave after wave of enemy soldiers assaulted the Australians in their defensive positions. Time after time those attacks were driven back by soldiers with no defensive protections apart from the natural terrain. This was all done in extremely difficult conditions as monsoonal rains and rising mists enveloped the battlefield.

In the Presidential Citation awarded by Lyndon B Johnson, the President noted:

The enemy maintained a continuous, intense volume of fire and attacked repeatedly from all directions. Each successive assault was repulsed by the courageous Australians. Heavy rainfall and low ceiling prevented any friendly close air support during the battle. After three hours of savage attacks, having failed to penetrate the Australian lines, the enemy withdrew from the battlefield carrying many dead and wounded, and leaving 245 Viet Cong dead forward of the defence positions of D Company.

The conspicuous courage, intrepidity and indomitable courage of D Company were to the highest tradition of military valor and reflect great credit upon D Company and the Australian Army.

It has been noted that the battle has achieved similar symbolic significance for the Australian military as the Gallipoli campaign has for the First World War, or the Kokoda Track campaign for the Second World War. It exemplified the fighting spirit of the Australians, and strengthened yet again the Anzac bond shared by those New Zealand and Australian forces, and the support the Australian forces received from the United States.

Today in 2011, in this place of peace and security, it behoves us all to remember and reflect on the courage and sacrifices our forces have made, and continue to make, under the Australian flag all around the world to this day. Lest we forget.

I would also like to pay tribute to the organisers of the memorial service to commemorate the loss of HMAS *Canberra*, which I had the opportunity to attend on Saturday, 6 August. The memorial service was a ceremony to commemorate the anniversary of the loss of the first HMAS *Canberra* on 9 August 1942 and to honour the 84 men of the Royal Australian, Royal and United States navies and the Royal Australian Air Force who were killed in action or subsequently died of their wounds; and also to remember the more than 1,200 American casualties in the USN ships which were engaged in the Battle of Savo Island.

The MC was Commander Peter Cooke-Russell, President, ACT Section, Naval Association of Australia. The commemorative address was delivered by Brigadier Will Taylor OBE RM, British High Commissioner and Naval Attache. Mr Jeremy Lasek was there representing the Chief Minister, Commodore Paul Kinghorne represented the Chief of Navy, Air Commodore Peter Brennan represented the Chief of Air Force, and Brigadier Will Taylor, the British Defence and Naval Adviser, and Captain John Sheehan, the United States Naval Attache, attended.

I would like to pay tribute to those who lost their lives defending Australia on the HMAS *Canberra* and also pay tribute particularly to Peter Cooke-Russell and all of those who organised the commemoration ceremony.

### **“Art in, butt out” competition National Tree Day**

**MS PORTER** (Ginninderra) (4.53): Earlier this week I joined the Australian Medical Association ACT President, Dr Iain Dunlop, and His Excellency Mr Michael Bryce AM AE in congratulating the winner and finalist of the “Art in, butt out” competition on behalf of the Chief Minister and the Minister for Health. The winner was Ms Sophie Taplin, and I congratulate her for her lovely artwork, which will be carried on milk cartons for approximately six weeks—on an estimated 48,000 milk cartons.

Being a mother and a grandmother, I certainly hope that this message, which is being designed and delivered by young people, will get to our young people. Sadly, more than 90 per cent of Australians who currently smoke began as teenagers, and most new users are young people. By encouraging students not to smoke we can help them to live longer and healthier lives. Since 2008 the ACT government has supported the partnership between the Australian Medical Association and Canberra Milk to deliver students the chance to design an antismoking advertisement.

In 2008 the rate of ACT students reporting that they were smokers was 6.7 per cent, which was less than a third of the numbers reported in 1999, pleasingly. While this is an excellent result, more work can be done to decrease the rate of smoking in young people. Initiatives such as “Art in, butt out” are helping to achieve this.

The competition, an initiative of the Australian Medical Association ACT's tobacco task force, is a great initiative, as I said. I believe that it is also great for these year 8 students who can exercise their design and art skills in real-life situations. Until the day I did this little event for the Chief Minister, I was totally unaware that Michael Bryce, who started his career as an architect, crossed over to graphic art later in his life and ran a successful graphics concern for many years.

I congratulate Sophie and the other students who were there on the day and who also were recognised for their work as finalists.

To go to my second topic, I recently joined over 200 other volunteers from the ACT and region to take part in the tree planting by Greening Australia for National Tree Day at the lower Cotter. Over 3,000 seedlings were planted on the day there; volunteers also enjoyed a session with Adrian Brown, a "Caring for Ngunnawal country" ranger from ACT parks and conservation, who shared some of his expert knowledge about how traditional custodians have managed the land for centuries.

National Tree Day is an Australia-wide event, with over 240,000 volunteers all over the country working together to plant over one million trees. It has been very popular since 1996, when it was cofounded by Olivia Newton-John and Planet Ark. Greening Australia is a wonderful organisation, which does tremendous work in the ACT and throughout Australia. It is a wonderful experience to go up there in the Cotter, which I frequently do. You get out there in the open air; you join lots of family groups, young people, corporate groups and also the scouts, who come out regularly to prepare the well-received barbecue after all the hard work of all the digging and the planting. And of course our wonderful ACT Fire Brigade come out and help us and supply the water for us to water all the plants, which is important once we have planted them.

I was pleased to go out there, and I will continue to do so. I encourage all members in this place to take part in these wonderful events. They are always advertised on the Greening Australia website. As I say, you will have some exercise; you will feel better about yourself because you have contributed to the environment a little bit; and you will meet a lot of fine people out there. I encourage everyone to get out there on a regular basis, as they can.

### **Malkara school**

**MR SMYTH** (Brindabella) (4.57): I would like to bring to the attention of members the 39th annual Malkara model railway and scale model exhibition which was held on Saturday, 6 and Sunday, 7 August. This year was the 39th and, of course, next year will be the 40th. It is one of the great, I think, relationships between an ACT school and a community group. That it has lasted that long is quite astounding in a city that is not much older itself. To quote from the inside of the brochure:

We have begun planning some wild and wonderful ways to celebrate this partnership and all the benefits it brings our school.

It is the school's 40th birthday next year, so make sure you put it in your diaries. It is normally the first weekend in August every year.

Malkara is a very special school. It is a very special place. The railway and scale model exhibition does a lot to support the efforts of the school. I want to read one or two paragraphs from Jennie Lindsay, the principal:

Malkara is a very special place for children with disabilities and their families. There are currently 99 children attending our school, and here their special needs for education and life in general, are understood and accepted. But we go further than that. Our staff are committed to teaching concepts and skills that will enable each and every student to get the most out of life now and in the future.

She goes on to say:

Thank you for your attendance today! By coming to see the wonderful work of the exhibitors, you are helping our school to fulfil our goal ...

Not only that; it is just a great day out if you are a dad or a mum with a young son, or even a young daughter. Just going to see the trains, the model boats, the model cars and all the other good things is just fantastic. I actually met Mr Hanson and his wife and young boys there. My wife, Robyn, and I and little Dave went. It is a fantastic weekend. The skill and the dedication of those that put these displays together are extraordinary. The building of the model boats, armoured fighting vehicles—all sorts of things—are on display. It also garners a lot of support.

I would like to thank—and I urge all Canberrans to support—the people that support Malkara. The major supporters and sponsors were Capital Chemist, the Lions Canberra-Woden Branch, Griffith Butchery, IGA Hughes, Fisher Discount Workshop Machinery and the Airbrush Warehouse. They ask that we pass on special thanks to Bruno's Truffles, the Body Shop, Woden, the Hellenic Club, Woden, St Mary MacKillop college, Victorian Dollhouses, Lennox Motors, Mitre 10, Erindale college, Trinity Christian school and Kerroby Models. It is nice that the minister for emergency services is here because every year you go the SES guys are there, directing traffic, organising the parking and helping out. Malkara, in their brochure, also say:

Thanks also to: St John Ambulance, State Emergency Services, National Service & Combined Forces Assn Australia (Canberra Districts Branch), Lodge Capital No 612.

It is a great day out. Yet again, it was a great day there. It rained a bit on Saturday, but Sunday was clear. Everyone that I saw there had a bit smile on their face. I think, at the end of the day, the big smiles will be on the faces of the students of Malkara. They deserve all the joy that we can help give them.

### **Llewellyn Choir**

**MR COE** (Ginninderra) (5.01): I rise this afternoon to put on the record my thanks and congratulations to the Llewellyn Choir and the continuing contribution they make to Canberra. Since 1980 they have been one of Canberra's leading amateur choral groups. I have had the privilege of going to a number of their concerts over the years, including one on Sunday, which was their winter warming concert, which was held in

Cook. In addition to the choir, there was the James McCusker Orchestra, in addition to the Peg Mantle Strings. It was conducted by Rowan Harvey-Martin.

I would like to put on record my thanks to the work of the committee. All these organisations depend on the contributions of volunteers for things to actually happen, and of course the committee is where so much of that work does happen. I would like to thank the president, Lynne Bentley, and the other members of the committee: Judy Shaw, Paul Pollard, Richard Wardman, Everyl Ellis, Arko Chakrabarty, Selma Teh, Jim Downing, Tom Leyton, Annette Quay, Catherine Ryan and Ted Briggs.

I would like to list the choir as well. The first sopranos are Georgia Allen, Judy Biggs, Jes Chalmers, Lizzie Gordon, Anne Jones, Salme Niiranen, Katrina Proust, Gillian Robinson, Catherine Ryan, Paula Simcocks and Rachael Walker. The second sopranos are Margaret Adamson, Lynne Bean, Lynne Bentley, Marie Devlin, Penny Lloyd-Jones and Judy Shaw.

The first altos are Jean Chesson, Janny Corry, Christine Ellis, Everyl Ellis, Samanta Lestavel, Annette Quay, Jill Smith, Peta Torpy-Gould and Erika van de Pol. The second altos are Barbara Coe, Patricia Hagan, Maureen Lee, Dora Leslie, Marie Newman, Helen Topor, Margaret Webber and Suzanne Vidlar.

The first tenors are Joe Altin, Laurie Hockridge, David Purnell and Tony Robinson. The second tenor is Arko Chakrabarty.

The first basses are Jim Downing, Peter Ellis, Peter Jubb, Richard Larson, Tom Layton and Richard Wardman. The second basses are Roger Hillman, Richard Jones, Paavo Niiranen and Paul Pollard.

These kinds of productions are extremely expensive to put on, as one can imagine, especially when you have concerts which feature orchestral accompaniment. It can be extremely expensive. It is for that reason that the choir is in need of funds. As part of the fundraising effort, in addition to seeking donations, they are seeking people to consider becoming a friend or patron of the Llewellyn Choir. There are many benefits that individuals can receive for taking out that level of support, but none more so than ensuring the continued success of the choir and the continued service that they offer the people of Canberra by making available such high-level choral works in a city the size of ours. It really is quite amazing.

I put on the record my thanks to them and I encourage people who are keen to hear more about the choir, or to find when the next concert is on, to visit the website at [www.llewellynchoir.org.au](http://www.llewellynchoir.org.au).

**DisabiliTea**  
**Ross Walker Lodge**  
**St John Vianney primary school**  
**Autism Asperger ACT**

**MR DOSZPOT** (Brindabella) (5.04): Madam Deputy Speaker, it gives me a great deal of pleasure to be able to relate a number of events I have attended in my various capacities as shadow minister for disability and also as shadow minister for education.

On Tuesday, 2 August I attended a DisabiliTea reception at Tandem house. I thank Cheryl Pollard and her staff for putting on a function and morning tea for people to come and visit Tandem house and to learn about some of the issues they are currently handling. It was also a great opportunity to meet the new staff at Tandem and pick up information about their perspective on the national disability insurance scheme, which we discussed at length.

On 3 August I had the pleasure of attending the opening ceremony for the Ross Walker Lodge, which took place at St Margaret's church. Ross Walker Lodge is an initiative by St Margaret's church in response to a federal government initiative to make funds available to meet social housing needs in our community. The federal government gave the grant for this project under the social housing economic stimulus package.

The lodge houses six people. It is particularly focused on meeting the accommodation needs of people with disabilities. A number of residents are leaving their family home for the first time to be part of a new family at Ross Walker Lodge. The management committee that manages the lodge on behalf of St Margaret's Uniting Church has done a tremendous job in getting things shipshape with the funding they have received.

The opening ceremony was at St Margaret's church hall before moving to the front of the lodge, and there was the cutting of the ceremonial ribbon. I applaud the work of Reverend Harvey Smith, the minister of St Margaret's congregation, Uniting Church in Australia, for what they are doing for the needy in our community.

On 4 August I had the pleasure of attending the 40th anniversary mass of St John Vianney primary school in Namatjira Drive, Waramanga. I thank the principal, Mrs Vicky van der Sanden, for her hospitality. It was a great opportunity to meet with the school community as I attended their 40th anniversary mass. It was a double celebration, in fact, because it was also the occasion of the 80th birthday of parish priest, Father Brannelly. Father Brannelly has been serving not just the parish of St John Vianney but also St Jude's. It was great to see the reception he got from the children at St John Vianney primary school, who had a poem and a picture album dedicated to him as a version of the *Man from Snowy River*. It was a very touching exercise conducted by the young students of St John Vianney primary school. So congratulations to Father Brannelly on his 80th birthday and also to St John Vianney's for celebrating their 40th anniversary.

On Saturday, 6 August I had the pleasure of attending the Autism Asperger gala dinner at the Hotel Realm. Autism Asperger is a not-for-profit charity that exists to increase our knowledge about autism spectrum disorders and to help the children, adolescents and adults affected by the disorder to lead happy and productive lives.

I congratulate the President of Autism Asperger ACT, Gay von Ess, for the tremendous work she carries out with her committee. In particular, I congratulate the work of Hilary Huggins and her committee for bringing this event together, which raised much-needed funds for a very worthy cause. I also thank the MCs, Tim Gable and Andrea Close. I know they do a lot of work for organisations similar to Autism Asperger ACT. Once again, they performed admirably and assisted in raising a great

deal of money. So congratulations to Gay von Ess and Hilary Huggins, in particular, from Autism Asperger ACT.

### **NAIDOC Week**

**DR BOURKE** (Ginninderra) (5.09): NAIDOC celebrations are held around Australia in July each year to celebrate the culture and achievements of Aboriginal and Torres Strait Islander people. This year the theme was “Change: the next step is ours”, meaning that it is time to plan and take responsibility for the future.

NAIDOC recognises the survival of Aboriginal and Torres Strait Islander culture and its contribution to modern Australia. The week is celebrated not just in the Aboriginal and Torres Strait Islander community but in increasing numbers in the wider community in government agencies, schools and workplaces. Taking part in NAIDOC Week is a great way to celebrate Indigenous Australian history, culture and achievements and build bridges between Indigenous and non-Indigenous Australians.

In the ACT a NAIDOC ball and awards night has been held for over 30 years, and if you look at the ACT NAIDOC page on Facebook you can see all the photos from this year. There were many awards presented at the ball. The NAIDOC Person of the Year Award went to Jo Chivers in recognition of the outstanding community work she has carried out in the ACT, not only on behalf of the Aboriginal and Torres Strait Islander community but also the Canberra community more widely.

I was privileged to present Noel “Bomber” Ingram with his Elder of the Year award for his outstanding work with Boomanulla Oval and Aboriginal sporting and recreational activities. Other awards went to the following people: Youth of the Year, Joseph Kapeen; Sportsperson of the Year, Jacinta Williams; Scholar of the Year, Katrina Dart; Apprentice/Trainee of the Year, Justin Ling; Artist of the Year, Kerstin Styche; Organisation/Agency/Committee of the Year, the Aboriginal Corporation for Sporting and Recreational Activities, Boomanulla Oval; Non-Indigenous Person/Organisation’s Contribution to the Indigenous Community, Constable Rohan Smith; Caring for Country, Murumbung Yurung Murra; VET Indigenous Student of the Year, Haylee Hoolihan; and ACT Indigenous Community Sector Worker of the Year, Meg Huddleston.

I congratulate all these award winners on receiving this recognition and I would like to thank them again for the contribution they make to the Canberra community.

In the lead-up to NAIDOC Week and during NAIDOC Week itself, I was able to attend many functions. For example, I attended a special NAIDOC Week mass at St Benedict’s in Narrabundah, along with my Assembly colleague Mr Smyth. I spoke at an assembly at Telopea school and I visited Giralang primary school, where I viewed the NAIDOC Week art exhibition and I was privileged to see the whole-of-school welcome dance.

Giralang primary is particularly active in its support of its Indigenous students. On Monday this week, I was part of its new after-school program for Indigenous boys, “Strong Young Fellas”, which has been organised by Duncan Smith and Bill Bashford. This is another exciting innovation for an ACT school. Many other schools and

organisations in Canberra had special NAIDOC Week celebrations and the number continues to grow each year.

After attending the ball on Saturday, I spent Sunday lunch-time at the NAIDOC open day at Yarramundi Reach, which was a family fun day with food, dancing, entertainment and lots of stalls. I am already looking forward to NAIDOC Week next year.

Question resolved in the affirmative.

**The Assembly adjourned at 5.13 pm until Tuesday, 23 August 2011, at 10 am.**

## Answers to questions

### Taxation—utilities (Question No 1638)

**Mr Seselja** asked the Treasurer, upon notice, on 21 June 2011:

- (1) Is the utilities tax rate indexed annually; if so, what rate is this indexed to.
- (2) What are the expected growth levels of network route length for (a) 2010-11, (b) 2011-12, (c) 2012-13, (d) 2013-14 and (e) 2014-15.
- (3) What is the methodology for calculating the determined rate for the tax.
- (4) Has the Government received complaints from the public regarding the utilities network facilities tax; if so, what has the Government done to address the issues raised.
- (5) Can the Treasurer provide a list of companies that have chosen to absorb this cost themselves and not pass on to their customers.

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

- (1) Yes, the rate is indexed annually by the 'ACT Total' (e.g. private and public sectors) Wage Price Index (WPI) as at the previous December annual change.
- (2) The utilities provide the network route length to the ACT Revenue Office based on an agreed formula. Any variation to the route length is provided by the utility. Treasury has not factored any growth for network route length into the revenue forecasts.
- (3) The methodology used to calculate the determined rate is to vary the previous years determined rate per kilometre by the ACT Total WPI.
- (4) The Government has received some complaints from the public in relation to the Utilities (Network Facilities) Tax (UNFT). The Government has responded to these concerns by providing the context of the tax.
- (5) The UNFT is a tax on utilities, therefore whether they pass this tax on to their clients is a business decision for each utility. Disclosure of taxpayer information is protected under the *Taxation Administration Act 1999* and therefore a list of companies who have chosen to absorb the cost cannot be provided. The taxpayer in this instance is the utility, not members of the public.

---

### Actew Corporation Ltd—investments (Question No 1639)

**Mrs Dunne** asked the Treasurer, upon notice, on 21 June 2011:

- (1) How much does ACTEW Corporation have invested in TransACT Capital Communications Pty Ltd (a) directly and (b) indirectly.

- (2) When were those investments made.
- (3) What was their original cost.
- (4) When and by what method were they last valued.
- (5) What is their current value.
- (6) How is ACTEW Corporation accounting for any capital losses or gains on the original cost of the investments.
- (7) What is ACTEW Corporation's assessment of the financial risk associated with these investments.
- (8) What strategies does ACTEW Corporation have in place to mitigate that risk.
- (9) What assessment has ACTEW Corporation made of the impact of the Commonwealth's national broadband network project on the financial risk of these investments.

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

- (1) (a) refer to note 34 page 41 and (b) note 32 page 40 of ACTEW Corporation's (ACTEW) 2009 10 Annual Report.
- (2) I am advised by ACTEW that the majority of its investment in TransACT was made between 2000 and 2002. In 2006, ACTEW invested \$1.25 million in TransACT as part of a capital raising conducted by TransACT.
- (3) Refer to note 34 page 41 of ACTEW's 2009 10 Annual Report.
- (4) As above.
- (5) As above.
- (6) I am advised by ACTEW that it has recognised the capital losses on the investment as an impairment provision on the investment value. Any gains on the revaluation of the investment are accounted for as a reversal of any previous impairment. If ACTEW were to sell its shareholding, any gains or losses would be realised for tax purposes.
- (7) I am advised by ACTEW that the performance of TransACT has improved in recent years. On the basis that this improved performance is maintained, ACTEW considers that the current valuation is appropriate.

The repayment of the debt facility ranks before any shareholder distribution, therefore ACTEW is confident that this facility will be repaid to the bank.

- (8) I am advised by ACTEW that to mitigate the risk of its investment in TransACT, two of its directors have been appointed to the Board of TransACT, one of whom is the Chair of TransACT.

The management team of ACTEW also actively monitors the performance of TransACT. As stated above, the conditions of the debt facility require that it be repaid

in advance of any other distributions and ACTEW considers that this sufficiently mitigates any risk.

- (9) I am advised by ACTEW that it considers that TransACT's access network and fibre rich assets will be of assistance to NBN Co in the ACT. To this end, TransACT is in discussions with NBN Co to ensure a positive outcome.

---

**Canberra Hospital—outdoor spaces  
(Question No 1640)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 23 June 2011:

- (1) How many outdoor spaces, including courtyards, will there be when development works at The Canberra Hospital (TCH) are fully completed.
- (2) What parts/areas of TCH will have outdoor spaces.
- (3) Will the outdoor spaces take into account therapeutic principles and will they be accessible for smokers or close to smoking areas.
- (4) Are there future plans to include outdoor spaces at TCH, apart from those already announced for the new cancer centre and Psychiatric Services Unit.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) The range and numbers of outdoor spaces, including court yards, gardens, paths, furniture and sculptures will be determined during the design stages for the Canberra Hospital redevelopment works which is not yet complete. To guide this process the following planning principles have been put into place to ensure these outdoor spaces are included within the works design scope. The following benefits and inclusions are to be considered:
  - Outdoor spaces are inclusive of commemorative gardens, cultural gardens and children's play areas;
  - The healing landscape will provide opportunities to reflect the values and customs of cultural groups and special interest groups within the external spaces when appropriate;
  - Appropriate garden furniture and sculptures will be incorporated within green spaces which can be modified to suit accessibility and overall use by patients, staff and visitors;
  - The goal of healing gardens is to make people feel safe, less stressed, more comfortable and even invigorated;
  - A combination of internal courtyards and external spaces are to be enhanced for the overall use, benefit and well being in the whole health of the community. The spaces will be designed to recognise the unique requirements of the health environment and, where necessary, the very specific needs of patients, visitors, carers and staff; and
  - Staff members will benefit from accessible natural surroundings leading to increased job satisfaction and reduction of staff anxiety, retention of qualified staff and providing staff a place to go during break time to help overcome the stresses of the job.

(2) Outdoor spaces will be accessible from all parts of the hospital campus. The detail as to the locations of these spaces will be determined during the design stages for the Canberra Hospital redevelopment works.

(3) Within the Canberra Hospital campus, the following planning principles are in place for outdoor spaces:

The landscape should provide a green, calming and friendly atmosphere that is uncluttered and is a quality visual amenity through enhanced way finding and accessibility, and user specific places catering for patients, staff and visitors.

The campus landscape design is to provide 'a healing environment' including consideration of:

- Landscape development to soften and enhance outdoor spaces and screen utilities, blank walls and other more functional elements;
- Providing areas to promote a sense of control and privacy, social support, physical movement and exercise as well as an opportunity to interact with nature; and
- Containing elements such as plant material, sunlight and air to stimulate the senses including memory, hearing, touch and smell.

The therapeutic gardens within the hospital will provide a welcoming environment, encourage use and participation by offering options and choices which engender feelings of peace, hope, reflection and spiritual connection by providing opportunities for exercise (active and passive), therapy, relaxation, education and delight.

Health Directorate has a smoke-free policy across all its campuses and buildings. Smoking is not permitted by patients or visitors in any building or within the grounds and car parks of the hospital except within designated outdoor smoking areas. Cigarettes are not sold on the premises. Designated outdoor smoking areas for patients and staff are currently available and will continue to be available. The location of designated areas will be determined during the design stages for the Canberra Hospital redevelopment works.

(4) There are future plans to include outdoor spaces at the Canberra Hospital, however as outlined in questions (1) and (2) the details of these are not yet finalised.

## **Housing—residential tenancy disputes (Question No 1641)**

**Ms Bresnan** asked the Attorney-General, upon notice, on 23 June 2011:

- (1) How does the ACT Civil and Administrative Tribunal decide internally which members hear residential tenancy dispute matters.
- (2) How often are ordinary members called in to work on residential tenancy dispute matters.
- (3) Which members heard residential tenancy dispute matters in (a) 2008-09, (b) 2009-10 and (c) 2010-11 and how many did they each hear.

- (4) How many residential tenancy dispute matters were appealed against by tenants and landlords, respectively, in (a) 2008-09, (b) 2009-10 and (c) 2010-11 and what percentage of those rulings were in favour of tenants and landlords, respectively.
- (5) How does the number of appeals on residential tenancy matters compare to (a) mental health/guardianship and management of property matters, (b) administrative review/discrimination/occupational discipline matters and (c) energy and water (i) hardship and (ii) non hardship matters.

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

- 1) Sections 89 and 90 of the *ACT Civil and Administrative Tribunal Act 2008* require the General President of the Tribunal to allocate Tribunal members to a Tribunal for an application after considering,
- a. the nature and complexity of the matter;
  - b. whether to allocate a member with special qualifications or experience.

A small group of members including the full time presidential members, the Tribunal Registrar acting as a non-presidential member and several part time sessional members have been identified by the General President as being by reason of previous experience or relevant qualifications and training, appropriate and suitable members to consider applications for residential tenancies disputes. Because of the volume of applications members are allocated to daily lists on a monthly roster approved by the General President. The General President takes into account the availability of the members, the volume and nature of the matters and the financial resources of the tribunal.

- 2) Assuming that the reference to 'ordinary members' means non-presidential members, one to two days each week, depending on the number of new and part heard matters.
- 3) The answer to question 3 is as follows:

<b>2008-09 (from February 2009)</b>	<b>2009-10</b>	<b>2010-11</b>
Allan Anforth	Allan Anforth	Allan Anforth
Jann Lennard	Jann Lennard	Jann Lennard
Jennifer David	Jennifer David	Jennifer David
Phil Thompson	Phil Thompson	Phil Thompson
Athol Morris	Athol Morris	Athol Morris
	Bill Stefaniak	Bill Stefaniak
	Linda Crebbin	Linda Crebbin
		Brian Loftus

Details of how many matters each member has heard are not readily accessible. Considerable resources would need to be expended to extract this information.

- 4) The answer to question 4 is as follows:

	Number of Residential Tenancy applications	Number of appeals by tenants	Number of appeals by landlords	Total number of appeals
2008-09 (from February 2009)	492	3	2	5
2009-10	1236	11	2	13
2010-11 (to 24/6/11)	1189	8	2	10

	2008-09 (from February 2008)	2009-10	2010-11(to 24/6/11)
Appeal withdrawn/not proceeded with	20%	39%	20%
Settled by consent	60%	46%	10%
Determination not yet made	0%	0%	50%
Determination for tenant	0%	0%	0%
Determination for landlord	20%	15%	20%

5) The answer to question 5 is as follows:

	2008-09 (from February 2009)			2009-10			2010-11 (to 24/6/11)		
	Number of applications & appeals by jurisdiction & percentage of total applications			Number of applications & appeals by jurisdiction & percentage of total applications			Number of applications & appeals by jurisdiction & percentage of total applications		
Residential Tenancy	492	5	1.01%	1236	13	1.05%	1189	10	0.84%
Mental Health	424#	0	0%	302#	0	0%	333#	1*	0.30%
Guardianship and Management of Property	127#	0	0%	276#	2	0.72%	217#	0	0%
Administrative Review	104	2	1.92%	81	7	8.64%	147	6	4.08%
Discrimination	18	0	0%	9	2	22.22%	30	1	3.33%
Occupational Discipline	46	1	2.17%	26	6	23%	34	8	23.52%
Energy & Water – Hardship	1518	0	0%	1389	0	0%	685	0	0%
Energy & Water – Non Hardship	56	0	0%	108	0	0%	129	0	0%

\*Appeals in Mental Health matters are usually lodged with the Supreme Court.

# New Applications

### Kangaroos—cull (Question No 1642)

**Mr Rattenbury** asked the Minister for Territory and Municipal Services, upon notice, on 28 June 2011:

- (1) In relation to the ACT kangaroo cull in 2010 and the cull that is currently underway in 2011, (a) in total how many kangaroos were/ are to be culled, (b) in which reserves did/will the culling occur and (c) how many were/are to be culled in each reserve.

- (2) What factors led to the increase in the numbers of kangaroos to be culled in 2011 compared with 2010.
- (3) Does the *Kangaroo Management Plan 2010* state that fecundity of Eastern Grey Kangaroos can be high when there is a high density and low food availability; if so,
  - (a) how has the recent wet conditions in 2010-11 affected the fecundity of Eastern Grey Kangaroos and
  - (b) is there an inconsistency in the position that fecundity is high in conditions of drought and high rainfall; if not, why not.
- (4) What was the density of kangaroos in each of the reserves prior to the 2011 cull.
- (5) What is the target density of kangaroos for each of the reserves in which this year's cull is to be conducted.
- (6) Does the ACT Government anticipate that ongoing implementation of the kangaroo management plan will involve seasonal kangaroo culling; if so, under what conditions would culling (a) occur and (b) not occur.

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

- (1) In relation to the kangaroo population management programs conducted by the Territory and Municipal Services Directorate in 2010 and 2011, the following table (Table 1) provides the number proposed and number culled in each nature reserve/grassy woodland site:

**Table 1**

Site	2010 Proposed Removal	2010 Actual Removal	2011 Proposed Removal	2011 Actual Removal
Mulligans Flat and Goorooyaroo NR	1208	1208	2041	1785
Jerrabomberra West NR	127	127	536	296
Callum Brae NR	200	200	342	252
Mt Painter NR	221	221	309	106
Kama NR	108	57	0	0
Crace NR	26	26	0	0

- (2) The increase in the numbers of kangaroos to be culled this year is because the kangaroo populations are higher than in previous years. This means that more kangaroos need to be culled in order to reach the target density for each site.
- (3) The ACT Kangaroo Management Plan states on page 30 that the fecundity levels of eastern grey kangaroos in the ACT are very high, and evidence suggests that populations are able to remain extremely fecund even during periods of drought. While seasonal conditions do not limit fecundity or pouch young survival, they do influence the mortality of young kangaroos prior to breeding age. Each year there is high mortality of young kangaroos, mostly in late winter and early spring, when competition for food is high.
  - (a) The recent wet conditions in 2010-11 has not affected the fecundity of kangaroos, but may have reduced the mortality of young kangaroos caused by starvation during this time.

- (b) There is no inconsistency in the position that fecundity in eastern grey kangaroo populations in the ACT is high in conditions of drought and high rainfall. A widespread, and incorrect, assumption about the biology of eastern grey kangaroos in temperate Australia is that they are able to control their fertility and stop breeding during times of drought. This assumption may have arisen from studies on red kangaroos in arid Australia that do limit their breeding during times of drought.
- (4) The following table (Table 2) provides the population sizes and densities in the sites before the cull, estimated by either faecal pellet counts or by visual counts:

**Table 2**

Site	Population May 2011	Density (kangaroos/ha) May 2011
Callum Brae Nature Reserve	424	2.96
Goorooyaroo Nature Reserve	1499	2.01
Jerrabomberra West Nature Reserve	710	2.65
Mt Painter Nature Reserve Precinct	597	2.58
Mulligans Flat Sanctuary	1395	2.88

- (5) The following table (Table 3) shows the target populations and densities for the culled areas.

**Table 3**

Site	Target population after cull	Target Density (kangaroos/ha) after cull
Callum Brae Nature Reserve	82	0.57
Goorooyaroo Nature Reserve	401	0.54
Jerrabomberra West Nature Reserve	174	0.65
Mt Painter Nature Reserve Precinct	133	0.57
Mulligans Flat Sanctuary	253	0.52

- (6) Yes. Once a site is added to the culling program it will be culled in subsequent years as required to maintain the population at the target density. Other sites will be assessed and added to the program as funding permits. Priority will be given to sites where there is concern that the kangaroo population is or could be negatively impacting on endangered ecological communities or threatened species. The culling program will be undertaken regardless of seasonal conditions. Abandoning the culling in a season of good growth would result in a larger cull, with more animals in total being killed, once conditions decline again. Culling will not be undertaken on sites that are assessed to be at or below their target density.

**Health—spinal cord injuries  
(Question No 1643)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 28 June 2011:

- (1) Approximately how many people per annum from Canberra acquire a significant spinal cord injury and how many of those people are treated in Canberra versus Sydney.
- (2) What rehabilitation services are provided in the ACT for people with newly acquired spinal cord injuries.
- (3) Under what circumstances are people sent to Sydney for treatment of newly acquired spinal cord injuries.
- (4) What impact will the proposed closure of the Ryde Rehab Unit have on those people from Canberra who have spinal injuries.
- (5) What involvement does ACT Health have with a person from Canberra who is in Sydney to receive treatment, but is to return home to Canberra.
- (6) Does the Age Care and Rehabilitation Service have a policy of only providing treatment to people with spinal cord injuries up to 18 months after their injury; if so, why.
- (7) Is the ACT Government considering providing more beds to assist people with rehabilitation from a spinal cord injury through the proposed third hospital; if so, what numbers of beds or specific services is the ACT Government considering.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) In 2009, 2 spinal injury patients were treated in the ACT, 6 went to Prince of Wales Hospital and 1 to Royal Talbot Spinal Rehabilitation Unit in Melbourne.  
  
In 2010, 4 spinal injury patients were treated in the ACT, 4 went to Prince of Wales Hospital, 1 to Royal North Shore Hospital, 1 to Sydney Children's Hospital and 1 to Royal Talbot Spinal Rehabilitation Unit in Melbourne.
- (2) The Rehabilitation, Aged and Community Care (RACC) inpatient service provides rehabilitation for some people with newly acquired spinal cord injuries. These include specialist medical services, specialist nurse practitioner service, 24 hour rehabilitation nursing care, physiotherapy, occupational therapy, social work, clinical psychology, disability counselling, vocational assessment, driving assessment and comprehensive discharge planning. For patients returning home, services are also provided by the RACC Community Rehabilitation Team. The RACC team also provide support to the patient's family.
- (3) All spinal trauma injuries with or without cord injuries, are managed acutely at the Canberra Hospital. Most patients with spinal column trauma and no cord injury are stabilised at the Canberra Hospital and most with neurological deficits due to spinal cord injury are sent to one of the Spinal Units in Sydney.

- (4) Advice from the Ryde Rehabilitation Unit 'Moorong' which is situated in Sydney, is that the unit has temporarily relocated patients to another location on site while a new purpose built centre is constructed. There has been nil reduction to services provided to patients during this time. Upon completion of the construction, all temporarily relocated patients will be transferred to the new unit complex.
- (5) When a patient being treated in Sydney is ready to return to Canberra, a referral is made from the Sydney Hospital to the Rehabilitation Medicine Unit within RACC. Once this is accepted, if the patient is to return via admission to ward 12B at the Canberra Hospital, there is significant involvement by Rehabilitation Care Co-ordinators who will assist in all aspects of the patients planning. If a patient is to return directly to home there is significant involvement of the Rehabilitation Coordinator from the Community Rehabilitation Team that also provides Occupational Therapists to complete a home modification assessment. In all cases of spinal injury patients returning to Canberra, a rehabilitation consultant and rehabilitation nurse practitioner are also involved.

Any equipment needs are available through the ACT Equipment Scheme on referral from the treating clinician, and these items are made available in the hospital setting on return, and in the home environment as required. Items are fully funded by the Scheme.

Once a patient with a spinal cord injury is discharged from hospital into the community (regardless of which hospital the discharge occurs at), the patient is eligible for multidisciplinary follow up for a period of 18 months by the community rehabilitation team. This time frame is based on evidence that the majority of health, environment and community reintegration issues occur during this period for people with a newly acquired spinal cord injury.

- (6) At the end of the 18 month period, these clients are handed over to the Community Care Program within RACC for ongoing community based needs. In addition to this, these patients are also referred to the Spinal Cord Injury Review Clinic multidisciplinary team for support. The aim of this clinic is to provide ongoing assessment and interventions as required. This team consists of Medical Specialist, Nurse Practitioner, Complex Care Clinical Nurse Consultant, Physiotherapists, Occupational Therapists and Social Workers.
- (7) The current level of services and support (in hospital and in the community) for spinal cord injuries in the ACT will continue and will increase in line with population demand and funding. The proposed new sub-acute hospital will improve care for people returning to Canberra for rehabilitation as it will provide multi-disciplinary services to all patients that require rehabilitation, including spinal cord rehabilitation.

### **Calvary Hospital—ward 2N (Question No 1644)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 28 June 2011:

- (1) How many (a) social workers and (b) mental health nursing staff, in terms of full-time equivalents, were employed to service clients of Ward 2N at Calvary Hospital in (i) 2008-09, (ii) 2009-10 and (iii) 2010-11 and how many are planned for 2011-12.

- (2) Has Ward 2N ever had a shortage of (a) social workers and (b) mental health nursing staff; if yes, when and by how many.
- (3) Who is responsible for employing (a) social workers and (b) mental health nursing staff that service Ward 2N.
- (4) What methods has the ACT Government used to check the numbers of social workers and mental health nursing staff that have been employed to service Ward 2N.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) Social work staff level in Ward 2N has been 1 FTE and mental health nursing staff level 29.13 FTE consistently over the requested year groups.
- (2) The only staff shortages have occurred around unplanned leave such as illness or non-work related circumstances.
- (3) Calvary Health Care ACT employs both social workers and nursing staff for Ward 2N.
- (4) Ward 2N reports regularly on its service through both the Calvary executive and the Mental Health/Alcohol and Drug/Justice streams of the ACT Health Directorate.

---

### **Mental health—services (Question No 1645)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 28 June 2011:

If a person with a mental illness lives in Queanbeyan but has family, including a carer, living in the ACT and that person has a NSW mental health treatment order applied to them and is required to stay in an acute mental health unit, can it be facilitated so that the person is sent to Ward 2N or the Psychiatric Services Unit rather than Goulburn; if so, how can the client or consumer trigger that process.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

Under the Australian Healthcare Agreement any eligible person may voluntarily present to a hospital with any health condition, including a mental illness, and if inpatient treatment is warranted and the hospital can provide the service then that person is entitled to receive that service from that hospital.

The ACT and NSW have a ministerial mental health interstate agreement that facilitates the transfer of mental health consumers, who are subject to involuntary mental health orders, between the mental health services in the two jurisdictions. Under this Agreement a person under a NSW mental health order may have been taken, in the first instance, from Queanbeyan to the Canberra Hospital. This would require the clinicians in NSW being aware of the Agreement and for the transfer to be negotiated with the ACT Chief Psychiatrist.

I understand that nearly half of the residents at "Home in Queanbeyan" have been referred from the ACT and so many residents have particularly close connections with the ACT, such as family or carers. I have asked the ACT Mental Health Service to liaise with the

mental health service in Queanbeyan so that appropriate planning can be negotiated for good continuity of treatment and care for such people.

Calvary Hospital Ward 2N is not the nominated approved facility under the interstate agreement to receive people being transferred from interstate, however subsequent transfers from Canberra Hospital to Calvary 2N can be arranged where appropriate.

Mental health transfers from Queanbeyan to Canberra Hospital are not the usual case and Queanbeyan residents are typically hospitalised in Goulburn Hospital, which has the local mental health treatment facility for NSW Southern Area Health Service. The ACT mental health services do not routinely provide inpatient services to every mental health consumer in the surrounding areas of NSW, particularly in light of the service available at Goulburn.

---

### **Land rent scheme—review (Question No 1646)**

**Ms Bresnan** asked the Minister for Economic Development, upon notice, on 28 June 2011 (*redirected to the Treasurer*):

- (1) Who is conducting the review of the Land Rent Scheme, as was reported on 25 February 2011 at <http://www.abc.net.au/news/stories/2011/02/25/3148489.htm?site=canberra>.
- (2) What are the parameters of that review.
- (3) What are the timeframes for that review, including its commencement and reporting date.
- (4) Will a copy of the review be provided to the Assembly; if so, when.
- (5) What qualifications do the people conducting the review have in economic modelling.
- (6) How much is the ACT Government paying for the review to be conducted.

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

- (1) The Treasury Directorate is responsible for the administration of the relevant legislation (*Land Rent Act 2008*), and as such is undertaking the review. The review has been conducted in close consultation with the other agencies involved in the administration of the Land Rent Scheme, i.e., the (then) ACT Planning and Land Authority, Department of Land and Property Services, Land Development Agency and Canberra Institute of Technology.
- (2) This is a post implementation review to:
  - examine the current administrative and inter-agency processes and protocols, and identify any areas for improvement; and
  - identify any issues with current legislation and recommend any changes considered necessary.

The review is also assessing whether the original policy objectives have been met, and if there is need to make adjustments to the design of the scheme.

- (3) The review commenced in August 2010 and is currently being finalised.
- (4) The Assembly will be informed of the key findings of the review in late 2011.
- (5) The officers assisting with the review have strong backgrounds in economics, econometrics, finance, and related fields.

Prior to its implementation, the policy and its modelling was subjected to independent review. Subject to their availability, a follow up review by academics is also being sought.

- (6) The review is being undertaken within existing resources.

---

### **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 such agreements.
- (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.
- 

**Government—regulatory impact statements  
(Question No 1650)**

**Mr Smyth** asked the Chief Minister, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) Nil for 2009-2010 and 2010-2011 financial years. I am not prepared to authorise the use of very considerable resources that would be involved in determining information prior to the 2009-2010 financial year.
  - (2) See (1) above.
  - (3) I consider that the law and guidelines in relation to Regulatory Impact Statements have been applied appropriately.
  - (4) See (3) above.
- 

**Government—regulatory impact statements  
(Question No 1651)**

**Mr Smyth** asked the Minister for Health, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) As at 30 June 2011, the Health Directorate has prepared one regulatory impact statement for the period specified.
  - (2) The subject of the completed RIS concerned regulating smoking in a certain place, namely in a car that is carrying children.
  - (3) Regard is had to Treasury's guidelines and chapter 5 of the *Legislation Act 2001* as to whether a matter requires a RIS. It is considered the guideline and the legislation have been applied appropriately.
  - (4) Refer to response to Question 3.
- 

**Government—regulatory impact statements  
(Question No 1652)**

**Mr Smyth** asked the Minister for Industrial Relations, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) Eight (8) Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio for the 2009-10 and 2010-11 financial years. I am not prepared to authorise the use of very considerable resources that would be involved in determining information prior to the 2009-10 financial year.
- (2) Regulatory Impact Statements have been prepared on the following subjects:
  - (a) options for the establishment of a security of payments scheme to facilitate timely payment between parties to a construction contract and provide for the rapid resolution of any payment disputes;
  - (b) options to improve management of the sale and use of fireworks in the ACT;
  - (c) the costs and benefits of proposed work safety regulations dealing with work safety representatives, work safety committees and authorised representatives;
  - (d) the impact of the proposed changes to the *Workers Compensation Act 1951* (the Act) to give the Default Insurance Fund Manager the power to settle a claim without employer consent;
  - (e) the costs and benefits of proposed changes to the operation and funding of the private sector workers' compensation Default Insurance Fund;

- (f) the costs and benefits of proposed changes to the compliance hierarchy underpinning the private sector workers' compensation scheme and administrative obligations imposed on employers; and
  - (g) options for improvement to the design and operation of the private sector workers' compensation scheme.
- (3) I consider that the law and guidelines in relation to Regulatory Impact Statements have been applied appropriately.
- (4) See (3) above.
- 

**Government—regulatory impact statements  
(Question No 1654)**

**Mr Smyth** asked the Minister for Economic Development, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) Three.
  - (2)
    - Racing Amendment Bill 2009
    - Unlawful Gambling Bill 2009
    - Gaming Machine (Club Governance) Amendment Bill 2011
  - (3) None. It is considered that the law and guidelines in relation to Regulatory Impact Statements have been applied appropriately.
  - (4) See (3) above.
- 

**Government—regulatory impact statements  
(Question No 1655)**

**Mr Smyth** asked the Minister for Education and Training, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.

- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- 1) Nil
  - 2) Not applicable
  - 3) It is considered that the law and guidelines in relation to Regulation Impact Statements have been applied appropriately
  - 4) Not applicable
- 

**Government—regulatory impact statements  
(Question No 1656)**

**Mr Smyth** asked the Minister for Tourism, Sport and Recreation, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) Nil.
  - (2) Not applicable.
  - (3) Not applicable.
  - (4) Not applicable.
- 

**Government—regulatory impact statements  
(Question No 1657)**

**Mr Smyth** asked the Attorney-General, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) The JACS Directorate did not have any Regulatory Impact Statements (RIS) for 2009-10 and 2010-11. Please note, however, that it would be too resource intensive to try and identify the same RIS info prior to 2009-10.
  - (2) Please refer to answer to question 1.
  - (3) It is considered that the law and guidelines in relation to Regulation Impact Statements have been applied appropriately.
  - (4) Please refer to answer to question 3.
- 

### **Government—regulatory impact statements (Question No 1658)**

**Mr Smyth** asked the Minister for the Environment and Sustainable Development, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) Ten.
- (2) The subject of each completed RIS:
  - plastic bags
  - exempt development (Planning and Development Act):
    - amending a DA, composite development, exemption declaration;
    - schools ('Building the Education Revolution');
    - declaration of existing school ('Building the Education Revolution');

- single dwellings;
- broadening the types of development that can be exempt; and
- public art, public works, heritage.
- declared funding, limited public notification – schools (‘Building the Education Revolution’)
- concessional leases – interim status
- works assessor – unit title reforms

(3) None.

(4) Not applicable – see response to Q3 above.

---

**Government—regulatory impact statements  
(Question No 1659)**

**Mr Smyth** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister’s portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) Nil.
- (2) Not applicable.
- (3) The Territory and Municipal Services Directorate considers that the law and guidelines in relation to Regulation Impact Statements have been applied appropriately.
- (4) Not applicable.

---

**Government—regulatory impact statements  
(Question No 1660)**

**Mr Smyth** asked the Minister for Police and Emergency Services, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister’s portfolio since October 2008.

- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- (1) The JACS Directorate did not have any Regulatory Impact Statements (RIS) for 2009-10 and 2010-11. Please note, however, that it would be too resource intensive to try and identify the same RIS info prior to 2009-10.
- (2) Please refer to answer to question 1.
- (3) It is considered that the law and guidelines in relation to Regulation Impact Statements have been applied appropriately.
- (4) Please refer to answer to question 3.

**Government—regulatory impact statements  
(Question Nos 1661, 1691, 1692, 1693, 1694 and 1695)**

**Mr Smyth** asked the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Women, the Minister for the Arts, the Minister for Multicultural Affairs, the Minister for Ageing and the Minister for Community Services, upon notice, on 30 June 2011:

- (1) How many Regulatory Impact Statements (RIS) have been prepared in the Minister's portfolio since October 2008.
- (2) What was the subject of each completed RIS.
- (3) How many matters should have, but did not have, an RIS prepared.
- (4) What was the subject of each matter for which an RIS should have been prepared but was not.

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

- 1) For the period:
  - October 2008 to June 2009 there were no Regulatory Impact Statements;
  - July 2009 to June 2010, I refer the member to the response to QON 968; and
  - July 2010 to June 2011, the Education and Care National Law Bill which was developed at the National level, had a National RIS.
- 2) The subject of the three Regulatory Impact Statements were:
  - Working With Vulnerable People (background checking) Bill 2011;
  - Adoption Amendment Bill 2009 (no 2); and
  - Children and Young People Amendment Bill 2009 (No 2).

- 3) I consider that the law and guidelines in relation to Regulatory Impact Statements have been applied appropriately.
  - 4) See response to question 3.
- 

**Emergency services—telephone warnings  
(Question No 1662)**

**Mr Rattenbury** asked the Minister for Police and Emergency Services, upon notice, on 30 June 2011:

- (1) In relation to the recent trial of emergency warnings in Dunlop which used billing address information to send text messages to mobile phones and pre-recorded voice messages to landlines, what percentage of voice messages were listened to.
- (2) Is it possible to determine the percentage of sent text messages that were opened; if so, what was the percentage; if not, what data is available from the trial on this issue.
- (3) Did the Minister state last year on 25 May during the 2010-2011 Estimates process that the ACT was “now in stage 2 of the development of the system, which will allow warnings to be sent to all mobile telephones in a defined geographic location as well as those landline and mobile telephones that have their billing address in the area”; if so, why was the capacity to target all mobile phones in a defined geographic location not used in the trial.
- (4) Is it possible to determine the percentage of text messages that were sent to mobile phones that were outside of the ACT at the time; if so, what is the percentage; if not, what data is available from the trial on this issue.
- (5) It is possible to determine the number of mobile phones that were in Dunlop at the time of the trial that did not receive text messages because they had a billing address from outside the defined Dunlop region; if not, what data is available from the trial on this issue.
- (6) Are there more trials planned before the commencement of the 2011-2012 bushfire season and will they send text messages to all mobile phones within a defined geographic location; if so, what are the details of the trials; if not, what has happened to the technological capacity to target defined geographical areas that was discussed last year.

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

- (1) The trial identified 1573 fixed line telephones in the target area. Of these, 1391 calls were answered, which equates to approximately 88% of the voice messages sent.
- (2) The Emergency Alert system does not provide information on how many text messages are opened or read. The trial identified 5180 mobile services in the target area. Of these, 3468, or approximately 67% were turned on at the time of the message being sent.
- (3) The ability to target all mobile phones in a defined geographic location is not yet available for use with Emergency Alert.

In January 2011, the Victorian Department of Justice on behalf of all jurisdictions formally invited the three national telecommunications carriers to submit a proposal to develop a location-based mobile telephone emergency warning capability.

Victoria is currently evaluating the location based telephony warning capability proposals formally submitted by all three telecommunications carriers.

- (4) The information available to the ESA does not identify the number of messages that were sent to mobile phones that were outside of the ACT at the time of the trial.
- (5) Emergency Alert identifies only those landline and mobile phones with billing addresses within the target area. Emergency Alert is not able to provide information to determine the number of mobile phones that were in Dunlop at the time of the trial that did not receive text messages because they had a billing address from outside the defined target area.
- (6) It is not proposed to undertake any further trials of Emergency Alert before the commencement of the 2011-12 bushfire season.

The ability to target all mobile phones in a defined geographic location is not yet available for use with Emergency Alert as stated in my answer to question number 3.

---

### **ACTION bus service—statistics (Question No 1663)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

- (1) Can the Minister provide a breakdown of the current ACTION bus fleet in accordance with make, model and depot location.
- (2) What is the average number of kilometres driven by each make and model of bus.
- (3) What is the average fuel consumption for each make and model of bus per 100 kilometres.
- (4) What is the fuel type used by each make and model of bus.
- (5) What was the total cost of fuel during (a) 2009-10 and (b) 2010-11 to date, purchased by ACTION.
- (6) Does ACTION hedge, get a negotiated rate or pay daily price for its fuel purchases.
- (7) At what prices was fuel purchased.
- (8) What is the number of breakdowns recorded during (a) 2009-10 and (b) 2010-11 to date, for each make and model of bus.
- (9) How many buses were removed from the fleet during (a) 2009-10 and (b) 2010-11 to date, and what was the reason for each bus being removed.

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

- (1) The table below provides the fleet distribution of the ACTION In-service: Network Fleet, Special Needs Transport Fleet and Training Fleet as at 30 June 2011.

<b>Bus Model</b>	<b>Belconnen Depot</b>	<b>Tuggeranong Depot</b>	<b>Special Needs Transport Fleet (Woden)</b>	<b>Training Fleet (Split between Belconnen and Tuggeranong)</b>
Hino AC140	0	0	10	
Mitsubishi Rosa	0	0	8	
Dennis Dart	14	11		
Renault PR100-2	92	85		6
Renault PR100-3	30	12		
MAN Euro 5	42	8		
MAN CNG	0	16		
Irisbus Agora	20	0		
Scania CNG	0	54		
Renault PR180-2	11	22		
Steer Tags	6	6		
<b>TOTALS</b>	<b>215</b>	<b>214</b>	<b>18</b>	<b>6</b>

- (2) From the current fuel monitoring system, for the two month period May—June 2011, the average kilometres travelled by a Ultra Low Sulphur Diesel (ULSD) bus was 10,065 km and for a Compressed Natural Gas (CNG) bus was 12,787 kilometres.

The current fuel monitoring system is unable to produce a report that provides the number of kilometres driven by each make and model of bus.

The replacement fuel monitoring system, as noted in the 2011-2012 ACT Budget is projected to be fully installed by September 2012, and will have a reporting feature that enables the granularity required to answer the question posed.

- (3) From the current fuel monitoring system, for the two month period May—June 2011, the average fuel consumption per 100 kilometres for a ULSD bus was 36.49 litres and for a CNG bus was 56.18 cubic metres.

The current fuel monitoring system is unable to produce a report that provides the average fuel consumption for each make and model of bus per 100 kilometres.

The replacement fuel monitoring system, as noted in the 2011-2012 ACT Budget is project to be fully installed by September 2012, and will have a reporting feature that enables the granularity required to answer the question posed.

- (4)

<b>Bus Model</b>	<b>Fuel</b>
Hino AC140	ULSD
Mitsubishi Rosa	ULSD
Dennis Dart	ULSD
Renault PR100-2	ULSD
Renault PR100-3	ULSD
MAN Euro 5	ULSD

<b>Bus Model</b>	<b>Fuel</b>
MAN CNG	CNG
Irisbus Agora	ULSD
Scania CNG	CNG
Renault PR180-2	ULSD
Scania Steer Tags	ULSD

- (5) (a) In 2009-10 ACTION expended \$7.941m on ULSD and \$1.217m on CNG (excluding GST).
- (b) In 2010-11 ACTION expended \$9.101m on ULSD and \$11.270m on CNG (excluding GST).
- (6) ACTION currently utilises the NSW Government Smart-buy Contract 366 (Fuel and associated products) for the purchase of ULSD. NSW Smart-buy is an option Territory agencies can use to purchase goods and services and through which value for money outcomes have been determined by an open market tender process. The benefit that NSW Smart-buy provides is that the contract management risks are borne by the NSW supply arrangements, with minimal risks to the Territory. Hedging is not in place in NSW Smart-buy Contract 366.

ACTION currently utilises a contract for continuous supply of Natural Gas with ActewAGL. This contract was initiated in December 2004 and is due to expire in May 2012.

- (7) For ULSD, the average price paid per litre in 2009-10 was \$1.10 (excluding GST) and the average price paid per litre in 2010-11 was \$1.19 (excluding GST).

For CNG, the average price paid per litre in 2009-10 was \$0.37 (excluding GST) and the average price paid per litre in 2010-11 was \$0.41 (excluding GST).

(8)

<b>Bus Model</b>	<b>Breakdowns in 2009-10</b>	<b>Breakdowns in 2010-11</b>
Hino AC140	0	2
Mitsubishi Rosa	1	0
Dennis Dart	83	121
Renault PR100-2	370	456
Renault PR100-3	119	231
MAN Euro 5	14	66
MAN CNG	71	68
Irisbus Agora	107	139
Scania CNG	220	228
Renault PR180-2	60	82
Scania Steer Tags	0	23

- (9) (a) One bus was removed from service in 2009-10 due to age as part of the fleet replacement program.
- (b) 19 buses were removed from service in 2010-11 due to age as part of the fleet replacement program.

**ACTION bus service—bus stops and shelters  
(Question No 1664)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

- (1) How many (a) bus stops, (b) bus shelters and (c) bus seats at existing bus stops have been constructed, by location, between July 2010 and June 2011.
- (2) What was the total cost of construction of (a) bus stops, (b) bus shelters and (c) bus seats at existing bus stops.
- (3) How many (a) bus stops, (b) bus shelters and (c) bus seats at existing bus stops are due to be constructed, by location, in the financial year commencing 1 July 2011.

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

- (1) (a) 65 bus stops upgraded to Disability Discrimination Act (DDA) requirements,  
(b) 29 Adshel bus shelters constructed, (c) 394 seats installed. Location lists attached.
- (2) (a) \$325,000, (b) Zero cost to ACT Government, (c) \$709,000.
- (3) (a) Approximately 300 bus stops to be upgraded to DDA – locations being developed,  
(b) approximately 50 Adshel shelters selected from the attached list, plus 30 bus shelters under Capital Works Program as per attached list, (c) 150 seats as per attached list.

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

**ACTION bus service—distances travelled  
(Question No 1665)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

- (1) What is the average distance travelled on ACTION buses as measured by the MyWay ticketing system since the introduction of the system.
- (2) How many passenger boardings have been recorded, by month, since the MyWay ticketing system was introduced.

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

- (1) This information will be available from January 2012 when enhancements to the reporting system are completed.
- (2)

April 2011	773,005 (full operation commenced on Monday 11 April 2011)
May 2011	1,692,257
June 2011	1,557,929

**Revolve—site cleaning costs  
(Question No 1666)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

- (1) What is the total cost of cleaning up the site formerly occupied by Revolve at Mugga Lane Resource Management Centre.
- (2) What was the total amount of rent paid by Revolve to the Government for the lease of the most recent site at Mugga Lane Resource Management Centre.
- (3) What is the total amount owed by Revolve to the ACT Government.

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

- (1) The total cost is not yet available as the clean up is still in progress. However, \$9,305.45 has been expended to remove 6.67 tonnes of televisions and monitors since Revolve's departure.
- (2) \$9,977.58.
- (3) The judgement that Revolve has consented to in the ACT Supreme Court is for \$101,880.28.

---

**Roads—traffic fines  
(Question No 1667)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011 (*redirected to the Attorney-General*):

What are the fine amounts for exceeding the speed limit by (a) less than 15 km/h, (b) 15 km/h, but less than 30 km/h, (c) 30 km/h, but less than 45 km/h and (d) 45 km/h or more for the financial year ending 30 June 2011.

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

- (1) The fine amounts for exceeding the speed limit for the financial year ending 30 June 2011 were:
  - (a) less than 15km/h was \$157
  - (b) 15 km/h, but less than 30 km/h was \$245
  - (c) 30, but less than 45 km/h was \$664
  - (d) 45 km/h or more was \$1811

### **Roads—traffic infringements (Question No 1668)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011 (*redirected to the Attorney-General*):

- (1) What is the breakdown of the number of infringements from ACT Government fixed speed cameras for the (a) 2009-10 and (b) 2010-11 to date financial years by (i) month, (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more, over the speed limit and (iii) camera.
- (2) What is the breakdown of the number of infringements from ACT Government mobile speed cameras for the (a) 2009-10 and (b) 2010-11 to date financial years by (i) month, (ii) offence category of (A) 10 to less than 15 km/h, (B) 15 to less than 30 km/h, (C) 30 to less than 45 km/h and (D) 45 km/h or more over the speed limit and (iii) location.

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

- (1) Refer to Attachment A.
- (2) Refer to Attachment B.

*(Copies of the attachments are available at the Chamber Support Office).*

### **Roads—parking meter revenue (Question No 1669)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011 (*redirected to the Attorney-General*):

What is the breakdown in revenue from ACT Government parking meters by (a) month and (b) suburb, for the 2010 -11 financial year to date.

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

- (a) A breakdown of revenue of all per month:

July 2010	\$	106,571.80
August 2010	\$	124,489.60
September 2010	\$	110,661.50
October 2010	\$	105,711.70
November 2010	\$	118,729.40
December 2010	\$	112,254.55
January 2011	\$	90,831.45
February 2011	\$	103,360.40
March 2011	\$	119,774.40
April 2011	\$	96,525.30
May 2011	\$	112,244.25
June 2011	\$	107,105.95

(b) A breakdown of revenue by suburb:

**City**

July 2010	\$	45,884.70
August 2010	\$	51,727.45
September 2010	\$	48,100.35
October 2010	\$	44,381.25
November 2010	\$	47,437.40
December 2010	\$	43,827.50
January 2011	\$	36,650.35
February 2011	\$	41,294.05
March 2011	\$	45,170.15
April 2011	\$	38,201.65
May 2011	\$	41,709.60
June 2011	\$	40,821.55

**Braddon**

July 2010	\$	25,148.50
August 2010	\$	29,642.85
September 2010	\$	23,632.75
October 2010	\$	23,077.60
November 2010	\$	27,723.65
December 2010	\$	27,968.05
January 2011	\$	21,851.25
February 2011	\$	23,873.85
March 2011	\$	30,479.90
April 2011	\$	21,618.70
May 2011	\$	27,033.20
June 2011	\$	27,149.00

**Kingston**

July 2010	\$	5,882.70
August 2010	\$	6,951.55
September 10	\$	6,513.00
October 2010	\$	6,386.65
November 2010	\$	7,051.10
December 2010	\$	7,369.40
January 2011	\$	6,029.60
February 2011	\$	6,547.30
March 2011	\$	6,858.10
April 2011	\$	6,765.85
May 2011	\$	6,804.15
June 2011	\$	6,700.40

**Deakin**

July 2010	\$	2,865.40
August 2010	\$	3,571.35
September 2010	\$	3,347.65
October 2010	\$	2,606.85
November 2010	\$	2,792.90
December 2010	\$	3,012.20
January 2011	\$	1,530.90
February 2011	\$	2,856.65

March 2011	\$	2,938.60
April 2011	\$	2,607.00
May 2011	\$	2,589.90
June 2011	\$	2,803.90

**Dickson**

July 2010	\$	4,569.05
August 2010	\$	5,608.35
September 2010	\$	4,803.20
October 2010	\$	4,882.85
November 2010	\$	6,102.55
December 2010	\$	5,318.60
January 2011	\$	4,723.30
February 2011	\$	4,736.20
March 2011	\$	5,939.85
April 2011	\$	4,288.85
May 2011	\$	5,443.85
June 2011	\$	4,453.05

**Manuka**

July 2010	\$	3,972.95
August 2010	\$	4,716.30
September 2010	\$	4,983.05
October 2010	\$	4,847.10
November 2010	\$	5,225.75
December 2010	\$	5,025.20
January 2011	\$	4,407.40
February 2011	\$	4,820.25
March 2011	\$	4,511.80
April 2011	\$	4,309.50
May 2011	\$	4,111.80
June 2011	\$	4,463.75

**Turner**

July 2010	\$	6,645.65
August 2010	\$	7,873.80
September 2010	\$	6,470.40
October 2010	\$	7,490.60
November 2010	\$	8,341.50
December 2010	\$	7,034.45
January 2011	\$	4,765.60
February 2011	\$	6,875.20
March 2011	\$	8,782.90
April 2011	\$	6,535.55
May 2011	\$	9,821.35
June 2011	\$	7,887.95

**Woden**

July 2010	\$	11,602.85
August 2010	\$	14,397.95
September 2010	\$	12,811.10
October 2010	\$	12,038.80
November 2010	\$	14,054.55

December 2010	\$	12,699.15
January 2011	\$	10,873.05
February 2011	\$	12,356.90
March 2011	\$	15,093.10
April 2011	\$	12,198.20
May 2011	\$	14,090.40
June 2011	\$	12,826.35

### **Roads—car park revenue (Question No 1670)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011 (*redirected to the Attorney-General*):

What is the breakdown in revenue from fines incurred at ACT Government car parks, by carpark location, for each month from July 2010 to June 2011 inclusive,

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

This information for individual car parks is unavailable due to the infringement issuing system, called Pinforce, not having the functionality to report on infringements issued by car park location. However, the total revenue collected as a result of parking infringement notices for all locations in the ACT for 2010-11 is **\$9,045,873.08**.

A monthly breakdown of revenue collected is set out below.

<b>Month</b>	<b>Monthly Revenue (\$)</b>
July 2010	413,692.55
August 2010	977,051.09
September 2010	745,229.33
October 2010	858,579.81
November 2010	742,724.42
December 2010	764,115.11
January 2011	675,388.77
February 2011	512,487.51
March 2011	623,646.63
April 2011	624,370.91
May 2011	737,385.75
June 2011	1,371,201.20
<b>TOTAL</b>	<b>9,045,873.08</b>

### **Territory and Municipal Services, Department—clothing allowance (Question No 1671)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

Is there provision for a warm clothing allowance for employees of Territory and Municipal Services; if so, how much of this allowance has been paid to employees, by month since 30 June 2010.

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

There is no allowance paid to employees of Territory and Municipal Service in relation to warm clothing. Employees required to work outdoors are provided with a uniform issue which includes boots, socks, trousers, shirts, polar fleece jumper, water proof jacket, gloves, hat and beanie.

Additionally, Personal Protective Equipment is provided where required.

---

**Trees—removal and replanting  
(Question No 1672)**

**Mr Coe** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

How many dead or dangerous trees were removed and how many trees were replanted, by suburb, during 2010 and 2011 to date.

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

TAMS has removed 1942 dead or dangerous trees in the 2010 calendar year and 933 trees in 2011 calendar year to date.

TAMS has replanted 984 trees in 2010 and 490 trees in 2011 to date.

**Attachment A** provides a break down of dead or dangerous trees that were removed and replanted by suburb during 2010 and 2011 to date.

TAMS, as the land custodian accepts an average 5000-6000 new trees every year resulting in a net increase in new trees of approximately 50-60 percent.

Tree planting is undertaken on a seasonal basis in autumn, winter and spring whereas tree removal is continuous.

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

---

**Education—course statistics  
(Question No 1673)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 30 June 2011:

- (1) At the end of semester 1 of 2011, in each of the ACT's public high schools, including super schools, how many Year (a) 7, (b) 8, (c) 9 and (d) 10 students have been studying (i) English in a gifted and talented or special extension level class, for example the Lyneham Enriched Academic Program at Lyneham High School, (ii) English in a (A) Level 1 or equivalent, (B) Level 2 or equivalent, (C) Level 3 or equivalent class, (iii) mathematics in a gifted and talented or special extension level class, (iv) mathematics in a (A) Level 1 or equivalent, (B) Level 2 or equivalent, (C) Level 3 or equivalent class.

- (2) At the end of semester 1 of 2011, in each of the ACT's public senior secondary colleges, including Canberra Institute of Technology's Vocational College, how many Year (a) 11 and (b) 12 students have been studying (i) tertiary English, (ii) non-tertiary English, (iii) tertiary mathematics at the level of (A) Specialist Mathematics and (B) Mathematical Methods and, tertiary mathematics at the level of Mathematical Applications and (iv) non-tertiary mathematics.

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

The ACT Gifted and Talented Students Policy (2008) states that:

- 3.7 Extension (deepening) is a curriculum differentiation strategy in which additional tasks such as portfolios, projects or research questions are given to gifted and talented students in specific areas so that their knowledge and understanding is extended or deepened.
- 3.8 Giftedness refers to a student's outstanding, innate ability in one or more of the following domains: intellectual, creative, socioaffective or sensorimotor (Gagné, 2007). Feldhusen (1993) identifies five levels of giftedness: mild, moderate, high, exceptional and profound. A student may display particular abilities at any stage or point in their schooling.

The figures provided below do not represent all students across all ACT public high schools and senior secondary colleges. This is because some schools do not group students in the classifications presented. For example, Kaleen High School does not stream English in semester 1; Gold Creek School uses a school wide cluster grouping model; and Melba Copland Secondary School combines two levels of English and two levels of mathematics.

Consequently, it is not possible to assume that these statistics reflect the number of intellectually gifted students in ACT public high schools and senior secondary colleges.

- 1) (a) At the end of semester 1 of 2011, year 7 students studying
- i. English in a gifted and talented or special extension level class = 235 students
  - ii. English in Level 1 or equivalent class = 430 students  
English in Level 2 or equivalent class = 385 students  
English in Level 3 or equivalent class = 95 students
  - iii. mathematics in a gifted and talented or special extension level class = 262 students
  - iv. mathematics in Level 1 or equivalent class = 491 students  
mathematics in Level 2 or equivalent class = 598 students  
mathematics in Level 3 or equivalent class = 144 students.
- (b) At the end of semester 1 of 2011, year 8 students studying
- i. English in a gifted and talented or special extension level class = 256 students
  - ii. English in Level 1 or equivalent class = 606 students  
English in Level 2 or equivalent class = 489 students  
English in Level 3 or equivalent class = 96 students
  - iii. mathematics in a gifted and talented or special extension level class = 291 students
  - iv. mathematics in Level 1 or equivalent class = 669 students  
mathematics in Level 2 or equivalent class = 592 students  
mathematics in Level 3 or equivalent class = 124 students.

- (c) At the end of semester 1 of 2011, year 9 students studying
  - i. English in a gifted and talented or special extension level class = 251 students
  - ii. English in Level 1 or equivalent class = 757 students  
English in Level 2 or equivalent class = 771 students  
English in Level 3 or equivalent class = 141 students
  - iii. mathematics in a gifted and talented or special extension level class = 228
  - iv. mathematics in Level 1 or equivalent class = 867 students  
mathematics in Level 2 or equivalent class = 870 students  
mathematics in Level 3 or equivalent class = 225 students
- (d) At the end of semester 1 of 2011, year 10 students studying
  - i. English in a gifted and talented or special extension level class = 256 students
  - ii. English in Level 1 or equivalent class = 727 students  
English in Level 2 or equivalent class = 835 students  
English in Level 3 or equivalent class = 157 students
  - iii. mathematics in a gifted and talented or special extension level class = 215
  - iv. mathematics in Level 1 or equivalent class = 809 students  
mathematics in Level 2 or equivalent class = 908 students  
mathematics in Level 3 or equivalent class = 238 students.
- 2) (a) At the end of semester 1 of 2011, year 11 students studying
  - i. tertiary English = 2003 students
  - ii. non-tertiary English = 703 students
  - iii. tertiary mathematics at the level of Specialist Mathematics = 588 students  
tertiary mathematics at the level of Mathematical Methods = 702 students  
tertiary mathematics at the level of Mathematical Applications = 788 students
  - iv. non-tertiary mathematics = 661 students
- (b) At the end of semester 1 of 2011, year 12 students studying
  - i. tertiary English = 1737 students
  - ii. non-tertiary English = 533 students
  - iii. tertiary mathematics at the level of Specialist Mathematics = 402 students  
tertiary mathematics at the level of Mathematical Methods = 474 students  
tertiary mathematics at the level of Mathematical Applications = 593 students
  - v. non-tertiary mathematics = 543 students.

The Canberra Institute of Technology (CIT) Vocational College does not have separate year 11 and 12 classes. This is because the majority of students are older than school age and are completing their required number of units to achieve their ACT Year 12 Certificate. Hence the totals for each subject is provided.

- i) tertiary English = 130
- ii) non-tertiary English = 70
- iii) tertiary mathematics at the level of Specialist Mathematics = \*
- tertiary mathematics at the level of Mathematical Methods = 34
- tertiary mathematics at the level of Mathematical Applications = 79
- iv) non-tertiary mathematics = 70

\* not offered at CIT.

The CIT figures provided are to the end Semester 1 2011.

**Teachers—casual  
(Question No 1674)**

**Ms Hunter** asked the Minister for Education and Training, upon notice, on 30 June 2011:

- (1) How many hours a week on average did Canberra Institute of Technology (CIT) casual teachers teach at CIT in semester (a) 1 and (b) 2 of (i) 2008, (ii) 2009 and (iii) 2010.
- (2) How many casual teachers taught at CIT in semester 1 of 2011 and how many (a) teaching hours a week have these teachers taught on average in semester 1 of 2011 and (b) of these teachers possess (i) the Certificate IV in Training and Assessment (Cert IV TAA) and (b) teaching qualifications deemed equivalent to the Cert IV TAA.
- (3) How many casual teachers were employed at CIT at the time of the 2010 annual report figures, payday 9 December 2010, in headcount and full-time equivalent terms, noting that CIT's 2010 annual report does not specify casual teacher staffing numbers in either headcount or full-time equivalent terms.
- (4) Do all of CIT's casual teachers have CIT staff email accounts; if not, how many do and how does CIT management decide which casual teachers require a CIT staff email account.
- (5) Do all of CIT's casual teachers appear on the Staff Contact List shown via the CIT staff website at <http://cit.edu.au/staff>; if not, how many do and how does CIT management decide which casual teachers should appear in this CIT Staff Contact List.
- (6) Do the names and contact details of all of CIT's casual teachers appear in CIT's Functional Directory; if not, how many do and how does CIT management decide which casual teachers should appear in its Functional Directory.
- (7) Do CIT's Professional Standards for Band 1 Teachers, as established in 2000 under the relevant certified agreement, apply to CIT's casual teachers, requiring that they “act at all times in accordance with principles of natural justice, fairness, ethical practice and respect for others, in a manner which will show the teaching profession in a positive light” and “undertake appropriate accredited adult teacher training if not already trained”; if so, are all casual teachers provided with copies of these Professional Standards and when, or through what process of induction or other standard operating procedure, are casual teachers provided with these Professional Standards, if at all.

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

- (1) Assuming 18 teaching weeks per semester:
  - (a)
    - (i) 1,829
    - (ii) 2,592
    - (iii) 2,950
  - (b)
    - (i) 3,028
    - (ii) 3,418
    - (iii) 3,234

- (2) (a) 433 teachers, for an average of 4.9 hours each per week, assuming 18 teaching weeks per semester.
  - (b) (i) 134 (based on most recent available information)
  - (ii) 22 (based on most recent available information).
  - (3) 357 casual teachers; 149.1 FTE.
  - (4) All CIT staff, including casual teachers, are issued with a staff email account on induction.
  - (5) Most casual teachers' names and contact details do not appear on the Staff Contact List. This is because casual teachers are not asked during their induction process to complete the proforma for inclusion.
  - (6) It is not possible to answer the question of whether all casual teachers' details appear in the CIT Functional Directory without the commitment of significant resources which I am not prepared to authorise. All CIT staff were provided with the draft of the most recent Functional Directory and given the opportunity to correct or include information before it was published.
  - (7) Yes. The Professional Standards are available to all staff electronically on the Staff Information System (SIS). The CIT's Casual Teacher Staff Induction Checklist identifies that it is the supervisor's responsibility to ensure that the casual staff member knows how to access documents on the SIS, and their role and responsibilities as a casual teacher.
- 

**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 NoWaste, 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.
- 

### **Planning—Coombs (Question No 1676)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 30 June 2011:

- (1) What progress has there been in developing the Estate Development Plan for Coombs.
- (2) When will it be available for public input.
- (3) Will ACT agency comments also be available to the public.

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

- (1) A draft Estate Development Plan (EDP) for Coombs has been prepared and circulated to relevant ACT agencies. Comments are currently being addressed with a view to re-submitting the EDP to the Environment and Sustainable Development Directorate in July 2011.
  - (2) Subject to agency endorsement, the EDP may be submitted as a Development Application (DA) in August or September 2011, at which point it will be publicly notified. It should be noted that public input has already been sought in December 2009 and March 2010 when the Land Development Agency (LDA) ran four public information sessions to inform the public of the early planning for both Wright and Coombs. Feedback from these sessions has informed the development of the EDP for Wright (which was subsequently approved as a DA in August 2010) and the development of the EDP for Coombs.
  - (3) The ACT agency comments received on the EDP DA will be available for inspection during business hours at Dame Pattie Menzies House, Dickson. These documents are an associated document of the public register which ACTPLA keeps as required under the *Planning and Development Act 2007*.
- 

### **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.

---

**Land—block 2, section 22, Phillip  
(Question No 1678)**

**Ms Le Couteur** asked the Minister for Economic Development, upon notice, on 30 June 2011:

- (1) When did the ACT Government sell Block 2, Section 22, Phillip.
- (2) What was the land valued at.
- (3) How much was paid by the purchaser for the block.
- (4) Was the land sale amount discounted; if so, for what reason was it discounted.
- (5) What evidence was there that there was need for a discount.
- (6) Why did the Government decide to sell the site.

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

- (1) The ACT Government has not sold Block 2 Section 22 Phillip. A 99 year Crown lease over Block 2 commenced on 31 July 1999 for the purposes of public heated swimming pools and ice skating rink and for purposes incidental thereto. The lease is a rental lease and the lessee is required to pay quarterly payments to the Territory.

(2) to (6)

See response to question 1 above.

---

### **Schools—community halls (Question No 1679)**

**Ms Le Couteur** asked the Minister for Education and Training, upon notice, on 30 June 2011:

- (1) How many community halls were built from Federal Building the Education Revolution funds.
- (2) Where are these halls located.
- (3) What are the terms of agreement for community use of these halls.
- (4) Are community groups able to access these halls.
- (5) At what rates can the community hire these halls.
- (6) How is access to these halls promoted to the public and/or community groups.
- (7) What arrangements are made with the schools in terms of night time entry, exit and security if community groups use the halls.

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

- 1) In total, twenty ACT public schools had projects approved under the Building the Education Revolution initiative involving school halls. This includes new halls, hall extensions and hall refurbishments under the Primary Schools for the 21st Century (P21) program and refurbishment work under the National School Pride (NSP) program.

2) See **Attachment A**.

3) In line with the requirements of the BER program, school halls are available for community use at no or low cost, providing bookings do not interfere with the provision of education programs.

Applications for the use of school halls must be approved by the School Principal.

Evidence of Public Liability Insurance is required (minimum \$10m – maximum \$20m depending on the type of activity planned).

Bookings and any payment must be made seven days in advance of activities commencing. Permanent reservations may require monthly payments in advance.

4) Yes.

5) School principals have the flexibility to hire school facilities at low or no cost to community groups depending on their link to curriculum enrichment activities. The Education and Training Directorate provides a range of community use rates as a guide for principals. The rates consider the recovery of utility costs for lighting, heating and staff security costs associated with opening the school outside hours and in some cases cleaning costs.

6) School community halls are advertised through a variety of means including school newsletters and school websites.

7) Access to community halls is arranged through the individual schools. Schools are able to make arrangements with individuals and groups to allow access after school hours and on the weekend.

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

---

## **Environment—cities for climate protection program (Question No 1680)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 30 June 2011:

(1) Is the ACT Government a signatory to the Cities for Climate Protection Program; if so, what stage is the ACT up to.

(2) What actions does the program specifically require the ACT Government to take.

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

(1) The ACT Government is a signatory to Cities for Climate Protection (CCP), an initiative of the International Council for Local Environmental Initiatives (ICLEI). The ACT Government has achieved four of the five CCP milestones.

(2) CCP is a performance-based program which builds local government capacity to address climate change through the following milestone framework:

- Milestone 1: establish an inventory and forecast for key sources of greenhouse emissions for council operations – buildings vehicle fleet, street lighting, and waste; and the community – residential, commercial, industrial, transport and waste.
  - Milestone 2: set an emissions reduction goal;
  - Milestone 3: develop and adopt a Local Greenhouse Action Plan to achieve those reductions;
  - Milestone 4: implement projects under the Local Greenhouse Action Plan; and
  - Milestone 5: monitor and report on greenhouse gas emissions and the implementation of actions and measures undertaken.
- 

### **Planning—Kenny (Question No 1681)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 30 June 2011:

- (1) What data is there on the presence of Delma Impar, the Striped Legless Lizard, in Kenny.
- (2) Does the data reflect the extremely high density of Delma Impar in Kenny.
- (3) How will this data be taken into account when planning the suburban layout of Kenny.
- (4) Will there be a referral to the Federal Environment Protection and Biodiversity Conservation *Act 1999* for Kenny.
- (5) When will the environmental studies for Kenny be completed.

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

- (1) A trapping survey for the striped legless lizard was undertaken during summer 2010 and 2011. A more comprehensive follow-up survey will also be undertaken in Kenny for the species in 2011 and 2012.
  - (2) No. Only one striped legless lizard was captured.
  - (3) All the information collected from a range of background investigations including the striped legless lizard survey will be used to inform the Kenny planning and design framework.
  - (4) This matter is to be considered further as part of the development of the Kenny planning and design framework.
  - (5) All environmental investigations have been completed.
- 

### **Environment—heritage issues (Question No 1682)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 30 June 2011:

- (1) When will the Government be responding to the Heritage Act Review.
- (2) What is the Government's position on the proposal to fund a full-time heritage compliance officer.
- (3) What action does the ACT Planning and Land Authority lease compliance officer currently take in regard to heritage issues.

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

- (1) The Government response to the review of the Heritage Act 2004 is likely to be released in late 2011.
- (2) The implementation of the recommendations, if agreed, will need to be considered through the budget process.
- (3) Development approvals often include conditions that reference other relevant laws, such as utilities, heritage, tree protection etc. Where a breach of these other laws has occurred during a development are discovered the breach is reported to the relevant regulator.

---

### **Couranga and Tralee homesteads (Question No 1683)**

**Ms Le Couteur** asked the Minister for the Environment and Sustainable Development, upon notice, on 30 June 2011:

- (1) In relation to the historical Couranga Homestead and the recently vandalised Tralee slab hut, has a development application been submitted in relation to the planned new industrial park extension via the Land Development Authority (LDA).
- (2) What was the outcome of the Home and Building Inspection Report for the Couranga and Tralee Homesteads undertaken by the LDA in 2008.
- (3) What is the Government doing to maintain these buildings given their heritage listed status.
- (4) What does the Government propose to do about the recent vandalism incident at the Tralee slab hut and what will it do to prevent any further vandalism happening in the future.
- (5) Can the Minister give an assurance that any plans for development of this site will not compromise the integrity of any of the heritage listed buildings existing on the site.

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

- (1) The Land Development Agency (LDA) has submitted a development application for the Hume West industrial estate. Approval was received from the ACT Planning and Land Authority (ACTPLA) on 21 April 2011.
- (2) The advice was noted by the LDA, however, due to resourcing limitations and competing demands at that time no immediate 'non-urgent' action was undertaken.

- (3) The 2010/2011 budget allocated \$165,000 for the conservation and interpretation of Tralee Homestead. The Government will consider options for Couranga.
  - (4) The LDA has engaged a security company to undertake random, after hours, patrols. In addition, as this is a construction zone, security fencing has been erected around the site, with appropriate signage in place. A temporary security fence has also been erected around Tralee homestead.
  - (5) The Estate Development Plan/development application approval has set aside an area (Heritage Curtilage Area, Block 9 Section 30 Hume) of approximately 11120m<sup>2</sup> surrounding the Couranga Homestead and the Tralee Hut to separate the heritage assets from the construction of the New West Industry Park. In addition to the Curtilage Area, provision has been made within those blocks abutting the curtilage (on its eastern edge) of a five metre easement for additional tree planting providing added screening from these blocks.
- 

### **Planning—strategies (Question No 1685)**

**Mr Seselja** asked the Chief Minister, upon notice, on 30 June 2011:

- (1) In relation to the Chief Minister's Statement of Government Priorities for 2011-12, given that included in A liveable, sustainable city, Priority 1 is a "new planning strategy for the ACT", (a) has this strategy commenced, (b) will this be the responsibility of the former ACT Planning and Land Authority unit in the Environment and Sustainability Directorate, (c) what public consultation will be held, (d) how will this strategy interact with the Canberra Spatial Plan and the Territory Plan and (e) will this override any existing plans.
- (2) What measures will commence as part of the first round of the Master Planning Program and what 2011-12 Budget measures does this encompass.
- (3) If measures referred to in part (2) are not funded through the 2011-12 Budget, how will they be funded.
- (4) What is the progress of the Infrastructure Plan 2011-21 and what is the expected date of release.
- (5) Did the Minister state in the Assembly, in relation to the Majura Parkway that "as we aggressively pursue Federal funding support"; if so, (a) what steps is the Minister taking to secure this support, (b) are officials from the ACT Government actively pursuing this with Infrastructure Australia and (c) are officials from the Minister's office actively pursuing this with the Minister for Infrastructure.
- (6) Will there be additional waste and energy policies announced in 2011 that were not already announced in the 2011-12 Budget; if so, how will these policies be funded.
- (7) Given that included in the Minister's projects for Priority 1 is to support families with more childcare places and that there is only one measure in 2011-12 Budget in relation to childcare scholarship programs, (a) how will this be achieved in 2011-12, (b) how will this be funded if there is no money included in the 2011-12 Budget.

- (8) Given that the Minister has detailed new childcare sites for up to 500 places, are these additional places and where is the location of these places.
- (9) How does the proposed Action Plan for Climate Change in 2011 interact with the Government's *Weathering the Change Phase 2*.
- (10) Are there any measures in the 2011-12 Budget that supports the Action Plan referred to in part (9) and what is the expected release date of this Plan.
- (11) Did the Minister state in the Assembly that Priority 1 includes "measures to speed up the roll-out of large-scale solar generation capacity in the ACT"; if so, (a) how will this be achieved given that the 2011-12 Budget includes no measures to speed up the roll out, (b) will additional funding be required or will it be redirected from other programs, (c) what is the expected take-up rate of this category, given that there are no generators currently running in the medium scale generation capacity and (d) will this be measured on how many instalments have occurred in the 2011-12 year; if not, how will this be measured.

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

- (1) In regard to the priority for a new planning strategy for the ACT:
  - (a) Work on this Strategy has commenced.
  - (b) Yes. This will be the responsibility of the Environment and Sustainability Directorate which now includes the policy area of the former ACT Planning and Land Authority.
  - (c) The work will build on the research from the Sustainable future program and the key community messages from the *Time to Talk: Canberra 2030* public engagement. There will be further public consultation on the draft Strategy. It is proposed to include public exhibition, stakeholder meetings and on-line consultation.
  - (d) and (e) This strategy will revise the 2004 *Canberra Spatial Plan and Sustainable Transport Plan* which, in the *Planning and Development Act 2007*, are called the ACT's transitional planning strategy. When finalised, the planning strategy will replace these documents in providing the overarching strategic direction to planning. The planning strategy is intended to guide and informs the development of detailed policy in the Territory Plan.
- (2) and (3) Master plans are important tools to implement strategic initiatives such as reinvigorating centres, identifying opportunities for appropriate development and improving access to services and public transport.

Considerable success and progress has been made on the Government's master planning program. Dickson and Kingston are now complete. The Kambah, Tuggeranong and Erindale master plans are well progressed.

The priority master plan list for 2011-12 includes Oak Estate; Weston Coolerman Court group centre; Athllon Drive, a major transport corridor; and a part of the Belconnen town centre (as part of its renewal process).

The 2011-12 Budget allocated the following funding:

<b>Master Planning Program – Group Centres, Transport Corridors and Rural Villages</b>	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000	2014-15 \$'000
Expenses	1,000	1,025	1,051	1,077

As part of the master planning processes, the Environment and Sustainable Development Directorate will undertake consultation with the wider community to capture the community views.

Any new initiatives will be considered in the normal budget context, considered against the full range of priorities.

- (4) The *ACT Government Infrastructure Plan 2011-2021* was released on 12 July 2011.
- (5) The Government has consistently stated that it will pursue Federal funding support. This goal was achieved with Commonwealth agreement to fund its share of the Majura Parkway project on 7 July 2011.
- (6) No new energy or waste policies will be implemented in 2011-12 beyond that already included in the Budget. The Government's Sustainable Energy Policy once released will set a range of energy policy objectives that will result in a range of costs and savings that will be realised from 2012-13. Appropriate budget bids will be lodged at that time.
- (7) (a) There are three other capital measures in the 2011-2012 Budget which support families with more childcare places. Along with the Children's Services Scholarship Program these measures form part of the ACT Government's 'Supporting Quality Early Childhood Education and Care' package which also includes other measures the government is undertaking in this priority area.

\$9m over two years will be used to upgrade existing centre based childcare facilities owned by the Community Services Directorate. The upgrade to facilities will allow childcare providers to meet the new standards for child educator ratios and increase the capacity of the centres.

In the 2011-12 year the ACT Government will invest \$7.5 million to build a new childcare centre at Holder to accommodate up to 125 new childcare places for children from birth to five years.

The ACT Government will also invest \$42.7 million to build a new early childhood school in Franklin. The school will have a childcare centre collocated and will provide up to 120 new childcare places.

In addition \$250,000 from the 2011-12 ACT Community Grants was made available in April 2010 (as Childcare Centre Grants) for community organisations to complete minor works to meet the new Quality Framework requirements and increase the capacity of the centres that receive these grants

(b) Funding has been provided in 2011-12 Budget, and the existing capital maintenance program as well as non-budgetary measures. These are outlined in the 'Supporting Quality Early Childhood Education and Care' package

- (8) The ACT Government's priority is to provide child care sites, including government release, for up to 500 places.

In addition to the measures outlined in question 7, the ACT Government has made available 5 sites for early childhood education and care services. Sites at Giralang and McKellar have been sold. A site at Macarthur will be auctioned in the coming months and sites at Holt and Gungahlin Town Centre will be released in 2011-2012.

The ACT Government is also upgrading childcare facilities owned by the Community Services Directorate through its existing capital upgrades program. This includes a site at Fyshwick

Work is also underway for the development of Franklin Early Childhood School, which will co-locate 120 childcare places with 300 places for preschool to year 2 students. Construction work will be completed in two stages. Stage 1 will be ready for the start of the 2013 school year and will include the child care centre, preschool and kindergarten areas and part of the external works.

- (9) The ACT Climate Change Strategy, *Weathering the Change* 2007-25, committed the Government to issuing Action Plans at regular intervals to provide up-to-date information on climate change knowledge and emerging technologies, guidance to the ACT Government, businesses and the community on progress towards the targets and actions to achieve long term emission reductions.
- (10) The 2011-12 Budget includes a number of initiatives relevant to the Environment and Sustainable Development Directorate which will support Action Plan 2. These are:
- Improving Energy and Water Efficiency for Low Income and Disadvantaged Households; and
  - Sustainability Data Management.

Details about the initiatives can be found in the Budget Papers.

Once released, Action Plan 2 will establish a range of actions that will need to be implemented from 2012 13. Budget bids will be lodged at the appropriate time. Draft Action Plan 2 is still under development. It will be released in the last quarter of 2011.

- (11) The Environmental and Sustainable Development Directorate is at an advanced stage of planning for the large-scale solar scheme. The Government expects that legislation will be ready for introduction towards the end of 2011.
- (a) The cost of administering the scheme will be met within existing appropriations for the Directorate.
- (b) As above.
- (c) The large-scale solar facility will be supported by a Feed-in Tariff awarded at auction. The auction process is being designed to maximise industry participation and competitive tension. The Directorate has already received strong expressions of interest in the scheme from a number of large scale developers and solar technology providers.
- (d) The success of the large-scale solar scheme will be related to the objective of delivering large-scale solar generation capacity to the ACT at the lowest cost.
-

**Housing—assistance  
(Question No 1686)**

**Mr Seselja** asked the Chief Minister, upon notice, on 30 June 2011:

- (1) In relation to the Minister's Statement of Government Priorities for 2011-12 and noting the priority *Help for those most in need*, Priority 3, what criteria are used to assess whether an individual is on a low income and needs Government assistance.
- (2) Are the criteria referred to in part (1) applied to all agencies administering concessions or does each agency operate under its own framework.
- (3) Does the Minister anticipate that in reviewing the concession regime will increase the amount of householders supported under the concessions regime; if so, will there be additional funding announced in 2012-13 Budget to address this.
- (4) How will the Government "update the tools" to better identify those householders most in need.
- (5) What 2011-12 Budget measures fund the objective of "improved accommodation options for persons with a disability".
- (6) If there is no funding in the current budget for new projects, how will this be achieved and where will money be redirected from to support this.
- (7) How many places will the "Intentional Community" accommodation provide for.
- (8) What will the overall stock of accommodation for people with a disability be when the project referred to in part (7) comes online.
- (9) How will "approved options" be measured.
- (10) How many householders are currently supported in 2010-11 under the Government's concessions schemes.
- (11) Is the measurement of 25 000 householders for a year.
- (12) By using the term householders, does this mean that numerous people in one household can be counted separately.
- (13) What is meant by a "no wrong door" policy for clients with complex needs.
- (14) How will the delivery of complex strategies for those with complex needs be measured.
- (15) Will this be done at an individual level.
- (16) Does the Government have a specific target of how many individual strategies will be delivered.
- (17) How will the Government limit the administrative burden of delivering and devising service strategies for every complex need.

- (18) Who will be conducting the Common Ground feasibility study and what is the expected date of the Government response.
- (19) Will any action be taken on homelessness as a result of this study in 2011-12.
- (20) How will measures from this report be funded.
- (21) Is the Government on track to meet its August 2011 timeframe for the Triple-Bottom-Line assessment of policy proposals framework.
- (22) Given that the Minister has noted that this framework will be in pilot for selected policy proposals in 2011-12, how will its performance be assessed.
- (23) When will the Government report on its performance.
- (24) What is the expected date for full implementation if successful.

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

- (1) The criterion for most concessions is the receipt of specific Commonwealth income support cards, such as the Pension Care Card and Health Care Card. A number of health-related concessions have particular medical eligibility criteria. The Senior Spectacles Scheme is available to all ACT Seniors Card holders. Drivers Licence and Motor Vehicle concessions are also available to the unemployed. Secondary Bursary Scheme is available to low income applicants.
- (2) Criteria are set in line with the intended outcomes of the policy to which the assistance is attached. The criteria are available at: <http://www.concessions.act.gov.au/>

On Sunday 31 July 2011 I announced that I would chair a roundtable on emergency relief. The objective of the roundtable will be to hear from those who are assisting these vulnerable people on a daily basis including emergency relief providers, housing providers, regional community services and other organisations that work with families experiencing stress. I have asked that this roundtable consider new approaches to supporting families facing acute cost of living pressures, who may not be eligible for existing concessions schemes and other government support programs. The Roundtable is scheduled for 1 September 2011, and is being coordinated by the Chief Minister and Cabinet Directorate and the Community Services Directorate in conjunction with my office.

- (3) Any new initiatives will be considered in the normal budget context, considered against all of the issues competing for Government's limited resources.
- (4) Households most in need will be considered as part of a review of access to concessions being conducted in 2011 2012.
- (5) In the 2011-12 Budget, the ACT Government allocated a further \$10.3 million over four years to respond to the needs of people with disability. In this allocation an amount of \$1.4 million is available to respond to supported accommodation needs. . This will be achieved by:
  - Developing an intentional community (see response to Q7 for details)
  - Increasing formal assistance to individuals and their families to plan for their future housing, tenancy and support requirements.

- Establishing a Housing Options Worker in Disability ACT, to assist individuals and families to identify and establish housing, tenancy and support options as resources become available.
- (6) Any new initiatives will be considered in the normal budget context, considered against all of the issues competing for Government's limited resources.
- (7) In the 2011-2012 Budget, funding of around \$7 million has been identified to develop an 'Intentional Community' which will house people with a disability supported by members of the surrounding community. A site has been identified in Phillip for the project. Approximately five young people with a disability will be co-located with about twenty public housing tenants, as part of a medium density development. Planning of the project is well progressed and Development Applications will be submitted shortly. Disability ACT will fund the support of these individuals with disabilities in this development.
- (8) The overall stock of accommodation for people with a disability will increase by approximately five when the project comes on line. The total stock of accommodation for people with a disability is difficult to measure, particularly now, where Housing ACT is constructing dwellings so that they meet adaptable and/or accessible requirements.

Disability ACT will fund a total of 500 individuals for accommodation support in 2011 12.

- (9) Disability ACT measures improved options through three primary mechanisms:
- The capture of annual data through the National Minimum Data Set collection for the ACT.
  - A client satisfaction survey as part of its annual performance measures; and
  - The use of data obtained through its Client Feedback System that informs Disability ACT on how to improve its services to people with a disability.

In addition Disability ACT under Future Directions, Towards Challenge 2014 and its 'measures of success' for Strategic Priority 1, lists 10 performance indicators that will be used to determine if it is delivering the right support at the right time in the right place.

- (10) The following data is provided:
- Energy: approximately 25,000 households
  - General Concessions: 13,409 properties
  - Water: average 13,852 households
  - Taxi: 3,200 members
  - ACT Spectacle Subsidy Scheme: 8,206
  - Senior Spectacles: 2,703
  - ACTION: average 374,533 concession rides/month.
- (11) This is a peak, point in time figure. The exact number varies from month to month due to fluctuations in the number of electricity account holders who are also Commonwealth card holders.
- (12) No.

(13) A No Wrong Door approach is about building a commitment across all formal services in the ACT, to provide people with all of the information that might be of use to them at that point in time.

(14) Disability ACT measures improved options through three primary mechanisms:

- The capture of annual data through the National Minimum Data Set collection for the ACT.
- A client satisfaction survey as part of its annual performance measures; and
- The use of data obtained through its Client Feedback System that informs Disability ACT on how to improve its services to people with a disability.

In addition Disability ACT under Future Directions, Towards Challenge 2014 and its 'measures of success' for Strategic Priority 1, lists 10 performance indicators that will be used to determine if it is delivering the right support at the right time in the right place. Disability ACT continues to manage the Outcomes Based Service Purchasing Framework project for a whole-of-government/whole-of-community outcomes based service funding agreement. This will shift reporting from measuring what and how much is being done (efficiency) to measuring whether this service is helping vulnerable Canberrans to achieve better social, cultural and economic outcomes (effectiveness).

A range of measures are used to monitor outcomes for children and young people across all services.

For example, stability in a placement for children in out of home care is a measure of positive outcomes, and Child and Family Centres use the 'Being A Parent Scales' with families when they are allocated for individual case management. These scales assess parental competence and confidence at the beginning of and end of intervention.

The Youth and Family Support Program Service Delivery Framework has adopted the Results Based Accountability model for measuring and reporting on program outcomes for children, young people and their families. Supporting the model, organisations will use a number of common tools (Common Approach to Assessment, Referral and Support CAARS and the Common Assessment Framework) to assess clients needs and measure individual progress against agreed goals.

The outcomes for people who are homeless or at risk of homelessness will be reported in the Specialist Homelessness Data Collection. The data from this will be used to measure the success of the homelessness service system in combination with other data sources such as the ABS Census

(15) Individual Planning and Personal Outcome Measures (POMs) are conducted at an individual level for people with a disability receiving services from Disability ACT are conducted at an individual level for people with a disability receiving services from Disability ACT.

The Specialist Homelessness Data will be looked at alongside the data from public housing the ABS census to create a systems approach to the delivery of complex strategies regarding housing and homelessness.

(16) No.

- (17) The Government limits the administrative burden of delivering and devising service strategies through the efficient and effective utilisation of existing services and structures. Homelessness services have been given additional funding and training support as well as the assistance of a government project officer to assist in the delivery of the Specialist Homelessness Data Collection.
  - (18) The common ground feasibility study will be conducted by a suitably qualified project officer. The project officer will report to a project oversight group consisting of government, common ground alliance, community housing and homelessness service representatives. The steering committee will assist in the direction of the study and the recommendations to government and community.
  - (19) This will be determined by the outcome of the study, the results of which are not yet known.
  - (20) Any new initiatives will be considered in the normal budget context, considered against all of the issues competing for Government's limited resources.
  - (21) Yes.
  - (22) Feedback will be sought from Ministers, Directors-General and the officers responsible for preparing the reports on behalf of agencies. This will be combined with feedback received during the public consultation process.
  - (23) December 2011.
  - (24) February 2012.
- 

### **Planning—infrastructure (Question No 1687)**

**Ms Bresnan** asked the Chief Minister, upon notice, on 30 June 2011 (*redirected to the Treasurer*):

- (1) Does the ACT Government have a priority list of bids to Infrastructure Australia (IA) for infrastructure project funding; if so, can the Minister provide this list.
- (2) What bids has the ACT Government made to IA for infrastructure project funding since 2008 and can the Minister provide the dates of these bids.
- (3) What response has the Government received from IA to each of the above bids.

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

- (1) Yes.

The Federal Highway Link to Monaro Highway –Majura Parkway.

Transport for Canberra Transit Way Program – Northbourne Avenue Transit Way (also, Belconnen to Civic Transit Way and Canberra Avenue Transit Way).

**(2) October 2008**

Majura Parkway; Very Fast Train; Light Rail System for the ACT; Cotter Dam Upgrade; Murrumbidgee to Googong Transfer; ACT Solar Facility; Southern Supply to the ACT 132kV lines – Stage 1 and 2; Hoskinstown to Fyshwick Looping – Stage 1 and 2 and ACT Health Capital Asset Development Plan.

**December 2009**

Majura Parkway; Water Security Package (Enlargement of the Cotter Dam, Murrumbidgee Googong Water Transfer and the Tantangara Transfer); Energy Sector Package (ACT Solar Power Facility and Smart Grid Demonstration Pilot); Very Fast Train; ACT Health Capital Asset Development Plan; Civic Master Plan – Urban Densification and Transport Solutions; East Lake Sustainable Development – Stage 1 and Belconnen – Civic Bus Way.

**December 2010**

Majura Parkway and Transport for Canberra Transit Way Program – North East Corridor Initiatives including Belconnen – Civic Transit Way/Northbourne Avenue Transit Way/Canberra Avenue Transit Way.

- (3) Infrastructure Australia has provided response to ACT bids in the following reports:

[http://www.infrastructureaustralia.gov.au/publications/files/National\\_Infrastructure\\_Priorities.pdf](http://www.infrastructureaustralia.gov.au/publications/files/National_Infrastructure_Priorities.pdf)

[http://www.infrastructureaustralia.gov.au/publications/files/Report\\_to\\_COAG\\_2010.pdf](http://www.infrastructureaustralia.gov.au/publications/files/Report_to_COAG_2010.pdf)

[http://www.infrastructureaustralia.gov.au/2011\\_coag/files/2011\\_Report\\_to\\_COAG.pdf](http://www.infrastructureaustralia.gov.au/2011_coag/files/2011_Report_to_COAG.pdf)

---

**Genetically engineered crops  
(Question No 1688)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 30 June 2011:

- (1) What is the ACT Government's policy on the growing of genetically engineered (GE) crops in the ACT and what is the status of the moratorium on growing GE crops in the ACT.
- (2) What is the ACT Government's position on the use of animals and humans in feeding trials for GE wheat, which the CSIRO recently announced it will undertake in the ACT.
- (3) What position has the ACT Government taken, since 2008, including formal votes, at relevant intergovernmental meetings, including the Australia and New Zealand Food Regulation Ministerial Council, the gene technology ministerial council, and the Primary Industries Ministerial Council on issues relating to (a) GE food labelling and (b) GE crop trials.
- (4) What is the risk of GE wheat accidentally contaminating the ACT environment and what are the potential environmental impacts of this.

- (5) Is the ACT Government aware of local or international evidence showing (a) that it is difficult to contain GE crops and to prevent contamination and (b) there are potential human health risks.
- (6) What is the ACT Government's position on the health marketing claims relating to "nutricrops" or "functional foods".

**Ms Gallagher:** I am advised that the answer to the Member's question is as follows:

- (1) The ACT *Gene Technology (GM Crop Moratorium) Act 2004* allows the Minister for Health, to make a moratorium order prohibiting the cultivation in the ACT of a stated Genetically Modified (GM) food plant. The purpose of the Act is to designate the ACT as an area in which certain GM crops may not be cultivated, in order to preserve the identity of GM and/or non-GM crops produced in the ACT for marketing purposes.

The ACT currently has moratoria on the commercial cultivation of two varieties of GM canola. (Canola is not grown commercially in the ACT). The Moratorium Act does not have an expiry date and states that it may be expired on a date of the Minister for Health's choosing.

No GM food crops are grown in the ACT for commercial purposes. A number of GM research trials (conducted through the Commonwealth Scientific and Industrial Research Organisation (CSIRO)) are underway in the ACT. The ACT supports licensed, scientific research into genetically modified organisms (GMOs) being conducted in the territory.

CSIRO, because it is a Australian Government statutory authority (constituted and operating under the provisions of the *Science and Industry Research Act 1949*), is not bound by a moratorium order under the ACT *Gene Technology (GM Crop Moratorium) Act 2004*.

Any decision on whether to amend or expire the ACT *Gene Technology (GM Crop Moratorium) Act 2004* will be informed by the consideration of the National Framework to Develop Co-existence Strategies for GM and non-GM crops (the National Framework).

- (2) The regulation of these matters is a federal responsibility. The member should also note the ACT Government in general supports the use of GM foods only where they have been appropriately assessed for public health and safety, i.e. are approved for human consumption and listed in Standard 1.5.2 - *Food Produced Using Gene Technology* of the Food Standards Code.
- (3) At the meetings of the Australia and New Zealand Food Regulation Ministerial Council, the ACT Government has supported a national approach to food labeling including the labeling of GM foods. In relation to GM foods, the ACT Government has always supported the labeling provisions in Standard 1.5.2 - *Food Produced Using Gene Technology* of the Food Standards Code. A comprehensive labelling of GM foods not only serves the interests of consumers, but benefits industry in a number of important ways. For example, it helps to maintain confidence in the food industry by providing consumers with meaningful information on the GM status of foods, thus allowing them to make informed choices.

In light of the recently finalised National review of food labeling law and policy, the ACT Government is currently working on a response to the issues raised by the final review report and I expect that this response will cover the matters concerning GM food labeling. I believe that the commitment of the ACT Government to appropriate and adequate food labelling must be reflected through our involvement in the food labelling review and the processes of the Australia and New Zealand Food Regulation Ministerial Council regarding the national approach to regulating food labeling.

- (4) There are currently no commercial grain crops grown in the ACT therefore no risk of contamination of commercial crops.

In the literature, there is some documented evidence of cross-pollination (the spreading of GM characteristics to other non-GM crops). Research is currently being undertaken to both identify the probability of cross-pollination and to identify effective and appropriate separation distances, to decrease the probability of cross-pollination to below a certain threshold level.

- (5) (a) While there is some evidence in both national and international literature of cross-pollination, further research is required to identify the probability of cross-pollination occurring and strategies to reduce its likelihood.
- (b) Food produced or imported for sale into Australia and New Zealand must comply with the food standards that are contained in the Australia New Zealand Food Standards Code (the Code). GM foods are regulated under Standard 1.5.2 – *Food Produced Using Gene Technology* of the Code. This Standard requires that before any GM food may enter the food supply FSANZ must conduct a pre-market assessment to evaluate the safety of the GM food. This process ensures that approved GM foods are as safe as conventional foods already in the food supply.
- (6) The ACT Government is guided by the Australia New Zealand Food Standards Code (the Code). In relation to the health marketing claims relating to ‘functional foods’, the ACT Government supports a national regulatory approach to develop a new Standard for nutrition and health claims. For consumer confidence to be maintained with respect to claims on food labels, the claims must provide accurate information that is from reputable sources and reproducible. It is understood that FSANZ continues its work on a review of the draft Standard for nutrition and health claims, taking into account the outcomes of an independent food labeling review, which were publicly released on 28 January 2011.

---

### **Cycling—Molonglo Valley (Question No 1689)**

**Ms Bresnan** asked the Minister for the Environment and Sustainable Development, upon notice, on 30 June 2011:

- (1) Given the sustainability agenda that the Government is promoting for the new Molonglo Valley developments, does the Government also have specific transport modal split targets for this part of Canberra.
- (2) What are these modal split targets, for both trips to work and all trips, for the Molonglo Valley for (a) public transport, (b) cycling, (c) walking and (d) car travel.

- (3) What is the Government's timeline for construction of a Molonglo Valley public transport interchange.
- (4) What is the Government's position on constructing a "cycle highway" from the Molonglo Valley to City / Barton / Russell and what work is it doing on this, noting that a cycle highway has different qualities to the standard off-road cycle network as it refers to a direct, largely off-road, and prioritised cycle route.

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

- (1) Transport planning for the Molonglo Valley development has been undertaken in line with the modal split targets of the Government's Sustainable Transport Plan. While the targets are established for the whole of ACT, the level of modal split will vary between Greenfield and Brownfield developments.

Initial modelling for Molonglo Valley stage 2 has projected a public transport mode split of at least 14%, which is more than a typical ACT Greenfield development. Infrastructure capacity for Molonglo has been designed to incorporate significantly higher public and active transport mode splits.

The upcoming Transport for Canberra policy and new ACT Planning Strategy will provide further direction around maximising transport and land use integration in greenfields and urban developments, and additional modelling of options for Molonglo Valley stage 2 to meet or exceed the Government's mode share targets will be progressed in 2011/12.

- (2) AECOM modelling projected mode split for public and private vehicle use. Cycling and walking were not included in the AECOM modelling. The Government's mode share targets for cycling and walking apply to the whole of Canberra. Additional modelling of transport mode split scenarios for walking, cycling, public transport and private vehicle for Molonglo Valley stage 2 will be progressed in 2011-12.
- (3) The Molonglo Valley public transport interchange will be an integral part of the new group centre for Molonglo and will be implemented on a staged basis along with the group centre. The Government's previous 4 year indicative capital works program included Molonglo group centre infrastructure stage 1 in 2012/13 and stage 2 in 2014/15; this will be subject to Budget decisions.
- (4) Planning and infrastructure provision in Molonglo Valley has already made provision for a number of cycle facilities including off-road trunk paths, on-road cycle lanes and smaller cycle paths within the developments of Wright and Coombs. Trunk cycle paths are also being planned for both sides of the Molonglo River as part of either the River Corridor Park or adjacent urban developments.

The Government will be developing a master plan in 2011-12 for a city-wide network of cycleways to connect high activity areas with the potentially high cycling trip generators across the Canberra urban area. The cycleways will be developed with the aim of providing direct and safe cycling infrastructure that meets the needs of commuters. This planning work will be undertaken during 2011-12 and will inform future cycling infrastructure investments.

Capital works design for major roads, ponds and other infrastructure has provision for future cyclepaths including wider than normal paths (ie wider than 3m). Funding for a

commuter cycle highway would be subject to future Budget considerations and the recommendations of the cycle masterplan.

---

**Planning—eastern broadacre zone  
(Question No 1690)**

**Ms Bresnan** asked the Minister for Territory and Municipal Services, upon notice, on 30 June 2011:

- (1) What involvement has the Territory and Municipal Services Directorate had in the development of transport planning for the Eastern Broadacre Zone.
- (2) What planning has been undertaken for the Eastern Broadacre Zone for the development of (a) a road network, (b) a public transport network and (c) sustainable infrastructure for pedestrians, cyclists and users of public transport.
- (3) Can the Minister provide any plans, additional to the final ACT Eastern Broadacre Report, relating to part (2).
- (4) What modelling has been done of expected travel modes to the Eastern Broadacre Zones, for example, what percentage of trips into this zone are expected to be made by each of the usual transport modes, car /public transport / walking / cycling.

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

- (1) The Territory and Municipal Services Directorate (TAMSD) has been involved in the development of transport planning from the initiation of the planning study titled *ACT Eastern Broadacre Economic and Strategic Planning Direction Study 2009* (the Planning Study) and public consultation of its associated Discussion Paper.
- (2) The Planning Study was informed by Traffic and Transport Modelling prepared by SMEC and an Infrastructure Capability Assessment prepared by Brown Consulting in 2008. These studies were undertaken at a strategic level for the entire Eastern Broadacre corridor, which identified eight precincts for further investigations.
  - (a) Further studies on road network, traffic and transport modelling have been undertaken for two of those precincts. These are:
    - Fyshwick Traffic and Transport Plan by SMEC, December 2009; and
    - Fyshwick Road Network Feasibility Study by URS, December 2010.
  - (b) An impact analysis of the public transport network was also prepared by McCormick Rankin Cagney in 2009. The assessment identified the precincts and land use types with potential for high, medium and low public transport demand based on the 2009 *Strategic Public Transport Network Plan* and transport planning principles.
  - (c) As additional funding becomes available, further detailed studies for other precincts will be undertaken. Sustainable transport infrastructure for pedestrians, cyclists and users of public transport will be part of the structure planning process for the precincts.

- (3) A Frequent Network Plan for Public Transport will be finalised as part of strategic transport planning for Canberra later in 2011. An updated map for proposed 2031 Frequent Network is at Attachment 1.
- (4) Until the structure plans for precincts within the Eastern Broadacre corridor are prepared, the uses proposed are indicative only. The travel demand and percentage of usage for each transport mode depends on the type of employment generating uses. The broad uses that are proposed for the corridor are industrial and broadacre. Most of these uses are unlikely to have all-day transport demand due to lower employment densities and different working hours.

Traffic and transport modelling were undertaken for two of the precincts in the Eastern Broadacre corridor as follows:

- Fyshwick Traffic and Transport Modelling by SMEC, December 2009;  
and
- Symonston Arterial Traffic Modelling Study by URS, December 2010.

The Fyshwick Road Network Feasibility Study 2010 has considered the provision of on road and off - road cycle paths as providing access to recreational areas along the Molonglo River.

The ACT Strategic Public Transport Network Plan 2009 proposes a public transport strategy for 2009 – 2031. Under this network plan, Canberra Avenue through to Queanbeyan is proposed as a major 'Rapid' public transport corridor. In this respect, higher density uses may be appropriately located along the Canberra Avenue, which is an Approach Route in the National Capital Plan.

---

## Questions without notice taken on notice

### Housing—waiting list

**Ms BURCH** (*in reply to a supplementary question by Ms Bresnan on Thursday, 30 June 2011*): I would like to inform the Assembly that:

There are currently 16 applications awaiting consideration by the Multi-disciplinary panel and 138 applicants on the Priority Housing waiting list.

### Domestic violence laws

**Mr CORBELL** (*in reply to a supplementary question by Ms Bresnan on Thursday, 30 June 2011*): Advocacy for Inclusion wrote to me on 3 June 2010 proposing that the ACT consider adopting the definition used in the *NSW Crimes (Domestic and Personal Violence) Act 2007*. The proposal would extend the definition of domestic relationship to include a person who:

- is living in the same household;
- is living in a residential facility; and
- has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person.

I gave an undertaking to consider the Advocacy for Inclusion proposal in future reform in the context of the Australian Law Reform Commission and the New South Wales Law Reform Commission Final Report *Family Violence—A National Legal Response*.

### Domestic violence laws

**Mr CORBELL** (*in reply to a supplementary question by Ms Le Couteur on Thursday, 30 June 2011*): There is no fixed timeframe for progressing the ACT specific matters raised in the Final Report. The Government is strongly committed to reducing and preventing family violence in the community and will consider specific circumstances requiring urgent reform.

I anticipate that I, together with Ms Joy Burch as Minister for Women, will release an *ACT Strategy on Prevention of Violence Against Women and Children 2011-2017* later this year.

### Domestic violence laws

**Mr CORBELL** (*in reply to a supplementary question by Ms Hunter on Thursday, 30 June 2011*): I will not commit to that definition at this stage. My Directorate is considering the recommendations of the Australian Law Reform Commission and the New South Wales Law Reform Commission Final Report *Family Violence—A National Legal Response*, which was launched on 11 November 2010.

The Final Report recommends that State and Territory family violence legislation should include examples of emotional and psychological abuse or intimidation and harassment that illustrate conduct that would affect—although not necessarily

exclusively—certain vulnerable groups including those with a disability (Recommendation 5-2). The Report does not however recommend the adoption of the NSW definition for ‘domestic relationship’.

The Government will review the Final Report with particular reference to ACT specific recommendations.

### **Director of Public Prosecutions**

**Mr CORBELL** (*in reply to a supplementary question by Mrs Dunne on Thursday, 30 June 2011*): The administration of the day to day affairs of the Office of the Director of Public Prosecutions (DPP) is the responsibility of the DPP as an independent statutory officer. In regard to this matter, the DPP has provided written assurance to the Director-General of the Justice and Community Safety Directorate that he has undertaken a review of processes and procedures used in his Office in relation to performance measure reporting, and has made changes to ensure that this does not occur again.

### **Director of Public Prosecutions**

**Mr CORBELL** (*in reply to a question and a supplementary question by Mr Smyth on Thursday, 30 June 2011*): In relation to the Director of Public Prosecutions:

- (1) The performance measures for the 2010-11 financial year are new measures (refer 2010-11 Budget Papers No. 4 page 258) for which no historical data was available to determine the targets. For the first time the ACT DPP in accordance with ABS standards now measures matters as a group of related charges against a defendant (previously individual charges). On this basis there was no way of accurately calculating in advance what this figure would be and therefore it was not possible to identify a measured target. The measure has now been reviewed and adjusted to reflect a new target for 2011-12 in light of the DPP’s experience to date.
- (2) Performance Measurements in previous years were based on different measures, which did show variances over time. For this reason a review was undertaken of the performance measures used in previous years by the current DPP. This review determined that the DPP needed to move to new performance measures in 2010-11 taking into account the ABS standards and the introduction of the new DPP Case Management System.