Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

25 AUGUST 2011

www.hansard.act.gov.au

Thursday, 25 August 2011

Thursday, 25 August 2011

(Quorum formed.)

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

Leave of absence

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

> That leave of absence be granted to Mrs Dunne for this sitting to attend a conference overseas.

Smoking in Cars with Children (Prohibition) Bill 2011

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (10.03): I move:

> That this bill be agreed to in principle.

Mr Speaker, it is with great pleasure that I introduce the Smoking in Cars with Children (Prohibition) Bill 2011, which will prohibit smoking in motor vehicles when children under the age of 16 are present.

This bill represents the latest step in the ACT government's move to protect the community from the harmful effects of environmental tobacco smoke. Most importantly, the bill will protect those in the community who lack the ability to protect themselves.

It is well documented that there is no safe level of environmental tobacco smoke. Children are even more susceptible to smoke's harmful effects due to their smaller lung capacity, body weight and underdeveloped immune system.

Research has shown that the air quality when smoking in the confined space of a car, even with the windows rolled down, can rival the smokiest pub environment prior to the ACT ban on smoking in pubs in 2006. Even a brief exposure to these environments can result in detrimental health effects such as asthma, bronchitis and pneumonia as well as long-term developmental and behavioural difficulties. There is also evidence that more serious diseases can occur from exposure to environmental tobacco smoke, such as cancer and cardiovascular disease.

It is great to see that the ACT has one of the nation's lowest smoking rates. At 16.3 per cent it is well below the national rate of 18.9. These statistics go hand in hand with

the territory's strong history of smoke-free legislation and progressive stance on tobacco control.

A public consultation paper in early 2009 found that 75 per cent of respondents supported the introduction of a law to ban smoking in vehicles carrying children. This evidence was further supported in a survey by the ACT children and young persons commissioner that showed that three in four young people would not be happy to sit in a vehicle with someone who is smoking.

With the passage of this bill, the ACT will join other jurisdictions who have been steadily implementing their own bans since 2007 after South Australia first introduced this important piece of legislation. I am happy to report that within the first year of their ban, South Australia saw a 13 per cent decrease in the number of smokers that smoked in a vehicle when a child was present, from 31 per cent to 18 per cent.

This bill legislates for a ban on smoking in vehicles when a child is present, defining a child as a person less than 16 years of age. This definition is consistent with the legislation in New South Wales and will assist with cross-border awareness and enforcement of the ban.

The new offence on any person aged over 16 years will be enforced by ACT Policing. It is a strict liability offence and is stated as such in the bill. I refer members to the explanatory statement for the justification for strict liability. I would also refer members to the detailed discussion in the explanatory statement of the human rights implications that arise from this important piece of legislation.

Commencement of the new law will be by written notice by me as minister and provides for the ability to delay commencement for up to six months. During this time the Health Directorate will be undertaking an education campaign to raise community awareness and understanding of the requirements of this new law prior to its commencement.

Some members may have seen South Australia's and Tasmania's campaign tag line, "Smoke with kids in the car and you'll cough up a fine". It is intended that a similar campaign will be run in the ACT.

Children who are exposed to smoking are twice as likely to take up smoking themselves. This bill will remove an avenue for harm to children.

There is strong research to show that exposed children, who themselves often start smoking during their teenage years, encounter the greatest difficulties when trying to quit later in life. This makes it the responsibility of all of us to protect children by preventing their exposure to smoking and environmental tobacco smoke. Governments have a duty to ensure that people are aware of these obligations and do all in their power to prevent this exposure.

The passage of this bill is another step towards achieving the ACT government's goal to improve public health. It will protect those in our community that are most vulnerable, it will protect children and young people from the harms of environmental

tobacco smoke and it will de-normalise smoking behaviour amongst this impressionable age group.

This latest achievement in the fight against tobacco highlights the reforms made over the past five years of tobacco control initiatives in the ACT. I refer members in particular to the Tobacco Amendment Act 2008 and the Smoking (Prohibition in Enclosed Public Places) Amendment Act 2009.

New measures minimising tobacco promotion were introduced in 2009 through the amendments to the Tobacco Act. This removed the last available avenues for tobacco advertising and visual smoking cues through the complete ban on tobacco point-of-sale displays effective from January this year.

Restricting places of tobacco use saw cleaner, healthier indoor public places across the capital from December 2006, closely followed by smoke-free outdoor eating and drinking places four years later, from 9 December 2009.

I am proud to say that we are creating a cleaner, healthier Canberra for many future generations to come. I look forward to other members' support for this important bill in the Assembly today.

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

Crimes (Protection of Witness Identity) 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) (10.09): I move:

> That this bill be agreed to in principle.

Today I introduce the Crimes (Protection of Witness Identity) Bill 2011, which will provide a scheme to protect the identities of undercover operative witnesses in the context of court proceedings.

This bill is the fourth and final piece in a suite of legislation that the government has introduced into the Assembly to give effect to the cross-border investigative powers for law enforcement model legislation. This model legislation has been prepared by the Standing Committee of Attorneys-General and Australasian Police Ministers Council Joint Working Group on National Investigation Powers.

The bill empowers the ACT Chief Police Officer or the Chief Executive Officer of the Australian Crime Commission to give a witness identity protection certificate in relation to a proceeding. The certificate will:

- enable an operative to give evidence under his or her assumed name or a court name;

- excuse an operative from stating his or her real name or address during the proceeding; and

- prevent the asking of any questions or the making of any statements during the proceeding that may lead to the disclosure of the operative's real name or where the operative lives.

The primary purpose of the scheme is to protect the personal safety of a witness and others connected to a witness, such as their family members.

The scheme will also enhance the ongoing efficacy of undercover operations. By protecting the true identity of a witness, they are preserved as a useful undercover officer. This encourages police officers to participate in undercover operations as they can be confident that, if necessary, their identity and safety will be protected.

The bill is part of a model legislative scheme and will apply both in the ACT and in other jurisdictions. As such, the bill provides transparency and certainty across jurisdictions as to when operatives' identities will be protected. It also provides consistency for law enforcement agencies and operatives who operate across borders and will allow for seamless cross-border investigations. The model protection of witness identity legislation has also been adopted in Victoria, Queensland, Tasmania and South Australia and by the commonwealth.

To protect police and other operatives, the bill also creates offences for disclosing information that reveals or is likely to reveal the real identity of an operative covered by a witness identity protection certificate. Where the disclosure occurs in circumstances where a person may be endangered or an investigation prejudiced, the offence is more serious and a higher penalty applies.

The bill also requires that a yearly report be provided to the relevant minister about witness identity protection certificates given during that year, including details of any proceeding in which leave was given to disclose an operative's identity despite a witness identity protection certificate. A copy of that report will also be tabled in the Legislative Assembly.

The Australian Crime Commission is included in the definition of "law enforcement agency" for the purposes of the bill as the Australian Crime Commission investigates organised crime on a national basis and it is intended that the commission would be able to be involved in relevant cross-border operations. The commission will operate under a combination of existing commonwealth legislation together with relevant state and territory legislation that confers powers, duties and functions on it.

The bill takes into account the significant body of jurisprudence around public interest immunity that already exists in Australia. The common law doctrine of public interest immunity allows for a court to provide for the protection of an undercover police

operative's identity where the operative is a witness in a court proceeding by preventing the disclosure of the operative's identity.

The bill also ensures that in protecting the safety of undercover operatives, the rights of the defendant in a criminal proceeding are not infringed.

The effect of a witness identity protection certificate is to prevent the disclosing of an operative's true identity in the context of a proceeding, engaging the right to a fair trial under the Human Rights Act 2004.

In addition, the rights afforded to a defendant in criminal proceedings under the Human Rights Act mean that the defendant is to have the opportunity to examine prosecution witnesses.

The bill ensures that these rights are subject only to reasonable limits and are justified and proportionate to the purpose of the bill.

Concealing the true identity of undercover operatives, and thereby limiting the right to a fair trial and certain rights in criminal proceedings, achieves two important purposes which are in the public interest. Firstly, the personal safety of witnesses, or other people connected to the witness, such as his or her family, is protected. Secondly, the efficacy of undercover operations is preserved.

While a witness identity protection certificate prevents the disclosure of an operative's true identity in a court proceeding, this limitation on the right to a fair trial and rights in criminal proceedings is reasonable and justified and promotes a number of rights enshrined in the Human Rights Act.

The primary purpose of the limitation is to protect the personal safety of witnesses, or others connected to the witness, which promotes the right to protection of the family and children, at section 11 of the Human Rights Act, as the families of witnesses are protected by concealing the true identity of the witness. It also engages and promotes the right to privacy and freedom of movement as it protects the operative's right not to have his or her privacy, family and home interfered with unlawfully and his or her right to choose his or her residence in the Australian Capital Territory.

The limitation on the right to a fair trial and rights in criminal proceedings is reasonable and only goes as far as is necessary to protect the personal safety of witnesses and their families. The witness in the proceeding to which a witness identity protection certificate applies is not "anonymous" in the broad sense of the word as they appear in person to give evidence, they can be cross-examined and their demeanour can be assessed by the court. The limitation is proportionate as it only goes so far as to require that their true name and address are withheld. The bill does not propose that the operative will be a "secret" or "anonymous" witness who does not appear before the court. Nor does it propose that the operative give evidence in court from behind a screen or using voice distortion technology.

Both the House of Lords and the European Court of Human Rights have acknowledged that there may, in certain circumstances, be a need to limit human

rights in order to protect the life, liberty or security of witnesses and the investigation of criminal matters.

This bill provides a number of protections to ensure that any limitations on human rights are reasonable and proportionate to the aim of protecting the safety and security of witnesses and the ongoing investigation of crimes. The bill ensures that the defence has the opportunity to question the witness in the presence of the court, allowing the tribunal of fact to make its own judgement as to their demeanour and reliability.

Other specific protections are provided by the bill to ensure that the right to a fair trial and rights in criminal proceedings are only limited to the extent necessary to achieve the purposes of the bill. A witness identity protection certificate can only be given where it is necessary for the protection of an operative's, or another person's, safety or an investigation. The chief officer giving the certificate must be satisfied that disclosing the operative's true identity in a proceeding is likely to endanger the operative's safety or that of someone else or prejudice an investigation.

The question of the risk posed by disclosure, to a person or to an investigation, of an operative's identity sits firmly with the law enforcement agency. It is the law enforcement agency that has information about these risks and that is responsible for the health and safety of operatives and for the conduct of investigations.

The bill provides that certain information must be included on a witness identity protection certificate, such as whether the operative has been found guilty of an offence, any findings of professional misconduct and whether a court has made any adverse comment about the operative's credibility. In addition to being able to face the operative witness in court and observe his or her demeanour, this information will further allow the accused in criminal trials to challenge the credibility of the operative without disclosing the operative's identity.

One of the most important protective measures provided by the bill enables the court to give leave to allow the disclosure of a witness's identity, despite the existence of a witness identity protection certificate. The court may give leave where the evidence of the witness's identity would "substantially" challenge the witness's credibility. The bill deliberately requires such a high standard before disclosure can occur as the risk to a witness if leave is granted to disclose their identity—that is, their real name—and the place where they are living is a very serious one, so requiring a commensurately high standard for the accused in showing that such disclosure is required and is appropriate.

Furthermore, if there are cases where the protection of the witness's identity means that the defendant is unable to properly test the facts in issue, the court has discretion to stay the proceedings in the interest of justice. The joint working group, which developed the model legislation, noted in their *Cross-border investigative powers for law enforcement* report in November 2003 that "a case where a stay would be necessary would be very rare".

This bill will provide important protections to undercover operatives who are involved in proceedings. It will protect their safety and security and that of their family

members. By protecting the identity of these operatives, the bill will also enable effective ongoing cross-border operations and criminal investigations.

This bill will provide consistency across borders and certainty of protection for witnesses as it will enable a witness identity protection certificate issued in the ACT to be recognised in other jurisdictions and those issued in other jurisdictions to be recognised in the territory. I commend this bill to the Assembly.

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

Evidence 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) (10.21): I move:

> That this bill be agreed to in principle.

Today I present the third in a series of bills that will be presented this year to reform the law of evidence in the territory. This bill's primary purpose is to amend the territory's Evidence Act to implement parts of the uniform evidence law not currently operating in the territory through the commonwealth evidence law.

Members may remember that I originally intended to present these amendments to the Assembly in June. However, I advised members in June that it was appropriate to delay presentation until these sittings to allow the government to consider and consult on recent developments in journalist shield laws.

Following extensive stakeholder consultation, the bill that is being presented today will serve two purposes. Firstly, it will finalise the process of the ACT adopting the uniform evidence law and, secondly, it will ensure the continued operation of the commonwealth's specific journalist privilege in the territory.

The territory established its own Evidence Act in April this year to independently adopt the uniform evidence law. This is the uniform evidence law that has been endorsed by all Australian attorneys-general and implemented in the commonwealth, New South Wales, Victoria and Tasmania. However, the ACT only implemented those parts of the uniform law that had been adopted by the commonwealth and were already operating in the territory. In its current form, the Evidence Act does not substantively change the law of evidence applying in the territory.

The bill I am presenting today amends the Evidence Act to introduce new evidence law into the territory. It will establish the uniform professional confidential relationship privilege which was never adopted by the commonwealth and also

implement amendments to the model law endorsed by attorneys-general in 2010. These amendments have yet to be adopted by the commonwealth.

The ACT's new Evidence Act does not currently establish the model professional confidential relationship privilege, as this has not been implemented by the commonwealth. In keeping with the government's commitment to uniformity in evidence law, this bill will now establish the model privilege in the territory.

The privilege is designed to protect communications from disclosure where one of the parties involved is a professional and is acting under an obligation not to disclose the communications. This protection will extend to a wide range of professions, including doctors and other health professionals, journalists, social workers and professionals in other relationships where confidentiality is key.

The bill will provide the court with a guided discretion to exclude evidence of a confidential communication. The evidence must be excluded if it is likely that harm would, or might, be caused to the person who imparted the confidence and the nature and extent of that harm outweighs the desirability of having the evidence given.

In determining whether to exclude the evidence, the court will be guided by a list of specific matters set out in the act. These factors include, among others, the probative value and importance of the evidence, the nature of the proceeding, the availability of other evidence and the likely effect of adducing the evidence.

By establishing the privilege, which received the support of key ACT stakeholders, the ACT will be consistent with other participating uniform evidence jurisdictions, including New South Wales and Tasmania.

In the 2005 review of the uniform evidence law, there were a number of issues identified that were not addressed in the amendments which were endorsed by attorneys-general in 2007. In 2010, following further consideration and consultation, attorneys-general agreed to a small number of amendments to the uniform law to address these issues.

At this stage, the commonwealth has not incorporated these amendments into the commonwealth evidence law operating in the territory. Therefore, these amendments are not currently part of ACT law. By including these amendments in this bill, key stakeholders were given the opportunity to consider the appropriateness of these new evidence provisions applying in the territory.

The amendments include an expanded definition of "unavailability of people" in the dictionary to address concerns raised in the 2005 review of uniform evidence law that the law failed to take into account circumstances when requiring a person to give evidence may cause that person serious emotional or psychological harm. The bill expands the definition to provide that a person is unavailable if the person is mentally or physically unable to give the evidence and it is not reasonably practical to overcome the inability.

The bill also provides for mutual recognition of self-incrimination certificates issued in other jurisdictions and will clarify that the model professional confidential relationship privilege applies to journalists.

I will now address the amendments in the bill which will establish a specific journalist privilege in the ACT. Journalist shield laws have received a lot of attention in recent years, with growing recognition of the vital role that journalists play in ensuring an open, democratic society. Freedom of the press is an essential safeguard for the public in ensuring accountability in government.

In 2007, the commonwealth enacted legislation to establish a journalist privilege in the Evidence Act, modelled on the professional confidential relationship privilege. This privilege was limited to journalists and did not apply more broadly to other professions.

Late last year, a bill was presented to the commonwealth House of Representatives to replace the existing journalist privilege with a new privilege based on New Zealand legislation. The new privilege was designed to strengthen the capacity of journalists to protect the identity of their sources.

After being referred to, and reported on, by the commonwealth legal and constitutional affairs legislation committee, the bill was passed in the commonwealth parliament in March, with amendments by the Greens. The act commenced on 13 April 2011, and the amendments it made to the commonwealth act now apply in the ACT.

The new privilege establishes a presumption against the disclosure of evidence that would reveal the identity of a journalist's source. However, in recognising the public interest in all relevant evidence being brought before the court, the privilege provides that the presumption can be rebutted. This will occur if the court is satisfied that the public interest in revealing the source's identity outweighs both the likely harm to the source or another person and the public interest in reporting the news.

Unlike the model professional confidential relationship privilege, the onus of establishing the public interest is on the party seeking disclosure. The Greens' amendments to the commonwealth act broadened the definition of journalist to more appropriately recognise new media structures and not just existing media structures.

Establishing a journalist privilege in the Evidence Act modelled on the new commonwealth privilege will ensure that the law in relation to journalist privilege in the ACT continues unchanged following these evidence reforms. Despite the different approaches to defining a journalist, the ACT's privilege will also be largely consistent in operation with New South Wales, which established a similar privilege in June this year.

The amendments in this bill will see the ACT take the final step in independently adopting the uniform evidence law in the territory. It will also ensure that the existing journalist shield law in the territory is continued once the completed package of evidence reforms commences in 2012. I commend the bill to the Assembly.

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

Standing and temporary orders
Rostered ministers question time

MR HARGREAVES (Brindabella) (10.29): I move:

> That the following temporary order be adopted for the remainder of this Assembly:
>
> **Temporary order 113C**
>
> 113C On each sitting Tuesday and Wednesday each non-Executive Member may propose to the Speaker one question which may be asked of a rostered Minister provided that no Ministers shall be rostered on consecutive sitting days.
>
> The roster shall be determined by the Legislative Assembly by resolution.
>
> Notice of the question shall be provided to the Speaker not later than 1.5 hours before the time fixed for the meeting of the Assembly.
>
> If the Speaker determines that a question is in order, the Speaker may choose by lot up to five questions, and these shall be published prior to the time the Assembly meets.
>
> At the conclusion of questions without notice, the Speaker shall call each Member whose question has been chosen to ask their question and one supplementary.
>
> Ministers shall have two minutes to answer the question and any supplementary.

I move this motion on behalf of the Standing Committee on Administration and Procedure and would like to indicate to the chamber that the genesis of this particular temporary standing order was Mr Coe's visit to England. I wish to congratulate him for actually going to one of these Westminster seminar-type events and seeing how, in fact, they operate overseas and how they may apply to our own jurisdiction. It is a temporary standing order. We will see what it is like at the end of this particular Assembly, then we will review it and then we may toss it, we may refine it, we may leave it as it is. It will be for elected members of another Assembly to determine that.

The temporary order allows for additional questioning of ministers post question time under a set of rules. Those rules are that it will only apply on Tuesdays and Wednesdays. There will be a roster, and I shall be proposing that roster following the passage of this particular motion. I hope it passes. There will need to be notice of the question given to the Speaker not later than 1½ hours before the time fixed for the meeting of the Assembly so that sufficient time can be given to the minister on the roster to be able to give a fulsome response to the question that has been provided.

One might say, "Question time is sufficient for that, for ministers to be questioned on their portfolios." However, we do know that predominantly questions come to the major part of portfolios. I will use Minister Burch's group of portfolios as an example. If we take the Community Services portfolio, it has a whole range of things in it. It has, for example, multicultural affairs, it has ageing, it has women. It is those particular portfolio responsibilities that very rarely get an airing in question time.

It is also worthy to note that the questions that come to ministers from all sectors of this chamber are often on a theme, which means that parties will actually develop a series of questions on that same theme. We have seen it happen in this place, where one minister will get all six questions from the opposition or all three questions from the Greens or the same thing from the backbench here. That means, of course, that the minor parts of the portfolios go relatively unexamined in here. Therefore, there will be now opportunities for members to question ministers on those smaller parts of their portfolios.

The Speaker will of course choose by lot up to five questions. The whole period shall be 20 minutes long. The questions will be, as I say, published beforehand. So there will be, I understand, a supplementary daily program issued. We will see the normal blue delivered to our offices electronically and physically at or about 9 o'clock on a sitting day. However, somewhere between 9 and 10, we will have also delivered to our offices a supplementary daily program which will contain the questions that have been drawn out by lot.

Of course the Speaker will determine whether or not the questions, firstly, are in order and, secondly, are actually relevant to the particular minister on that particular rostered day. If somebody makes a mistake, that will be ruled out of order. That is not to say that the question cannot be asked again later.

Once the questions without notice period has concluded, the Speaker will then call on people who have been drawn out by lot to ask their question and they will be allowed one supplementary. The answers to the question and the supplementary will be limited to two minutes, such that we have a 20-minute time frame and we should be able to get five questions and five supplementaries in.

The administration and procedure committee consulted with Mr Coe about party rooms. Indeed, the manager of government business attended the administration and procedure committee and discussed with that committee, that standing committee, ways forward. In fact, it was his contribution which saw something appear in the temporary standing orders which makes very clear exactly how we are going to do this. If you are going to have a test for a system which will be evaluated further down the track, you need to be very specific about it so that when you come to evaluate it you will evaluate it specifically. So I applaud the contribution from the manager of government business.

I also need to put on the record that the proposal, as put in this motion, was actually carried by the Standing Committee on Administration and Procedure by majority, not unanimously. I also applaud the notion of reviewing it at the end of the Assembly.

I am concerned, and have been concerned for some time, that we have been changing quite significantly over the last three years the processes which apply in this place and I am a little concerned that we may be trying to change things too quickly. I do not suggest that the suggested changes are not valid—not at all. I am just concerned that we might be changing things too quickly and that some of them would have been better off in the next Assembly, trying them for the next Assembly once the changes that we have done now have been bedded down, proven, reviewed and okayed.

So I do not say that necessarily this is a bad idea but I do caution that we are changing things a little too quickly. What happens if you change things too quickly is that people get left behind. And when they get left behind, they do not have a commitment to the new process. What we need to do is make sure that when we have standing orders that are changed, like these, all of us in this chamber are committed to the success of those changes.

That is the only caveat I put on these changes. I commend the motion to the Assembly.

MR COE (Ginninderra) (10.36): I am very pleased to be able to speak to this proposed temporary standing order. As Mr Hargreaves just said, the genesis of this change was a letter that I wrote to the Speaker on 24 August last year, almost exactly a year ago, in which I suggested there was perhaps a hybrid which could be developed between the UK system of portfolio question time and the Australian tradition whereby questions can go to any minister. The reason for this was that often some of the smaller portfolios do not attract the same level of scrutiny in question time.

Whilst I acknowledge that non-executive members are, of course, responsible for the questions that they ask of ministers, the fact is that some portfolios do not have the same time-critical nature or attract the same budget spend that other portfolios do. Therefore, they do not always attract the same level of non-executive member scrutiny as some of the other portfolios. It was to that end that I thought there was scope to have some portfolio-based questions and a time allocated during the sitting week for that.

I am pleased that proposed standing order 113C suggests that on Tuesdays and Wednesdays of each sitting week we will see a portfolio question time, based in part on the UK portfolio question times. I think there are many benefits to this arrangement, including that it would be of great interest, I believe, to external stakeholders of these portfolios. If, for instance, you know that the Minister for Aboriginal and Torres Islander Affairs is going to be scrutinised for 15 minutes and there are going to be questions without fail to that minister about which you are concerned it means that you can come to the Assembly or tune in online with some assurance that you are going to get some relevant information on the subject of your choosing.

As to the roster, I do not think the roster completely captures what I was requesting, but it is certainly a step in the right direction. There are still some gaps. For instance, I can think of one or two portfolio areas that may well be under the radar and may not get the same level of scrutiny. Heritage is one which I do not see as being available in

that roster as it currently stands and that may be because the minister for sustainable development is not on the roster either. However, this is a very good proposal and one well worth trialling. Hopefully it will be endorsed by the Assembly as a permanent standing order, perhaps with some reforms.

We all know that very rarely do we have many people in our gallery. I think that is a shame. I would like to see more people here. I would like to see more Canberrans engage with the work of the Assembly on a sitting day. This proposal might create a little bit more incentive for relevant stakeholders to come into this place and see what happens on any given day. I do not believe it will be a burden on the departments as they already do this kind of work. In actual fact, because there will be a clear roster, they will know well in advance if there are any topical issues which they can expect to get some questions on. As I said, they usually prepare and they are well equipped to answer such questions. I do not think it will be a burdensome program on them.

However, I am concerned about the potential labour intensive nature of putting questions on notice to the Speaker and also to the Secretariat. That is something I would be keen to get feedback on from the Secretariat and the Speaker at the end of the trial period. There is scope, perhaps, to not put questions on notice and to leave the questions without notice but still maintain the roster—so that we all know what portfolios are going to be quizzed but they simply do not know the exact nature of the question. However, I acknowledge that element of questions without notice through the supplementary question capability.

I would like to put on the record my thanks to Mrs Dunne, the Liberals' representative on the admin and procedure committee, and to the other members, including the Speaker and the Secretariat, for considering this issue. I specifically thank them for giving me the opportunity to present and to answer questions earlier this year on this issue. I look forward to this reform. I believe it is a reform. I believe that it will improve government accountability. I believe it will enhance the power of this Assembly to scrutinise ministers and to scrutinise how taxpayers' dollars are spent. I commend this temporary standing order to the Assembly.

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) (10.42): The government will be supporting these proposals this morning, but I think it is worth placing some observations and comments on the record. First of all, I think it is worth observing that, when it comes to question time, this Assembly has one of the most comprehensive scrutiny regimes of any parliament in the federation. We are the only parliament where every non-executive member is able to ask not just a substantive question but a series of supplementary questions of a minister or ministers in each and every question time. So we already have one of the most robust and extensive questioning regimes of the executive on a daily basis during sitting days of any parliament in the federation.

That said, it is probably worth observing that this proposal will extend that even further. In some respects I think the observation could be made that, given the extensive opportunities already available to members through both their right to a question and also a series of supplementaries, the question should be asked as to why

less significant portfolios do not already receive the attention that perhaps some of the larger portfolios do, given those extensive opportunities. It is perhaps an observation simply worth placing on the record.

I am pleased to see in the proposal put forward by the committee that the committee has taken account of the specific issues I raised with the committee when I met with it a couple of weeks ago. Through you, Mr Speaker, I would like to thank the committee for the opportunity, as manager of government business, to speak to it about these matters at one of its meetings. I thank the committee for taking on board the particular procedural aspects that the government was concerned about.

I am pleased to see in the proposed temporary standing order that there is recognition that, first of all, in terms of the roster, there is not a circumstance where the same minister is rostered on consecutive days. It would be unreasonable to ask the same minister to be rostered on on consecutive sitting days. I am very pleased that that has been taken into account by the committee, and I thank them for that.

Secondly, the other matter of concern for the government was in relation to when these rostered questions—to term the phrase—were provided to the relevant minister. I am pleased to note that the rostered questions must be made available to the minister by the commencement of the sitting day on which the questions are going to be asked. I think that is consistent with the spirit of the approach, which is that the questions are given with notice so that more detailed questioning is feasible, but obviously ministers are in a position to be able to answer more detailed questions about specific matters. That is a welcome development and one which the government supports.

It is probably worth making the observation, Mr Speaker, that there are some aspects that perhaps are not currently open to questioning on the roster that there could be. For example, committee chairs could potentially be included on the roster, or indeed you, Mr Speaker, as the person responsible for the administration of the Assembly and its appropriation. Those are matters that I think the Assembly should keep under review. They are certainly matters that the government raised with the committee when I met with them. I appreciate they have not been taken up at this point, but hopefully those matters can be given further consideration at some point in the future. With those comments and reservations, the government will be supporting the proposal this morning.

MS BRESNAN (Brindabella) (10.47): I will speak very briefly to this proposal. The Greens support the proposal that has been put forward. I would also like to thank all members of the administration and procedure committee for the collaborative way in which this has been dealt with. One of the important opportunities that this proposal will offer is that it will give community groups a chance to potentially have an input into the question time process because the roster will be available. I think it is a good thing, too, to give ministers notice of when they will be required to answer questions. Community groups might have some questions on particular portfolios which they can pass on to members. I think that will be one of the positives of this proposal.

Just to reiterate, the Greens support this proposal and look forward to seeing how it goes forward. As Mr Hargreaves said, if there are any issues that come up I think we

will be able to work through them and make this work better. Mr Coe also raised some issues. I think we can take all of those into account and see how it works for the rest of this year.

MR SESELJA (Molonglo—Leader of the Opposition) (10.48): Just very briefly, I would like to congratulate Alistair Coe on his efforts on this. This is a good initiative. I think it will go towards making the Assembly more accountable. I think it is an example of the very hard work that Alistair Coe does. We are hopeful that it will improve the situation. It will help the community get more information about what goes on in government and how their money is being spent. That has got to be a good thing. We will look very closely at how it works. I think there is scope to tweak it. It probably will be improved over time, but we will see how it goes for a little while. I think it is worth noting and putting on the record the hard work that Alistair Coe did on this and the leadership he showed. I think he has helped steer through a positive reform for the Assembly.

MR HARGREAVES (Brindabella) (10.49): In closing the debate, I thank members for their support for the motion. Mr Coe indicated earlier on some concerns about the roster and I will address his concerns in the following motion.

Question resolved in the affirmative.

MR HARGREAVES (Brindabella) (10.49): I move:

> That the following roster for the additional rostered Ministers' questions be adopted for the remainder of 2011:
>
> **ROSTERED QUESTIONS FOR 2011**

20 Sep	Minister for Economic Development
21 Sep	Minister for the Arts
18 Oct	Minister for Industrial Relations
19 Oct	Minister for Multicultural Affairs
25 Oct	Treasurer
26 Oct	Minister for Ageing
15 Nov	Minister for Tourism, Sport and Recreation
16 Nov	Minister for Women
6 Dec	Minister for Police and Emergency Services
7 Dec	Minister for Aboriginal and Torres Strait Islander Affairs

In accordance with the motion just passed this morning, it is a requirement that the roster be approved by the Legislative Assembly through a substantive motion. I therefore submit that motion for the Assembly's approval.

I make these observations in response to Mr Coe's concerns. He said that there could be other parts of the administrative arrangements orders which could be examined,

and he gave the example that heritage may be one of them. I make this observation: the roster that is put before the Assembly this morning is only for the rest of this calendar year. It is not supposed to be an all-inclusive roster that will roll on and on; it is just for the rest of this year. So as we go into the calendar year 2012, there will be a brand new roster and, of course, it will include the opportunities for the sorts of things Mr Coe is talking about.

I make this other observation about the roster: if you have a look at 20 September, it is the Minister for Economic Development, 25 October, it is the Treasurer, 18 October, Minister for Industrial Relations, 6 December, Minister for Police and Emergency Services. It is not unheard of in this place that those ministries would receive quite significant scrutiny during the standard questions without notice time. It is important to note that we are not talking about those major portfolios. We have given those portfolios a listing because, if you like, the agencies or responsibilities contained underneath those ministries do not necessarily have expression in the administrative arrangements orders, such that, if we were talking about heritage, do we have a minister for heritage? I do not think so any more. So, if Mr Coe, for example, wanted to do that, we would put that major portfolio in this roster on the understanding that it is not the major portfolio under scrutiny.

I understand the process will be that it will be at the Speaker's discretion as a question is pulled out of the ballot as to whether it is in. One of the reasons it will be judged in order or out of order is, if it pertains to the major part of a portfolio, like Treasury, it will be ruled out of order for this segment. The questioner will then be invited to put it in as a question on notice or put it in as a question without notice at the next opportunity. So it is the intent that this be the subordinate parts and not the others.

I also make the observation that, thanks to Mr Corbell's suggestion that there not be two consecutive questionings of a minister, it is worth noting that, in the roster before the Assembly today, Ms Burch, who carries quite a number of portfolios, does not get two consecutive opportunities, if you wish, to do this supplementary question time, but she gets every second one. Every alternative question session will be for Ms Burch.

I caution that, in the creation of the roster for next year, we make sure that the opportunity for non-executive members to put the sorts of queries that Mr Coe had in mind when he created the thought to bring this forward is spread across all of the ministers, whatever number that may be. Whilst, in fact, one minister here carries a large number of smaller portfolios, each of the ministers have a couple of them. Treasury, for example, has the insurance authority and the Minister for Industrial Relations has WorkSafe. So we need to make sure that there is balance here and that this is not an opportunity to target a particular minister for party-political purposes.

This is about scrutiny. I take the point that Ms Bresnan makes—the provision of this roster in the public arena means that concerned members of the community or community organisations that have an interest in a particular portfolio will know and be able to schedule their diaries to come into the Assembly if necessary or, indeed, contribute their concerns to non-executive members of whatever colour to create the questions that go to that particular minister. I think that is positive. I think that is a way in which we can engage with the community.

I have often said in this place that I do not think we have any such thing as "the community". We have a series of community groups, we have a series of special interest groups. We do not have a single "the community". It is not a body. But that does not mean to say that parts of our constituency do not collect together for a particular issue or series of them. The only opportunity they have to engage with us is to advise non-executive members of questions without notice and motions that may come forward as MPIs. There is a competition in all of those.

One of the things that I do like about the proposal that has come forward from Mr Coe is that there will be five questions come and, therefore, there will be five non-executive members come out. All too often, Mr Speaker—I know this for a fact—with regard to matters of public importance submitted by parties, we have six of the same MPIs come out of the Libs, similar things from the Greens, and similar things from the Labor Party, so that only one subject comes up. That is not possible under this proposed regime, because parties are going to look really stupid if the same question is brought out a second time. They are going to look really dumb. So that will be avoided.

What we are actually going to see, I would hope, in this 20 minutes after question time is the engagement of five separate non-executive members. The chances of those five coming only from the opposition is slim, which means that it should be a nice spread. Essentially, if you exclude your good self, Mr Speaker, we have got three members of the Greens in the ballot, we have got three members of the Labor Party in the ballot and six members of the Liberal Party in the ballot. On the theory of probability, the Liberal Party will get half of them. So they are going to get about two to three each time we go, over time. That is healthy. We get a spread across all of the portfolios.

I was talking to Dr Bourke about this, and he was quite keen to be able to ask some questions which were electorate specific about the sorts of conversations he has when he talks to people out there in the electorate. Ms Porter has told me exactly the same thing. When she goes out with her mobile office—Ms Porter is ubiquitous out there—she comes back with the concerns of her constituents. It would be nice for those constituents to hear the question put to the minister that they have put to Ms Porter. I think this process actually allows it.

This roster, as I say, is not supposed to be the be-all and end-all; we will do another one for the calendar year 2012. I might say through you, Mr Speaker—I hope with Ms Bresnan's blessing—that, where members feel like this roster could be improved for 2012, between now and December would be a good time to tell us. That way we do not have to go in cold when we come back after the Christmas break. I commend the motion.

MR COE (Ginninderra) (10.58): I thank Mr Hargreaves for moving this motion to change the standing orders, albeit temporarily, and also for the summation he gave of the proposal. I think it showed he has a pretty good grasp of what my intentions were when I wrote to the Speaker about a year ago. He has addressed one particular issue which is worth reiterating—that is, some of these portfolios are so broad and they do

have quite a few components that it will be tricky to give notice to the community about which area of that portfolio is going to be debated.

It is for that reason that I think we might have to refine this list so, for instance, within sustainable development we list planning or we list heritage, or within the Treasury portfolio we list the insurance authority as being one of the subjects or gaming or racing or something along those lines. For the Minister for Tourism, Sport and Recreation, perhaps we should split those up as three separate events, so tourism is on one day, sport is on one day and recreation is on another.

That may well give the community a bit more notice, and it is that benefit I was actually proposing. I will be writing to the Speaker and to the admin and procedure committee making that suggestion. Again, I would like to thank Mr Hargreaves for his contribution and for moving this change to the temporary standing orders.

MR HARGREAVES (Brindabella) (10.59), in reply: I thank members for their contributions to the debate on both of these motions. We will see what the review entails. I thank Mr Coe for his contribution, I thank Ms Bresnan for her contribution, and I thank the Speaker for his contribution and Mrs Dunne as members of the committee. I particularly thank the manager for government business, Mr Corbell, for his contribution. With a heavy workload you could sometimes think, "Yes, it's a bit tough." But I would like to pay my respects to Mr Corbell as one of the people who knows about parliamentary process in this place and whose advice I have often sought about parliamentary process in this place. To have his contribution is a valuable thing, and I thank members.

Question resolved in the affirmative.

Education, Training and Youth Affairs—Standing Committee
Reference

MR DOSZPOT (Brindabella) (11.01): I move:

That this Assembly:

(1) notes:

(a) that Professor Denise Bradley has recently presented a report to the ACT Minister for Education and Training on "Options for future collaborations of the Canberra Institute of Technology and the University of Canberra";

(b) that Professor Bradley was not provided with any financial data to assist in her deliberations and was not asked to provide any recommendation as to the financial implications of any recommendations; and

(c) that this is the third review in the last 12 months involving the Canberra Institute of Technology and Canberra University, none of which has examined the financial context or consequences of changes to current administrative arrangements; and

(2) refers to the Standing Committee on Education, Training and Youth Affairs all matters relating to current and potential options for the future of the Canberra Institute of Technology and the University of Canberra, including, but not limited to:

(a) closer collaboration, merger and in the case of CIT, financial independence;

(b) the current operating structures of both the Canberra Institute of Technology and the University of Canberra;

(c) the financial implications of all options for both institutions;

(d) the financial implications of all options for both the ACT Government and potential students of both institutions;

(e) examination of all current CIT articulations and their success in attracting students;

(f) any other matter relevant to the issue; and

(g) to report back to the Assembly by the first sitting week of 2012.

I move this motion today out of a sense of frustration. We have heard much chatter in the past few weeks about the government's decision to merge the Canberra Institute of Technology and the Canberra University. To contemplate the merger of two major educational institutions in any city is a major step and is one that should not be taken lightly. To make such a move in a city the size of Canberra where we have four universities and one TAFE is fraught with risk and ought not to be considered without serious scrutiny of the financial, educational, demographic and social implications of such a merger and consultation with all stakeholders.

But in the typical media-driven style of this government, and most particularly this minister, we have had none of the above. Minister Barr will no doubt claim he has done all of those things. He will point to the fact there have been three reports on this subject, and that is true, but if we examine the recent history of this development, variously referred to as an arranged marriage between reluctant partners, a takeover and high handed, we have had three reports, or at least reports of three reports, but certainly little discussion and scrutiny.

Let us examine the recent history of discussions surrounding CIT and UC. First we had the ACT tertiary task force in 2010. It had a large membership, with representatives of industry, education, professionals and government—30 individuals from 20 institutions, departments, councils and unions. It received or sought opinions from 85 organisations. The tertiary task force met for six months from May to November 2010 to progress its agenda and to consider the outcomes of consultation meetings with stakeholders.

The task force delivered its report *Learning Capital*, with 12 recommendations, which the minister launched in February 2011. The task force suggested:

> The ACT has some of the nation's leading tertiary education providers with national and international reputations in their respective markets. These exist within close proximity of one another and provide a broad range of qualifications to local and regional Australians and growing numbers of international students.

It proposed 12 recommendations that covered a range of suggestions for future development. It proposed, inter alia, that ACT tertiary providers form a fully integrated system, that they commit to achieving a vision of a learning capital, that an ACT tertiary education steering committee be established, that capital region employers build partnerships with education providers, that the ACT government support tertiary providers to engage in increased collaboration, that CIT and UC investigate new ways to collaborate, based on robust business planning and supportive evidence.

When you read the government's response to *Learning Capital* on the DET website, it sounds quite encouraging:

> The recommendations of the ACT Tertiary Taskforce reflect the Canberra Plan notion of the centrality of a well-educated and highly skilled population to the future of the ACT and the Government goal to ensure that each individual has the opportunity to reach their potential … Implementation of the recommendations will be the responsibility of a range of stakeholders across Government, education providers, industry and professional groups and the community … To realise the vision of a truly integrated sector will require a high degree of organisational and sectoral commitment, government encouragement and policy harmonisation.

But before there could be any work done on any of the recommendations, much less allowing time for the stakeholders across government, education providers, industry and professional groups and the community to start implementing them, we had another review. This time it was the Hawke review. Dr Allan Hawke delivered his assessment of the future for tertiary education, with recommendations to transfer vocational education and training to the Economic Development Directorate and to amalgamate the CIT and the University of Canberra.

Just as we were starting to seek answers in the estimates committee hearings about what all this might mean for the future of vocational education in the ACT, we learnt, almost by accident, that Minister Barr had initiated yet another review that apparently we were all meant to know about. He told us in estimates:

> I have given a number of speeches on it. It is on my website.

Another announcement sort of by media release! I am not sure about the number of speeches. If you go to Minister Barr's website, there is actually one speech in April that refers to what the task force suggested, an ACT tertiary education steering committee. He called it the Learning Capital Council. He suggested it would provide the opportunity for further collaboration. He said:

- Firstly, we will commission work to:

- Explore and report to Government on the opportunities for formal collaboration between UC and CIT, including amalgamation;

- Assess these opportunities against the vision, goals and principles contained in the Federal Government's review of higher education;

- Assess how the VET sector can be strengthened to meet the needs of the ACT, including strengthening VET in schools; and

- Recommend to the Government the preferred arrangements/model to achieve these objectives.

He went on to say in that same speech that he welcomed this discussion because a well-considered response to these issues needs to be developed and the process should not be rushed. He said:

> Ensuring high-quality education and training whilst at the same time improving integration within the ACT Tertiary sector requires careful consideration, not only in theory but also in practice.

As we now know, this is the Bradley review, the extensive, not to be rushed process that gave Professor Bradley six weeks to come up with the set answers. She said she did not meet with the task force. Indeed, she noted it was a rather large group. She further indicated that had she known there had been such a report, she might not have taken on the commission. It might well have been prudent for her to meet with the task force. After all, there were 30 individuals all closely involved in and thoroughly conversant with both CIT and UC and the context and locality in which they operate. They had sat for six months to come up with their suggestion of closer collaboration.

Professor Bradley sat on her own, spoke, by her own admission, to very few people, did not consider or seek any financial analysis and in six weeks came up with the answer that presumably the government wanted. Why else would you have a six-month long inquiry involving 30 people and submissions from over 80 organisations, have no discussion on its recommendations, form a council to give every appearance of meeting at least one of their recommendations and then present the council with the fait accompli, a merger?

What was the response? The minister announced a government strategy group to consider the options and report back by November. So the poor Learning Capital Council had barely time to have a meeting before it appeared to be gazumped by a government strategy group.

What did CIT or the University of Canberra say? It depends on whether you mean published or unpublished comments. Media reports suggest, and Professor Bradley acknowledges, there was an unpublished report by the CIT advisory board arguing against any merger. CIT staff are apparently not opposed to consideration of a merger but are concerned at the potential for the CIT's vocational role to be downgraded. So too is vocational education expert Leesa Wheelahan who said that while the recommendations made perfect sense, given the university's dominant culture, status

and prestige, the merger would subsume the CIT, and it would not be the marriage of equals that Professor Bradley insisted it had to be if the merger were to be successful.

Vice Chancellor Stephen Parker is quoted as being confident the university would have a strong future without the merger but that the opportunity to create a new dual-sector university was a straightforward decision. "I have always known a merger with CIT could be fitted in," he suggests, which does not exactly sound like a marriage of equals.

So we have had three reviews, one on top of the other, none of which has had any serious scrutiny by this Assembly. We have had a task force, a learning council and a government strategy group, all within the blink of an eye, and still no reference to this Assembly and, in all of that, we have had not one piece of financial analysis. While I am talking about financial analysis—I have already spoken about having met with Professor Bradley—I would like to read from a letter that I have written to the minister as a follow-up to that meeting that I had with Professor Bradley. My letter was sent to Minister Barr on 12 August, over two weeks ago, which I have had no response to. The letter reads:

> Dear Minister,
>
> Thank you for the recent briefing on the proposed merger between the University of Canberra and Canberra Institute of Technology. During the course of the briefing your representatives were asked if they could provide the Opposition with the financial analysis that supported your intended policy.
>
> We were advised that no such analysis exists and, further, that the consultant, Professor Denise Bradley, was not asked to even consider this critical element in her report.
>
> I was surprised by this response as I am sure the Government would not have undertaken such a critical piece of work without any financial analysis and so am seeking your further advice.
>
> Minister, could you please:
>
> 1. Confirm exactly what financial analysis has been undertaken in relation to the proposed merger,
>
> 2. Provide advice to me as to why this was excluded from the consultants' brief,
>
> 3. If such financial analysis does in fact exist, provide me with it as a matter of urgency?
>
> Please contact my office if you require any clarification or further information.

That was two weeks ago and I am still waiting for a response from Mr Barr.

This weekend there are open days across all of Canberra's tertiary institutions. This is when they showcase their programs to next year's undergraduates. I know of at least two young men who had chosen University of Canberra ahead of universities in

Sydney to undertake a four-year bachelor of building and construction project management. They are now reapplying to universities in Sydney and Melbourne because, in their own words, "We don't want to study for a degree at an institution that lands up as a glorified TAFE."

That may be far from what would happen, but that is the perception. I am sure there is just as much angst among potential CIT students who do not want the time and the cost of a university degree and studying at a campus that makes them feel like second-class citizens. Again, they are just perceptions but it is these sorts of attitudes that drive enrolments.

A merger may be the absolute best outcome for the future of tertiary education in Canberra. It may be the worst. We simply do not know enough and, given the poor record of this minister in getting things right, we need to ensure the decision is given every scrutiny this Assembly can offer.

I therefore propose the motion I have circulated. It is the most appropriate scrutiny we as legislators can offer and gives those closely involved in tertiary education in Canberra a chance to speak openly to express their views. In the minister's own words:

> Ensuring high-quality education and training whilst at the same time improving integration within the ACT tertiary sector requires careful consideration, not only in theory but also in practice.

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

MR DOSZPOT: I will continue from there. Let us start getting that theory into practice with open scrutiny. I commend the motion that is in my name.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.16): I thank the shadow minister for bringing forward the motion. It is one of the rare occasions when he has spoken in this area and I welcome his contribution.

In his motion, Mr Doszpot asks the Assembly to note a number of points, some of which are not particularly clear. He suggests that the Bradley review is the third review in the last 12 months involving the Canberra Institute of Technology and the University of Canberra. In his speech he did go on to elaborate that he was referring to reports by the ACT Tertiary Taskforce and the review of the ACT public service by Dr Allan Hawke. I think he got to the point where he recognised, though, that those particular pieces of work were not specifically about the University of Canberra and CIT, although they did make recommendations in that area and made recommendations particularly around further work needing to be undertaken.

I commissioned the ACT Tertiary Taskforce some time ago to consult on the future of the tertiary education landscape more generally. As Mr Doszpot I think accurately

reflected in his speech, it did consult widely with stakeholders across government and industry, and with education providers, in preparing the final report that was launched in February 2010. The Hawke review into the entire ACT public service provided its report in late 2010. While both reports had remits well beyond UC and CIT, they did make some recommendations relevant to the institutions. The task force recommended closer collaboration, while the Hawke review recommended amalgamation.

There is no doubt that, outside this consultation process and what has been occurring locally, the tertiary education landscape nationally is changing. It is being driven by the changing needs of students and of industry. It is being driven by the federal government. And it is, I am pleased to say, being embraced by all state and territory governments—even those, I would remind Mr Doszpot, of the same political persuasion as his party. Just last week, COAG again stressed that fundamental reform of tertiary education is required to increase participation and to ensure that it is more responsive to the needs of industry and individuals. I would advise the shadow minister to perhaps spend some time consulting with his state and territory colleagues, who are also pursuing these reforms, although I note that he is not even staying in the chamber for the debate.

This government has a proud record of reform in education. We will continue to work to improve all areas of the sector, to make sure that the needs of students, the community and the economy are met into the future.

The architect of the national tertiary education reforms has looked at the ACT system and has found that the status quo for the CIT and UC is not an option. On this, the government agrees with Professor Bradley. This is an important matter. The landscape is changing rapidly. We do need to move on this, but move carefully, to ensure that the University of Canberra and the CIT are not left behind. And this is exactly how we are proceeding. I imagine that if the government had decided that no, we will just ignore what is occurring nationally and ignore what is occurring in other jurisdictions, Mr Doszpot, probably six to 12 months later, maybe even two years later, would get up in this place and say, "The government should have responded then; it has been too slow."

Instead, what we have heard this morning is that we are moving too quickly on this process. It probably is too quickly for the shadow minister. I am prepared to accept that. It is clear from his comments this morning that he is in desperate need of some further briefing on the national reform agenda in higher education and in vocational education and training. I think it is my public duty to provide that information to him and to provide the opportunity for him to meet with some people in the sector who are grappling with this issue now. I certainly think that it will be important for Mr Doszpot to come up to speed pretty quickly if he is going to be able to engage constructively in this debate.

As I said earlier, we have had the architect of the national reform agenda, Professor Denise Bradley, review our local institutions. I might add that she has worked diligently to meet her terms of reference, despite the insinuations of the shadow minister. We now have firm proposals from Professor Bradley to model, and these are

being modelled and costed. To do this work I have established a government steering group to consider how options would be implemented. This group will make a final recommendation to government later this year.

The steering group is made up of representatives of the directorates of Chief Minister and Cabinet, Treasury, Economic Development, and Education and Training. It will also draw on other government agencies as needed to complete its task. Importantly, this group will consult in detail with the management of the University of Canberra and the CIT, representatives of unions and student representatives as well as other stakeholders. It will also seek comment from the community.

Education and government experts have looked and continue to look at these proposals in detail. They will report back to the government soon. The group's findings will be made public by the government. As such, Mr Doszpot's proposal to send all of these matters to a committee at this point is a needless waste of time. It is a waste of time not driven by the desire to get a good educational or economic outcome for the territory. I think it is in fact a reflection of the need for the shadow minister to catch up on a number of these issues.

The government has always been happy to release the final modelling done by the working group when it is completed. This will include a detailed financial analysis of all of Professor Bradley's recommendations, and we are happy to continue to provide briefings to members on the modelling of the various options when completed.

Mr Doszpot: I asked you two weeks ago, Mr Barr, why aren't you happy to—

MR BARR: I am aware of that Mr Doszpot.

Mr Doszpot: Why aren't you happy to provide me with that information?

MR BARR: I will provide you with that information, Mr Doszpot.

Mr Doszpot: When?

MR BARR: Once the work on the various models has been completed. We are part way through a process, Mr Doszpot. You have chosen to ignore it over a number of years now, and you come in this morning feigning indignation because you have been too lazy to do this work.

The government's view is that the appropriate time to consider this matter before the Assembly committee is when the modelling is complete and when legislation is to be considered by this place. That is why I and the government will be supporting the amendments that Ms Hunter will be moving. I congratulate the ACT Greens for having the sense to allow this process to proceed with a view to getting better outcomes for students, employers and the broader community. I look forward to this debate continuing.

It is clear that we need to get the opposition spokesperson up to speed on a number of these issues. Whilst you were out of the chamber, Mr Doszpot, I did indicate that we are happy to provide further briefings for you. I think it would be in your interest to

consult with some of your state and territory colleagues in other jurisdictions who just last week in COAG signed up to these reforms.

It is a fast-moving agenda nationally. We do not have time to wait for Mr Doszpot to catch up on two years worth of neglect. I have been talking about this for a considerable amount of time. Members have been aware of that. Ms Hunter is aware of that and is engaging constructively in the process. Mr Doszpot, it would appear—

Mr Doszpot: There are still far too many people in the education community who do not agree with your statements.

MR BARR: No; not everyone will agree, Mr Doszpot. I recognise that. This is a difficult and complex reform. But just because not everyone agrees does not mean that you cannot pursue it and have an important discussion.

Mr Doszpot: And we have been pursing it, Mr Barr.

MADAM DEPUTY SPEAKER: Mr Doszpot, please stop interrupting.

MR BARR: I look forward to a more constructive engagement that involves a little bit less of what we normally get from the shadow minister, which is just a series of personal attacks on me. This issue is much more significant than personal attacks on me—much more significant. I will acknowledge that I have perhaps responded too strongly to Mr Doszpot this morning. It is my hope that through this process and over the course of the remainder of this year and through 2012 there might be the prospect of some agreement across all parties in this place, but if that is not possible that will not deter the government from dealing with this important issue. I will work with whoever I need to to ensure that we get the best outcome for tertiary education in the ACT.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.25): I want to add my thoughts to this debate this morning. We know that, as the minister has outlined, there is a fast-moving agenda at the federal level around tertiary education. We need to be part of what is going on at that level if we are to position the ACT to be successful in what lies ahead.

Just recently we have had Professor Bradley do a review and put on the table some thoughts and recommendations about how we can proceed. What has been laid out from there is a consultation process. That consultation process is underway right now. It closes on 23 September. It is essential that we get all of those stakeholders, anyone who has an interest in this area, to participate in that consultation and be able to put their thoughts about Professor Bradley's recommendations into that process.

From there, as the minister has just outlined, there will be a steering group and, under that, a project group. The idea is that information will be taken in, it will be looked at and it will form part of some detailed work on what model or models should be the way forward if that is where we are headed. As the minister outlined, that will include people from Chief Minister and Cabinet, the Education and Training Directorate, Treasury and Economic Development.

They will very much be engaged with other stakeholders. That will be the University of Canberra and it will be CIT, as well as unions. There are a number of unions who cover this area; there are at least three of them. And also, of course, there will be student representation, which is incredibly important in this. I am very supportive; students should be very integral in this process of looking at the way forward. I will be regularly in contact and I will be looking closely to make sure that those other stakeholders who will be engaging with the steering group are going to be genuinely and properly engaged. My understanding is that they will be meeting very frequently with the steering group to be very much part of the process of looking at what is being put on the table.

Under that there will be the project group. Treasury will be looking at the financials. They will be looking at that in great detail to then be able to present that to the steering group and those other stakeholders. I will be keeping a very close eye on that.

Unfortunately, this morning Mr Doszpot has put a motion on the table that is probably premature. It is too early; it is too soon; it is premature. That is my issue with what Mr Doszpot has put forward. I do not have an issue with his intent around scrutiny. I think that that is right: this house does need to have involvement in whatever comes up or whatever is put on the table. The standing committee on education and training does need to play a role. That is why I have put into my proposed amendment that that still has to occur. Once legislation is introduced into this house, it does need to be sent off for proper inquiry by that standing committee.

I have also put into my amendment that the minister will report to this Assembly to give us updates on the Bradley reforms. It is important that we are kept up to date. I hear that the minister has offered other briefings; I am sure that members will be glad to take up those briefings. But it would be good to get some regular report back on what is going on with the process.

That is where I have picked up on what Mr Doszpot has, I think, been attempting to do. I think the idea was that we do need to have some engagement or scrutiny by the Assembly. It is just the timing he has put in and also the very narrow focus he put into his motion, which is very narrowly focused on the financial part of it. I think that it needs to be broader than that. The financial aspects are important, but we need to be considering all the other aspects. One of those, quite clearly, is the educational benefit that might come from a new establishment or the establishment of a new institution.

That is why the proposed amendments ensure that the committee will look at the issue but equally that all the follow-up work will have been done and all the stakeholders will have had the opportunity to participate in the process. When and if the government decides to proceed with the establishment of a new institution and introduces legislation to that effect, a committee inquiry will have the opportunity to consider all views about a concrete proposal rather than just an in-principle idea at this stage.

It is also better to refer the terms of the bill at that point, to ensure that all aspects of the proposal will be inquired into and are considered. That is why, as I said, I was

concerned that Mr Doszpot's terms of reference focused on the financial implication without any explicit reference, for instance, to the impact on educational outcomes. I would have thought it was quite a key priority here to be looking at the educational outcomes.

We have got a report here that has been forward by Professor Bradley, who is an expert in this area. This is the person who has been the architect of the new tertiary landscape across Australia. I think it was a very good report in that this was somebody who came with a very in-depth understanding of what the future environment is going to be like and was able to bring that into this particular review and the report that was presented. We cannot afford to be behind the game. We do need to be in the game.

I note that the minister has just said that a number of state and territory colleagues have signed up to this. That includes Liberal governments as well. This is a fast-changing landscape. We do need to be prepared. We do need to be ready. But of course we need to do that in a considered way. We need to make sure that it is right for the ACT. We need to make sure it is right for our students, that there are going to be good educational outcomes. We need to make sure it is going to be right for the teaching staff, the admin staff and so forth in these institutions. I understand that there are many who are quite excited about the opportunities that the establishment of a new institution could open up. We need to be prepared for a contestable environment. We do not want to see the demise in that environment of one or both of these institutions.

At this point, I move the amendment that has been circulated in my name:

> Omit all words after "notes that", substitute:
>
> "(a) Professor Denise Bradley has recently presented a report to the ACT Minister for Education and Training on *Options for future collaboration of the Canberra Institute of Technology and the University of Canberra*;
>
> (b) the report recommended the University of Canberra (UC) and Canberra Institute of Technology (CIT) merge to create a new dual sector tertiary institution;
>
> (c) the public consultation period on the Bradley Report closes on 23 September 2011; and
>
> (d) the Government has committed to responding to the Bradley Report;
>
> (2) calls on the Government to report to the Assembly on the progress of the proposed Bradley reforms; and
>
> (3) refers, on introduction to the Assembly, any proposed legislation for the merger of UC and CIT to the Standing Committee on Education, Training and Youth Affairs for inquiry and report.".

I believe that my amendment will improve Mr Doszpot's motion. It ensures that there will be scrutiny and involvement from the Assembly but that it will be done at an

appropriate time when we understand what it is that needs to be inquired into and looked at.

In the meantime, I look forward to regular progress reports from the minister about how the process is proceeding. I will be keeping in contact with stakeholders about their experiences in engaging with that steering group. And it is important, as I said, that we have scrutiny involvement from this Assembly. I believe my amendments will improve and put a proper focus on the intention that I think Mr Doszpot was putting forward to the house this morning.

MR DOSZPOT (Brindabella) (11.35): I would like to speak to the amendment just put forward by Ms Hunter. I must say that I am very disappointed that the Greens have taken the attitude of not supporting our original motion. I am very disappointed from a number of points of view, but primarily from the fact that this party, the Greens, came into being on the basis of keeping this government accountable. Basically all we see is a rubber-stamping of whatever this government puts forward, and this is another example of that.

Mr Barr tells us that this is a fast-moving debate and Ms Hunter also took the cue from that and that we have to move on. "Fast moving" does not mean compromising on quality and accountability. We do not compromise on accountability and quality, but apparently some people would prefer to, and I am very disappointed the Greens have taken that point of view.

In discussions with Ms Hunter, she asked the question whether I had spoken to some of our constituent base. I have spoken to quite a number. Indeed, today I have had very strong representation from the Australian Education Union to support the recommendations we are making and to ensure that we make a strong case for the issues to be referred to the standing committee and for all the points outlined in my motion—the need closer collaboration, looking at the merger in the case of the CIT, financial independence of the current operating structures of both the Canberra Institute of Technology and the University of Canberra, and a whole host of items that are listed within my motion.

Ms Hunter made the point that I had not covered the educational aspects. Certainly I covered that in my speech that I delivered, that the determination of whether there is a clear evidence to support that the ACT VET stakeholders, including students, teachers and administrative staff and business, would benefit educationally from any option for the future of CIT and the University of Canberra. The point is, Ms Hunter, that if you felt that was such an oversight on my part, I would really appreciate an amendment that carried that from you. I would totally back that amendment. So if you want to make that, I would certainly add that recommendation should you wish to accept it.

Overall, the purpose of this inquiry is to inform into the merger proposal, not just to inquire into the eventual proposed model and supporting bill, which is what the Greens' amendment is wanting. It is instructive to know that the government will vote for Ms Hunter's amendment, because it obviously suits the agenda that Mr Barr has. Mr Barr criticises me for criticising him. It is not on a personal level, Mr Barr, just on your reputation of the way these historical events have taken place. The schools closure—"trust us, trust us; we're negotiating". At that very time that consultations

were being held with people, there were decisions made at a departmental level that absolutely negated any of the consultation that took place.

Ms Hunter's amendment, unfortunately, does not address the aim we are trying to bring to the notice of this Assembly—that is, the scrutiny that needs to be applied to this government. It is paramount. Part of the opposition's function is to scrutinise the government's activities, not act as a rubber stamp. Unfortunately, the Greens are emerging as a party that just rubber-stamp what the government puts up.

Ms Hunter's amendment also proposes an inquiry that turns proper scrutiny into an afterthought. So, let us go through all of the issues that the government wants to already decide on and then, as an afterthought, we will have a look at it. It focuses on the proposed model and not on the premise that has led Minister Barr to conclude that a merger is necessary. It is unfortunate that Ms Hunter cannot understand this distinction.

Mr Barr tells me that all this economic and financial analysis is happening now. Should not some of this financial analysis have taken place before you reach the point that you are at, Mr Barr?

Mr Barr: Well, it has, Mr Doszpot.

MR DOSZPOT: Well, if it has, I have yet to see those figures. You are criticising us for criticising your activities, yet you do not present us with all of the information that you are basing your argument on. Not only that, but if that information is available, why was is not given to Professor Bradley? These are the points—

Mr Barr: She made references to it in her report, Mr Doszpot.

MR DOSZPOT: Well, she told us that she received no financial information.

Mr Barr: I think you might be verballing Professor Bradley, Mr Doszpot.

MR DOSZPOT: I am not verballing Professor Bradley. I am saying exactly that and—

Mr Barr interjecting—

MR DOSZPOT: Through you, Madam Deputy Speaker, Professor Bradley gave us a categorical statement in the presence of Mr Barr's adviser, who actually confirmed exactly what Professor Bradley said. Who is verballing whom, Mr Barr?

The bottom line here is that we are talking about scrutinising this government. I am very, very sorry about the Greens' attitude on this, because I thought this would give a clear indication, Ms Hunter, that you are not just a rubber stamp for this government and for this minister. Unfortunately, your actions speak for themselves.

MR SMYTH (Brindabella) (11.42): Madam Deputy Speaker, I am quite—

MADAM DEPUTY SPEAKER: Mr Smyth, I will just point out that in three minutes we will have to cease this debate.

MR SMYTH: We can always suspend standing orders and continue the debate. It is an important issue.

Ms Gallagher: No, we have got important work to get to. Let us move it on.

MR SMYTH: So it is not an important issue?

Ms Gallagher: Well, you have got your time allotted for it, Mr Smyth.

MR SMYTH: Okay, so we are going to gag debate on a very important election issue—a very important education issue? Fantastic.

Mr Barr: Election issue? Right.

MR SMYTH: It may become a very important election issue. Given your record on school closures, it may well become a very important election issue.

MADAM DEPUTY SPEAKER: Mr Smyth, do you want to add to this debate?

MR SMYTH: Madam Deputy Speaker, it is interesting that the Greens say it is too early and it is pre-emptive to have this debate in an Assembly committee. It is too early, and pre-emptive to have a committee involved to make sure that we get it right. But surely it is better to guide the process than to be joined at the end of the process when the government has its bill, when the government has made all its decisions, when the government is putting in place what it wants. Surely it is better to start early and get it right?

I thought the Greens were keen on the preventative principle and that you got there early so that you did not make mistakes. Clearly not. Clearly the Greens are not interested in being third-party insurance, because if you want to get into the game right at the very end and say, "This is what's wrong with the bill," or, "This is what's right with the bill," you have missed the point. The point is to look at the principle of whether the two organisations should be joined.

I think it is entirely appropriate that we have the involvement of the Assembly at a very early stage in a very important issue for the future of this city. If the minister is correct, if the case is as clear as he puts and is as strong as he says it is, if it is as overwhelming as stated, then surely that case will stand on the evidence. If you are afraid it will not withstand the scrutiny, then do not vote for this motion from Mr Doszpot today, because that is what you are saying—that we will not send this for scrutiny—and I think that is most unfortunate.

We know about the minister and consultation; we know about consultation when this minister does educational reform. His idea is to put educational reform on the table as a fait accompli and then go and ask for your opinion on how he can tweak it. We know what that led to—23 school closures. We know the Greens' role in that, because

the Greens, who were keen at times—and we have got it in the report that certain schools should reopen—the Greens squib at every occasion—

MADAM DEPUTY SPEAKER: Order, Mr Smyth. It being 30 minutes after the extended time of Assembly business, the debate is interrupted in accordance with standing order 77.

Standing and temporary orders—suspension

MR SMYTH (Brindabella) (11.45): I move:

> That so much of the standing and temporary orders be suspended as would prevent the Assembly completing its consideration of notice No 3, Assembly business.

This is a very important issue, Madam Deputy Speaker, and just to cut it off at this point would be most unfortunate. It either means that it is brought back on at a later sitting day—September, October or further on—or we can take a few minutes now and finish the debate properly. I do not believe there are too many more members who would want to speak to the issue. It is a very important issue and it should be treated with the respect that it deserves rather than simply being cut off at this point.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (11.45): The government will not support the motion. This obviously can come back for debate in September and we can vote on Ms Hunter's amendment at that time. Nothing will change between now and then. It will still be an issue and there are other important matters on the agenda paper for today.

Question put:

> That so much of the standing and temporary orders be suspended as would prevent the Assembly completing its consideration of notice No 3, Assembly business.

The Assembly voted—

Ayes 8		Noes 5	
Ms Bresnan	Ms Le Couteur	Mr Barr	Ms Porter
Mr Coe	Mr Rattenbury	Ms Burch	
Mr Doszpot	Mr Seselja	Mr Corbell	
Ms Hunter	Mr Smyth	Ms Gallagher	

The Deputy Speaker declared that the motion had not been carried as an absolute majority of members had not voted in its favour as required by standing order 272.

In accordance with standing order 77, the resumption of the debate was made an order of the day for the next sitting.

Public Accounts—Standing Committee
Report 18

MS LE COUTEUR (Molonglo) (11.49): I present the following report:

> Public Accounts—Standing Committee—Report 18—*Review of Auditor-General's Report No 1 of 2010: Performance Reporting*, dated 5 August 2011, together with a copy of the extracts of the relevant minutes of proceedings—

I move:

> That the report be noted.

This is a very important report for all of us here in the Assembly and, I believe, the wider Canberra community because performance reporting is one of the chief ways in which the Assembly gets to know what is happening in the ACT government. Before talking more about the substantive issues, I would like, of course, to start by thanking the committee secretary, Dr Andrea Cullen, who was ably assisted by Lydia Chung and was briefly assisted by Lesley Irwin. I also wish, of course, to thank my fellow committee members, Mr Hargreaves and Mr Smyth.

This report comes from our inquiries into the Auditor-General's report on the subject. I would have to say that the committee as a whole agreed very much with the Auditor-General's—that it was an important issue but some agencies did not report adequately and, in particular, the accountability indicators did not always provide a reasonably comprehensive description of the output classes. They found particular problems, I guess unsurprisingly, in CMD because it is a policy area. They found things worked a bit better with the line departments. TAMS, DET and ACT Health were assessed as clear and useful. They found, with the exception of TAMS, that most strategic indicators had been reasonably stable so as to enable comparison over time. It is certainly a problem for MLAs when the indicators are not reasonably stable and we end up in a situation where we cannot see what is happening over time. I am particularly aware that ACTION is an area where we have had this problem.

As is our job, the PAC committee looked at the Auditor-General's report. We emphasise how important performance measures are, as is the subsequent reporting. Not only are important to us as MLAs in looking at them but also they are very important in the internal workings of departments. I know from my previous experience in these sorts of things that departments work towards making sure the performance indicators look okay. We have to have the right indicators otherwise we will end up with the wrong outputs.

These are seriously important things. They are not mere numbers. I guess positively the ACT government seems to have realised this because there have been a number of other reports and reviews. In November 2010 the government released a report done by the Allen Consulting Group which included feedback from the Auditor-General. It was a review of the ACT performance and accountability framework. All of the things from that seemed very positive and it has informed the development of a revised

performance and accountability framework—strengthening performance and accountability: a framework for the ACT government—which was released in February 2011. Subsequent to that the Department of Treasury also released updated advice on performance measures for the previous budget. All of that is very positive.

The committee made a number of recommendations. The first recommendation was to make sure that, given the new directorate set-up, the recommendations of the Auditor-General are appropriately monitored and addressed. Our recommendation 2 also dealt with that. One of the issues we have had is completeness and reporting for new and discontinued entities. This was a problem at the last budget estimates hearings. I hope it will not be a problem at the next one.

The next issue that the committee looked at and made a recommendation on—recommendation 3—related to ESD reporting. As the Auditor-General said in evidence, one point about ESD reporting is the lack of targets. Basically, there are a number of indicators to report on, but there are not any targets to see whether or not we are doing the right thing in terms of energy consumption, recycled material and paper.

I would have to say from an observation point of view that the reporting has improved in degrees of consistency. When I first started in this place, ESD reporting was all over the place. The various agencies have managed to become a lot more consistent. I think the idea of a target, even if it is only a target for those agencies which are basically office-based, would be a good idea. I appreciate that there are substantial differences between the various agencies, but that is not a reason to have no targets.

Continuing on with the ESD theme, our fourth recommendation was that the government table in the Legislative Assembly by the first sitting day of October 2011 the report of the Commissioner for Sustainability and the Environment on an audit assessment of ACT government agencies' environmental reporting. I hope that the previous appointment of the Auditor-General will lead to better interaction between the two groups, but in the meanwhile at the very least the good work that the Commissioner for Sustainability and the Environment has done should see the light of day and be tabled in the Assembly.

The previous Auditor-General, has, of course, made recommendations about ecologically sustainable development. That was report No 3 of 2005. PAC would like to see the government report back to the Assembly on the progress and effectiveness of the implementation of the recommendations from that report.

Our second-last recommendation is that the government report back to the Assembly by October 2011 on the government's progress in implementing the recommendations from the Auditor-General's report No 1 of 2010 on performance reporting, that being the report that we are reporting on. Our last recommendation is that, where the Auditor-General makes an across-agency audit, the chief executives of the agencies being audited should still respond to that, not just the CEO of CMD. Most of the agencies were in fact audited, so it is appropriate that they respond individually. I commend this report to the Assembly. I note that other members of PAC may comment on it.

Question resolved in the affirmative.

Public Accounts—Standing Committee
Report 19

MS LE COUTEUR (Molonglo) (11.58): I present the following report:

> Public Accounts—Standing Committee—Report 19—*Report on the 11th Biennial Conference of the Australasian Council of Public Accounts Committees (ACPAC)*, dated 9 August 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I will only note the report because, due to the funeral of my father, I did not attend the conference.

MR SMYTH (Brindabella) (11.58): On behalf of the chair, I attended, and Mr Hargreaves did as well. As Ms Le Couteur has already said, personal circumstances prevented her attending what was a very good conference. Often people look at groups like the public accounts committees of Australasia getting together, roll their eyes and say, "Well, that must have been exciting." Some of it perhaps was not as exciting as it could have been, but the interesting thing is that at the back of the report it actually lists all of the countries and jurisdictions that attended. West Australia, obviously, South Australia, Tasmania, Victoria, the ACT, New South Wales and the Northern Territory, as well as the commonwealth, all attended. As you would expect in an Australasian public accounts committee conference, New Zealand was there. We had representatives from Indonesia, Malaysia, Namibia, Kiribati, Tonga, Timor-Leste, the Mpumalanga province in South Africa, the Eastern Cape province, the Northern Cape province, Gauteng province, the Melaka State Legislative Assembly, Pahang in Malaysia, as well as other invited guests.

I think the lesson in that is that a lot of jurisdictions look to the way that we conduct our business in Australia, and they particularly look at financial scrutiny for guidance and assistance. As jurisdictions which, luckily, have had many decades of good governance in this country, we have a responsibility and an obligation to share it. There are many countries out there that do not have the committee systems that the Australian jurisdictions do. For instance, they do not have FOI acts, ombudsmen and those external organisations that allow them to look at the way the government conducts its business. In that regard it is very important that groups like public accounts committees get together. It is great that we are able to offer other jurisdictions the ability to come, to learn and to discuss—because that is the way we will change the way that business is done in some countries where it is not done as well as Australians are used to and as Australians have come to expect.

There were a number of interesting presentations. There were a number of committees and panels where we had discussion with other members. I sat on some;

Mr Hargreaves did as well. All in all it is, I think, a very useful conference. It meets every other year, which is probably the right timing. I would simply commend the report to members of the Assembly.

Question resolved in the affirmative.

Lake Burley Griffin—water quality

Debate (on motion by **Mr Smyth**) adjourned to a later hour.

National Multicultural Festival
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) (12.02), by leave: On 16 February 2011 the Assembly passed a motion calling for the government to consult with the community to develop new events and concepts for the 2012 festival, to foster increased exchanges and discussions among the diverse ethnic, religious and social groups within our community, to report on the above initiatives prior to September and to include the promotion of social inclusion and interaction into the vision of the festival.

In response, we have been busy for some time now engaging with the community and have listened to their comments. I have no doubt the feedback received will help to shape another exciting and inclusive event next year. In response to the motion, the Office of Multicultural Affairs partnered with the Canberra Multicultural Community Forum to hold two community forums to discuss new ideas and suggestions. The two formal community consultation forums were widely promoted through community radio notice boards, community CD net and the Multicultural Community eNews bulletin. The eNews reaches over 500 organisations who subscribe weekly.

The forums presented an opportunity for people to put forward their views, opinions and feedback on how we can make the festival better in the coming years. I am very pleased that these forums attracted representatives from around 55 different community groups. It was also clear at the forums that our local community has wholeheartedly embraced, and is enthusiastically committed to, the National Multicultural Festival.

In addition to the forums, the Office of Multicultural Affairs has assisted the Human Rights Commission to organise a race relations roundtable which was held in June this year. This was an excellent opportunity to gain valuable input from representatives of the local Aboriginal and Torres Strait Islander organisations and multicultural community groups. Several ideas were presented at this roundtable involving the 2012 National Multicultural Festival as a mechanism for enhancing community relations in the ACT. I am pleased to announce that the many ideas and suggestions made by those attending the forums will be taken into account in the planning stages for the next year and, subject to budget considerations, we will work through ways to implement as many of those ideas as possible.

The major issue expressed repeatedly at the forums was the number of people in the festival footprint. For 2012 I have asked that we close off London Circuit and make much better use of that space by reducing the number of stalls in the City Walk area and transferring them to the new space. I am advised that this approach could considerably ease the congestion experienced by some people at the festival. This approach will also be complemented with enhanced rest areas and a significant increase in the number of tables and chairs used by the elderly and young families. An enhanced sanctuary space with additional children's activities and better facilities for the elderly will also be arranged. The new arrangements for 2012 seek to strike a balance between keeping the atmosphere and making it a pleasant experience for families and those visiting the event.

The festival is owned by all the community. It was wonderful to see representatives from an array of cultural groups and the Rotary Club, the Lions Club and the Red Cross attend the consultation forums and express their interest and views. Many ideas came from the community groups, including having more activities for children. Other suggestions that came forward include better transport arrangements for those attending the event and possibly ACTION buses running special festival-themed trips from town centres to the festival, better use by community groups of vacant stalls leading up to the commencement of the festival, increased capacity for electricity supply, better integration of the Aboriginal and Torres Strait Islander showcase into the festival footprint, better engagement with existing retailers of the city so they can contribute to the event, a special community competition to design the festival poster, more workshops for the community at the event allowing interactive participation in drumming, dancing, comedy and poetry, the promotion of the festival at 2011 Floriade with a view to securing a second visit from attendees back into Canberra in February next year and to make available wheelchairs and other mobility items at the event.

The community has also asked for the return of the multicultural ball. I am delighted that the Canberra Multicultural Community Forum has agreed to organise this event leading up to the 2012 festival. Community meetings have confirmed the progress that this government has made in evolving the event into one of Australia's leading multicultural celebrations. The government continues to strongly support this community event and applauds the hundreds of community groups and volunteers who participate, along with local businesses and diplomatic missions. I am delighted that Slater and Gordon, LeaseMasters and the Special Broadcasting Service will be additions to our sponsorship stable in 2012, and of course I would like to extend my thanks to all existing sponsors.

At the 2011 National Multicultural Festival many thousands of Canberrans experienced the taste and culture and traditions of some of the wonderfully talented people living in and around Canberra. This was, of course, evident from the wealth of art, information, food, dance and tradition on display. It was wonderful to see the local talent we have and to know that cultural traditions have been passed on and continue to thrive and survive in Canberra. Members would be aware that in the 2011 ACT budget we made an additional $200,000 available for next two years. By incorporating some of these initiatives I am confident that next year's festival will

continue to be a premier celebration of multiculturalism in the ACT. Later this year I will come back and formally announce the formal program for the 2012 festival.

Lake Burley Griffin—water quality

Debate resumed.

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) (12.08): I move:

> That the resolution of the Assembly of 30 March 2011, which required the Commissioner for the Environment and Sustainability to investigate the state of water courses and catchments for Lake Burley Griffin and report to the Assembly by 30 September 2011, be amended by omitting the words "30 September 2011" and substituting the words "30 March 2012".

Mr Speaker, on 30 March this year, as you know, we moved a motion for an investigation by the Commissioner for Sustainability and the Environment into the state of the water courses and catchments for Lake Burley Griffin. Following significant debate in this chamber and amendments from all sides, the Assembly agreed to the proposal. The Commissioner for Sustainability and the Environment has embarked on this investigation.

Members will recall that the terms of reference for the investigation are wide ranging, including the consideration of possible improvements for managing the water quality and the appropriateness of the current protocols for lake closures; identifying the causes of lower water quality, including possible resource implications of addressing them; jurisdictional implications for water quality management of the lake; and the implications of those findings for the ACT's other major recreational waterways, such as Lake Ginninderra and Lake Tuggeranong.

The commissioner has been actively pursuing this investigation and has called for public submissions to be provided by the end of July. The commissioner has written to me asking for an extension of time to provide her report. The Assembly had asked for the investigation to be completed and tabled in the Assembly by the end of September. However, due to the level of public interest and the commissioner's desire to undertake further engagement with the public, she has proposed a more realistic date of the March 2012 sittings of the Assembly.

Mr Speaker, I agree with the commissioner's recommendation that there should be more time allocated to allow for further community engagement and that this short extension of time is appropriate. Given these circumstances, I am moving the amendment to the resolution today to reflect the commissioner's proposal that the commissioner's report be made available to the Assembly by 30 March 2012.

Question resolved in the affirmative.

Work Health and Safety Bill 2011

Debate resumed from 23 June 2011, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (12.11): The Canberra Liberals will be opposing this bill. The government tells us that this bill conforms to a national uniform model bill developed through the workplace relations ministerial council, as part of a national reform agenda to harmonise workplace safety laws across Australia. That may be a laudable approach in principle, but it does not necessarily follow that a one-size-fits-all approach will work. Indeed, if it were the intention of all jurisdictions to have exactly the same law, perhaps the better approach would have been for all jurisdictions to transfer governance of national work health and safety laws to the commonwealth. That such an approach was not adopted underscores the need for flexibility across jurisdictions.

The government also claims that the bill is largely the same as the Work Safety Act 2008. Indeed, that is so, but the problems that were raised in this place about that bill remain relevant for this one. Issues such as union right of entry, volunteers and subcontractors being included in the definition of "worker", where and when responsibility starts and ends, and the expectation that the bill should be debated in the absence of the regulations—all were raised in the 2008 debate. Those issues remain, and now there are more. One is very high offence penalties, many of them carrying strict liability elements. Reverse onus of proof is another. And still another is the abrogation of privilege against self-incrimination.

Just as disturbing is the similarity of approach between 2008 and today in relation to the process employed by this government to bulldoze important legislation through the Assembly. In 2008, the government released an exposure draft of the then bill on 5 June for public consultation. Barely two months later, on the first Tuesday of a two-week sitting period, the government introduced the bill. It called it on for debate on the second Thursday of that same sitting period, with a briefing offered in the middle of that period. Why the urgency? Labor was heading into an election. It wanted to be able to say to its union mates and financiers that it had actually done something. Need I say more, other than that perhaps it was a bit like the pretend opening of the AMC a month or so later.

This was a major piece of legislation that departed from legislation then in place in all other jurisdictions in Australia. It was legislated to pre-empt the uncompleted work of the workplace relations ministerial council. It drew the ire of the business community because it did not have enough time to consider the final bill. It drew the ire of the Assembly for the same reason. Indeed, both the Greens and the Liberals voted against the bill, leaving the government, then in majority, using its numbers to push it through anyway. It was a hallmark of Labor's arrogance, which continues today.

The bill we are debating today, a major piece of legislation, was introduced on 23 June this year. The government has brought it on for debate today, only two

months later. This Assembly is expected to debate this bill in the absence of the regulations. We understand that they will run to more than 600 pages, creating new and substantial but as yet unknown obligations on employers.

The scrutiny committee wrote 20 pages of commentary on the bill, calling on the government to respond to some 35 matters. Whilst we have seen and been briefed on a draft of the government's response, only yesterday afternoon did the minister release it formally. In doing so, the minister agreed to table a supplementary explanatory statement. Yesterday we were given a marked up version of what was to be a revised explanatory statement, which only today will be tabled in its final form.

We have received two briefings on the bill and a third was offered on the government response and the revised explanatory statement. But given the lateness of these documents, the opportunity has passed for that briefing.

Whilst we appreciate all those briefings, the volume of material in the government's response, 25 pages, and the supplementary explanatory statement, now running to 133 pages, we believe it is proper for the scrutiny committee, too, to review those documents. It has not been able to do that in the short time available. Once again, we ask: why the urgency?

We know that the government wants to get this legislation through before the end of the year so that it can meet the COAG deadlines and get the benefit of the financial incentive that attaches to that deadline. I might mention that the government has been decidedly closed-mouthed on the quantum of that incentive.

We also know that the commonwealth is dealing with the federal bill almost as we speak. It is as yet unknown whether the bill will pass without amendment. And given the amendments made by the Greens in New South Wales to include the right of private prosecutions, as the Greens are proposing for the ACT, the future is less than certain for the commonwealth bill in its present form. Further, we know that some other states are making amendments to the model legislation. Perhaps ACT Labor is spooked by the possibility of amendments in the ACT, so want to push it through so as to limit that opportunity. We think that is a slight on our democratic processes, and we cannot agree to it. We will be proposing adjournment at the detail stage.

Let me turn to some of the critical elements of this bill. It proposes a right of entry by unions under an entry permit scheme to investigate reasonably suspected breaches. We do not support this proposal on a number of grounds. The bill proposes quite extensive powers for inspectors and the regulator, and these officials play an independent role. Unions do not. Indeed, for the same reason, we would not support a right of entry by employer groups. Any powers conferred on the unions could just as easily rest with the inspectors or regulator. An example is the power to discuss work health and safety matters with employees.

Further, the bill contemplates that the unions will have a right of entry to the workplace based on a reasonable suspicion of a contravention of the legislation. This is a very low level and highly subjective threshold. It should at least have to satisfy a threshold of reasonable belief.

The next major element of this bill is the removal of the concept of crown immunity from prosecution. This would appear to be a positive in this bill, putting the government on the same footing as the private sector when it comes to work health and safety. Perhaps such a move might help to address some of the problems of bullying and coercion that seem rife throughout the ACT public service.

Another positive element of this bill is that prosecutions will only be able to be brought by WorkSafe ACT, thus removing that right from employer and employee organisations but retaining the right of anyone to pursue common law prosecutions. This provides more certainty to both employers and employees and underscores the comments I made earlier about the independence or otherwise of unions and employer groups. I understand that the Greens will be proposing an amendment to reinstate the right to private prosecutions. The Canberra Liberals will not be supporting that amendment.

The bill significantly increases monetary penalties, including attaching strict liability elements to many of them. These penalties go as high as $300,000 for an individual, $600,000 for a person conducting a business or undertaking and $1.5 million for a corporation. The rationale for this is that the defendant, in basic terms, being a professional in the field, ought to know better. According to the explanatory statement:

> … the defendant's frame of mind at the time of committing the strict liability offence is irrelevant.

In addition, contrary to standard drafting practice in the ACT, these penalties are expressed in dollar terms and not in penalty units. This approach goes completely against the approach adopted in the ACT, particularly relating to a ceiling for strict liability offences, and we will not support it. I do note, however, that custodial sentences in the bill are lower than as set out in the act currently.

In yet another departure from drafting protocols in the ACT, examples and notes given in the bill form part of the bill and expressly displace the effect of the Legislation Act 2001.

Still another unusual element of this bill is the imposition of a reverse onus of proof on the defence, displacing the principle of a presumption of innocence. The only rationale the explanatory statement could advance was this:

> The need to safeguard the safety of all individuals at workplaces is a substantial and pressing need in light of the damaging effect of deaths, serious injuries and illnesses to individuals, their families and the community.

Quite so, but it does not justify the displacement of the centuries-old maxim that a defendant is presumed innocent until proven guilty.

An area of particular concern is the lack of clarity in relation to volunteer-based associations. As I understand it, incorporated associations are caught by the legislation, but unincorporated associations are not. And yet, regardless of their association,

volunteers are included in the definition of workers and therefore are caught by the duties provisions for both workers and other persons at the workplace.

It is also unclear as to the obligations on board and committee members of associations.

If an association, whether incorporated or not, employs paid workers, those workers will have officer duties under the legislation. This has created considerable concern, even angst, for some community-based volunteer organisations who say that they will have to go so far as to close their operations if they are caught as the bill contemplates.

In her presentation speech, the minister stated:

> … the changes to our present regime will be minimal.

She said further:

> Those businesses who are complying with the Work Safety Act will find that there will be no need to change their operations to comply with this bill.

I hope that will be so, but I fear it will not when we consider the impact of the 600-plus pages of regulations that will find their way onto the legislation register. Even for the public service, now caught by the terms of this bill, there could be a significant impact.

And what of the cost? Implementation of the bill's consequences within the public sector could be substantial by the time processes and procedures are developed and promulgated and staff trained as to their new obligations. Costs to business could be substantial if there are any new statutory requirements not required. And that is before we get to the regulations.

In this context, I also note the minister's power to determine fees. No doubt there will be yet another tax on business in this city. There will be costs, too, for the commonwealth for its involvement in implementing and monitoring the new regime. And of course there are the COAG incentive payments that I mentioned earlier.

Pushing this major piece of legislation through in the way that this ACT Labor government is attempting to do is completely unacceptable. It did it before with the 2008 act; it is doing it again with this bill. This is a bill with many unanswered questions and concerns, much confusion, a lack of clarity and significant new imposts. Once again, we and the business of community are in the dark as to the regulations and the potential impact of those regulations on that sector.

It is about time this government put the bulldozer away and afforded respect to the people of Canberra, and in this case the Canberra business community, by giving them a better opportunity to consider such major legislation and not to insult their intelligence. We will not support this bill.

MS BRESNAN (Brindabella) (12.22): The Greens will agree to the Work Health and Safety Bill in principle today. However, we will agree with the Liberal Party's request

to adjourn the detail stage of the bill to the next sitting period. Obviously, Mrs Dunne, the responsible shadow minister, is absent from the Assembly today.

I understand that Mrs Dunne has some amendments that she wishes to propose to the bill. Mr Seselja has flagged some of those, but these amendments are not yet ready to circulate or to debate. I believe that Mrs Dunne has prepared these in good faith. It is reasonable that we give her that opportunity to present them and give due consideration to her suggestions.

I also understand Mrs Dunne's position, as the opportunity that opposition parties had to consider the bill and to prepare amendments was condensed. The scrutiny of bills committee provided a large amount of comment on the bill. My view is that the government has done a very good job responding to this and briefing the parties on the response. I do also recognise the hard work of the department in the overall negotiations that have occurred at the national level and then to implement the legislation in the ACT.

The Work Health and Safety Bill seeks to implement model uniform work health and safety laws in the ACT. Parliaments in all Australian states and territories are considering this same legislation or an iteration of it that is very similar. Some have already passed legislation, or have passed amended versions, and some are yet to do so.

On the issue of consultation, I am aware that the government has been involved in a very lengthy and difficult process of negotiation on the detail of this bill. I am pleased and satisfied that officers from the ACT have strongly advocated for changes to the bill that ensure compliance with our Human Rights Act. I am also largely content with the safeguards that the ACT has maintained in its version of the bill to ensure we are not winding back important worker protections.

Having had a number of meetings with officers from the department, I do commend the commitment they have shown to these matters. One of the safeguards that we have carved out specifically for the ACT is the retention of the crime of industrial manslaughter. This currently exists in the territory and it is right that we maintain this provision.

Industrial manslaughter is an important law that ensures companies cannot escape charges of manslaughter and can be held accountable. Throughout history workers have suffered because of weaknesses and deficiencies in the way that the law and the government respond to deaths that occur at work. This has resulted in companies escaping responsibility.

Research by Professor Gary Slapper on the 35,000 work deaths occurring in the UK between 1965 and 2003 suggests that about 20 per cent of them were prosecutable as manslaughter cases. Yet there have been only five companies convicted of manslaughter in the UK. Professor Slapper suggests about 90 cases of corporate manslaughter are not addressed each year.

While the UK and other jurisdictions suffer with gaps in their laws protecting workers, the ACT took steps to introduce industrial manslaughter provisions in 2004. The

Greens supported those changes. The bill before us today retains the valuable industrial manslaughter provisions, and the Greens strongly support that.

This brings me to the point that this legislation primarily maintains the existing laws in the ACT, which are already enacted under our Work Safety Act. This is a position with which we are broadly satisfied. The Work Safety Act was passed by the government in 2008 when it held an Assembly majority. At the time of the 2008 bill the Greens were disappointed with the lack of engagement received on the bill, but broadly pleased conceptually with the approach that the bill took.

It is also our opinion that the 2008 bill has entrenched strong protections for workers in the ACT, which are operating well, and which we wish to retain. I would point out that at the time, the Liberal Party were very vocal about significant negative impacts that the work safety laws would have on businesses in the ACT. I think we can say that the dire situation the Liberals predicted has not emerged.

There are significant benefits to the laws remaining as they are, rather than winding them back and undoing some of the protections that were implemented. I understand that winding back their legislation is what the Liberal Party are looking at doing through their amendments. I find this approach problematic as this would remove existing protections in a way that would put the ACT significantly out of step with other jurisdictions.

They are not just small changes. They are changing major aspects. A lack of harmonisation was stated as an issue for the Liberal Party when they opposed the laws in 2008. Mr Smyth said at the time:

> … the ACT is so small that every time we become out of step with other jurisdictions, particularly New South Wales, we simply penalise those businesses, organisations and people who have to work across the boundaries.
>
> The Stanhope government, and the Chief Minister in particular, would not appear to have any idea about the differential adverse impact of this proposal on ACT businesses.

He went on to state that if the ACT has a different work safety regime to other jurisdictions, it:

> … imposes additional unnecessary costs on those businesses, as well as reducing their capacity to compete with businesses from other jurisdictions.

I therefore believe that the Liberal Party should consider possible impacts before they propose amendments that are significantly different to the harmonised laws. That 2008 legislation introduced other concepts that the Greens support, and we remain supportive of them. These include improved training requirements for health and safety inspectors, establishment of groups to consult in workplaces and the right for private prosecutions to be taken by unions.

On this issue of private prosecutions, l would like to flag that the Greens will be proposing amendments to this bill. We are disappointed that the bill proposes to remove an existing right. This is the right for unions to prosecute for breaches of

occupational health and safety laws. That is an important right. The CFMEU, for example, believes that the existence of this right is a huge deterrent to employers who might endanger their workers.

The ability to take private prosecution also permits the enforcement of issues that government may not see as requiring action. This is especially so in the construction industry where the work is more dangerous and risky than most workplaces. Even in Australia where standards are generally good, there is an average of one worker killed a week in the construction industry. Making prosecutions harder is likely to result in less prosecution and less pressure on employers to deliver safe workplaces. However, when taken, they have proven to be invaluable in improving safety in workplaces.

The right of unions to prosecute breaches of occupational health and safety law has been an effective tool and a real disincentive to employers to flaunt the law. The union right to prosecute ensures that large employers respond more quickly to demands from their workforce to protect the safety of their employees. Dismantling the right of unions to prosecute occupational health and safety breaches reduces employers' accountability for the safety of their workers.

Workplace health and safety laws must put the interests of employees first and must ensure that working people go to work and come home safe and well. Union prosecutions have been effective in strengthening safety standards not only for working people but for the community at large.

The very successful prosecution by the Finance Sector Union that was directed at reducing armed robberies in bank branches is an excellent illustration of the effectiveness of union prosecutions. Tired of seeing not only their members but also members of the public physically and psychologically injured as a result of armed hold-ups, the Finance Sector Union decided to take action. It did that in the absence of action by employers and in the absence of action by workplace regulators such as WorkCover.

We have not yet seen any private prosecution in the ACT. However, as I have already listed there are other successful examples across the border in New South Wales and they are not in the type of workplace you might expect.

As I stated, the Finance Sector Union took successful court action in 2002 and the major banks of New South Wales were forced to invest some $100 million in improving safety standards. The result has been a dramatic fall in armed robberies from 102 in 2002 to just four last year. It is the goal of the Greens' industrial relations policy that all workers have safe and secure workplaces and that all workers have access to appropriate compensation and occupational health and safety cases.

I would urge the ACT government to maintain a statutorily enshrined right for private prosecutions. I point out that New South Wales actually amended its bill to retain this right. I acknowledge that the ACT has worked to retain the common law right for private prosecutions. I point out, though, that the common law right is likely to be a more costly and less effective alternative to the statutory right and it will be beyond the means of many union affiliates or union members.

There are other issues that we are still clarifying in this bill which I will discuss with the government. I am very pleased though with the engagement we have received so far on this bill. I would also point out that there will be a significant set of regulations with this bill, as Mr Seselja has already pointed out. Those will involve many important issues such as how the training of safety representatives progresses. I expect that we will have further discussions on those regulations as well.

In closing, I reiterate that the Greens are supportive of this bill in principle. However, we do have issues that we wish to pursue further in the detail stage. This is a significant bill. It impacts on a significant area of life—that is, workers and workplaces. Given the Liberal Party's desire for time to properly prosecute their arguments, the absence of Mrs Dunne and the tight time frames that emerge following the scrutiny committee's commentary, we will agree to postpone consideration at the detail stage until the next sitting.

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

Sitting suspended from 12.32 to 2 pm.

Questions without notice

Planning—alleged interference

MR SESELJA: My question is to the Minister for Economic Development. Minister, prior to the call in of the Giralang development, you received a letter from the former Minister for Land and Property Services which said that if the DA was approved by ACTPLA the government would take action to "review the direct sale of contiguous land to try and limit the size of the supermarket that could be developed there". Minister, why did the former minister make this threat, and is it your intention to carry out this threat to the development application now that it has been called in by your colleague?

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: Mr Speaker, that question is based on speculation, asking the minister to interpret the motives of a person in the past. He could not be expected to do so. I think that question is out of order.

Mr Smyth: On the point of order, Mr Speaker, it is not speculation. The quote is taken from a letter that one can therefore assume is the government policy. We are simply asking whether the policy is still in place. It is entirely appropriate.

Mr Hargreaves: Still on the point of order, actually it does not follow. Just because a minister says something it does not necessarily follow that it is government policy. And in this particular case what the question was about was the motives of a former minister in making a statement. To ask a current minister about the motives of a former minister is clearly out of order.

MR SPEAKER: Mr Seselja, I think I did hear you ask why the former minister took this position. I think that is probably not a valid part of the question. I would like you to reframe the question—not seeking that information.

MR SESELJA: Thank you. Minister, is it your intention to carry out the threat to the development application now that it has been called in by your colleague?

MR BARR: No.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Why not?

MR BARR: Because I see no need to.

MR SPEAKER: Yes, Mr Smyth, a supplementary?

MR SMYTH: Minister, is it appropriate for a minister to be making threats to another minister over an application during a live DA process?

MR BARR: I think that is seeking an expression of opinion, Mr Speaker. Look, there will always be robust exchanges between ministers on policy issues.

MR SMYTH: A supplementary, Mr Smyth?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, what steps did you take and how was this threat or intention resolved?

MR BARR: Through discussion.

Actew Corporation Ltd—water

MR SMYTH: My question is to the Treasurer. In the last week we have seen reports of dipping sales and, consequently, the profits for Actew Corporation attributed to the increased rainfall we have experienced over the past year or so. Today we see a report that Canberrans pay the highest price for water in Australia. Treasurer, can Canberrans expect to rescue Actew's profitability by paying an even higher price for water?

MR BARR: Prices are set independently, Mr Speaker.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Treasurer, what is the status of the review of Actew's water pricing policy?

Members interjecting—

MR SPEAKER: Can we have the question again, please? I could not hear Mr Smyth over Mr Seselja.

MR SMYTH: Treasurer, what is the status of the review of Actew's water pricing policy?

MR BARR: It is ongoing, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson, a supplementary?

MR HANSON: Minister, how will the government compensate for the reduced revenue it receives from Actew Corporation due to its lower profit level?

MR BARR: Those are matters that the government will consider in future budgets, Mr Speaker.

Transport—eastern regional task force

MS HUNTER: Thank you, Mr Speaker, and happy 40th birthday. My question is to the Minister for the Environment and Sustainable Development and it concerns the eastern regional transport task force. What progress has been made in the past 12 months in discussions held by the eastern regional transport task force, in particular concerning transport services for the ACT and Queanbeyan?

MR CORBELL: I thank Ms Hunter for the question. The Chief Minister and I have been engaged in discussions with the Queanbeyan City Council about transport issues between the city of Queanbeyan and the city of Canberra and the Australian Capital Territory more broadly. Those discussions have been very constructive. As Ms Hunter would know, the key task that the government has agreed to from that task force is the development of options to upgrade Canberra Avenue to improve the public transit between Queanbeyan and the ACT. There is money appropriated in the budget to commence that work. That work and public consultation on it are now well underway.

In relation to further discussions, we continue to explore a range of other matters involving the improvement of transit connections between Canberra and Queanbeyan and transport connections more broadly. Those discussions remain very productive. But the priority at this point in time, and the money that has been allocated to implement action, is in relation to Canberra Avenue.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Could you go into some detail about a work program, if there is one, for the eastern regional transport task force?

MR CORBELL: I am happy to take the question on notice and provide advice to the member.

MS BRESNAN: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Has the task force or the ACT government reached any conclusions on whether Deane's will take over some ACT school bus runs and ACTION will provide some Queanbeyan city services?

MR CORBELL: Again, I am not privy to all the details of discussions of the task force. Those are matters that are dealt with between officials, but I will take advice and provide some further information to the member.

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

MS LE COUTEUR: What coordination, if any, is occurring to develop new industrial or shopping estates in eastern ACT, such as Beard? How will these impact on traffic moving—

Mr Corbell: Such as what?

MS LE COUTEUR: Beard—the potential new suburb—

Mr Corbell: Yes, I know what Beard is.

MS LE COUTEUR: on traffic moving between Canberra and Queanbeyan?

Mr Corbell: I am sorry. Could you repeat that?

MS LE COUTEUR: What coordination, if any, is occurring to develop new industrial or shopping estates in eastern ACT, such as Beard? How will these impact on traffic moving between Canberra and Queanbeyan?

MR CORBELL: The task force is an important forum to exchange information about development activity on both sides of the border and the transport-related impacts of such development.

Canberra—sustainability

DR BOURKE: My question is to the Minister for the Environment and Sustainable Development. Would the minister please provide an update on progress towards the Gallagher government's vision of Canberra as a sustainable city?

MR CORBELL: I thank Dr Bourke for the question. As members would know, the 2004 Canberra spatial plan and sustainable transport plan provided the framework for the government's decision making on growth, land use and transport planning over the last seven years. These plans, which have formed the transitional planning strategy, have served the community well. The focus of the plans was to establish a more compact city and to help work to reduce our strong reliance on the private motor vehicle for transport. The development of the Molonglo Valley is a pivotal outcome in setting the future direction for more sustainable greenfield development.

Since 2004, we have seen more Canberrans begin to leave their cars at home, and we now lead the nation in commuter cycling. However, since 2004, there has been a shift in the trends and issues we must plan for, including the potential impacts of climate change, our ageing population and the importance of working more closely with regional neighbours on issues to improve health services, manage biodiversity, transport connections and economic resilience.

Late last year, as members would be aware, the government embarked on a broad and intensive conversation with Canberrans about the challenges facing the city and what issues they thought were most important. Prior to this, the government, through its sustainable futures program, had undertaken considerable research and stakeholder engagement to better understand the strengths in Canberra's planned heritage. All of this is being used to revise the spatial plan and sustainable transport plan and establish a renewed planning strategy for the city.

The government anticipates that this revised strategy will be finalised by March next year and it will focus on creating a compact, sustainable city, reinforcing our key strengths—our town centres and inter-town connections, our clean, green economy's capacity and our physical location in a diverse and growing region. The strategy will help guide spatial planning decisions for a more sustainable city.

Weathering the change action plan 2 will set out our pathways and actions to help us achieve our greenhouse gas reduction targets. A more detailed policy implementation on sustainable transport will also be announced later this year. The government will also shortly release its finalised sustainable energy policy. The purpose of the policy is to establish an integrated framework for managing the social, economic and environmental challenges faced by the territory as they relate to energy production and use, with a focus on four key targeted outcomes—secure and affordable energy, smarter use of energy, cleaner energy and growth in the clean economy.

The government has also released its draft waste strategy for the years 2010 to 2025, with a strong focus on further increasing our excellent level of resource recovery to over 80 per cent by 2015 and to over 90 per cent by 2025. This strategy will focus on a range of objectives, including less waste generated, full resource recovery, a clean environment and a carbon neutral waste sector.

Mr Speaker, you can see that the government is putting in place a broad range of objectives and policy frameworks to drive the shift to a more sustainable ACT. Importantly, the government is also focusing on measures to improve its own greenhouse gas footprint. A draft framework for ACT government carbon neutrality is currently under development, with all government directorates. The framework will be released this year. The target is to achieve carbon neutrality in all government operations by 2020 and will cover operations such as office accommodation, the corporate fleet, the ACTION bus fleet, street lights and education and health service delivery. As part of this, the government will continue to show leadership on the issue of making Canberra a more sustainable city.

MR SPEAKER: Dr Bourke, a supplementary?

DR BOURKE: Yes, Mr Speaker. Can the minister outline the importance of the master planning process and indicate the current status of projects in place to achieve that goal?

MR CORBELL: As part of the planning strategy, we have identified—and indeed the Assembly has debated and agreed—that there is a need to focus on detailed master planning at a series of locations across the city that will strengthen our town and group centres. The master planning for town and group centres and key areas will focus on the intertown public transport routes as these provide not only greater capacity for greater amenity but more options for living and working in more sustainable locations close to public transport and services.

These master plans are important as they establish a framework for change, informing planning decisions and allowing the government and the community to take the best advantage of existing development, investment and infrastructure. The master plans will seek to address and improve issues of access—pedestrian access, cycle and car access—and a greater mix of compatible uses and investment in public spaces. The plans will articulate where potential development or redevelopment will achieve these improved outcomes for the community.

The government has already prepared plans for the Gungahlin town centre and the Kingston and Dickson group centres.

Master planning for the Tuggeranong town centre, the Erindale group centre and the transport corridor connecting these two centres, Erindale Drive, commenced in July this year and is programmed for completion mid next year. As part of this, there has been extensive consultation to date with school students and youth groups, business and community stakeholders and the Tuggeranong Community Council. At this stage, feedback has been sought on preliminary ideas which will form the basis of the draft master plans. Further investigative work is being undertaken in association with TAMS on Erindale to better resolve existing traffic and parking issues in the centre which are of concern to businesses and residents.

The Kambah centre master plan process has also commenced, and consultation is ongoing.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Could the minister tell the Assembly why the intelligent use and development of our major transit corridors is so critical for the future development of the territory?

MR CORBELL: I thank Ms Porter for the question. Canberra's unique design and structure, with multiple centres centred around town centres and connected by corridors gives us great capacity to improve the sustainability of the city in a dispersed urban environment. By focusing activities around centres and connecting them with frequent, reliable and high quality public transport, we can achieve a much

more sustainable outcome for our city. That is why the government is focusing very strongly on building on the inherent strengths of the polycentric nature of the city.

The government is already making a significant investment in establishing and improving transit corridors which are critical for future growth. The new Gungahlin to city corridor study is already underway, which is investigating light rail as a live option to drive redevelopment of Northbourne Avenue, the major entranceway to the city and a critical boulevard for transit traffic, pedestrians and cyclists. Final proposals are anticipated to be released at the end of this year.

As part of this, the redevelopment of the Northbourne Flats will be an important project in improving the character of Northbourne Avenue, and my colleague Minister Burch, as minister for housing, is focusing very strongly on that project.

As part of the city to Queanbeyan corridor, the construction of bus priority measures on Canberra Avenue and completion of a new Barton bus station on National Circuit will greatly enhance public transit along this corridor. This will build on the investment the government has made on Red Rapid services between the city and Fyshwick as well as options to improve park and ride.

Final design is underway for the Belconnen to city busway, with construction to commence this financial year. This will complete an ANU bus station and bus priority lanes and traffic signal priority on Barry Drive to Clunies Ross Street. *(Time expired.)*

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, in your first answer you mentioned we are planning for a compact, sustainable city. Does that mean the government has ruled out development in Kowen plateau or the proposed Riverview development past Belconnen?

MR CORBELL: Issues relating to Kowen and Riverview are currently under consideration as part of the development of the planning strategy. The government's preferred outcome will be announced when the planning strategy is released in relation to those two sites.

Transport—sustainability

MS BRESNAN: My question is to the Minister for the Environment and Sustainable Development and concerns sustainable transport in the ACT. Minister, I refer to the most recent survey of motor vehicle use from the Australian Bureau of Statistics released on 23 August 2011. It revealed that since 2007 every state and territory in Australia had recorded a decrease in the average kilometres driven by private passenger vehicles, except the ACT. The ACT is the only jurisdiction where the average kilometres driven in private motor vehicles have increased. Minister, why is transport mode shift in the ACT going in this direction? What existing policies or actions have you identified as contributing to this?

MR CORBELL: I do not think it is right to equate the increase in the total amount of distance driven with transport mode shift. They are two slightly different things.

Transport mode shift is the percentage of journeys across different transport modes. The distance travelled is not directly related to transport mode shift.

Nevertheless, I did see that report and that ABS material. Obviously, there are a range of factors driving that. The government will be interrogating that data further to understand what is behind those shifts in the total distance driven by motor vehicles. It could be driven by—forgive the pun—a range of factors, including factors such as not only travel within the city but also inter-city travel between, for example, Canberra and Sydney—

Members interjecting—

MR SPEAKER: Order, members! Thank you, members. I cannot hear the minister.

MR CORBELL: or, indeed, Mr Speaker between Canberra and Melbourne.

Members interjecting—

MR CORBELL: We will need to drill down and have a closer look at that data and I will be happy to provide some further information to the member in due course.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, what is your response to the NRMA, who said that the statistics were not a surprise because Canberra has the highest proportion of private vehicle ownership in the country and does not have a public transport system that suits the city?

MR CORBELL: As I have outlined in answers to the previous questions I have received today, the government is investing significantly in making a shift from a city that has been based on a strong level of reliance on the private motor vehicle to a city that gives commuters a greater range of options when it comes to their transport decisions. That is the approach we will continue to adopt.

MS HUNTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, does the government have any data on how many less cars were on the road or how many more passengers were on buses last Monday when the protest convoy came to Canberra?

MR CORBELL: Yes, the government has received some preliminary advice on that issue, Mr Speaker. I have not yet seen the data in relation to transport patronage on that day, but, certainly, the government has been advised of some preliminary data on changes in motor vehicle use on the Monday.

For a couple of key transport corridors we saw reductions in traffic during peak hour times of up to 25 per cent. So obviously we saw Canberrans making some choices about when they were travelling or, indeed, whether they would travel on that day.

That has been reflected in a very significant decrease—up to 25 per cent—on a couple of key transport corridors during the peak hour last Monday.

MR COE: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, do you believe that the bus service is good enough, especially for those in outer suburbs, to actually call upon all Canberrans in the outer suburbs to use a bus rather than drive their cars?

Dr Bourke: Point of order, Mr Speaker. Mr Coe has asked for an opinion, contravening the standing orders.

MR SPEAKER: The question is in order. I think that the practice of this place is that questions of that nature are regularly asked and allowed in the Assembly. Mr Corbell, you have the floor.

MR CORBELL: The frequency of public transport services is an area where the government continue to work on improvements. We have excellent frequencies along the transit corridors between our town centres. We have frequencies of five minutes or so throughout the day, extended from the early morning until well into each evening. But we do need to continue to work on improving frequencies for the connections from the rapid transit corridor out into the suburban environment. That is a real challenge for the city and for all governments.

As the new minister responsible for this area, I have already had discussions with ACTION and Territory and Municipal Services about future network planning. In my view, there is more work that we can do to improve our network planning to address some of the problems in connections between suburban services and those high-frequency route services between the town centres and Civic. If we do that, we break down one of the barriers that do exist on different routes and at different times in terms of connections between suburban services and those high-frequency services. That is very much a strong focus for me as the responsible minister.

Bimberi Youth Justice Centre—alleged bullying

MR COE: My question is for the Minister for Community Services. Minister, yesterday in question time your colleague Mr Hargreaves asked you a supplementary question in relation to allegations of bullying and coercion associated with Bimberi and the report of the Human Rights Commission inquiry into youth justice in the ACT. You responded:

> I have not had anyone in my office come to visit me personally on this matter. The unions have not raised it with me, and family members have not approached me directly on this matter.

Minister, Mr Hargreaves's question appeared to be broadly based, but your answer appeared to be limited to people in your office or the unions or family members. So, minister, I ask you this question in the broader sense: has any person at all, whether in

your office, the public service or the general public, approached either you personally or your staff to allege or air a grievance about bullying, harassment or coercion in relation to operations at Bimberi or the Human Rights Commission's inquiry into youth justice in the ACT? If yes, what action did you take in response and what were the outcomes?

MS BURCH: I stand by the response I gave to Mr Hargreaves. Any commentary that has come to me has been put to the appropriate authorities, Mr Speaker.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Yes, Mr Speaker. Minister, did Dave Cavill approach your office to allege or air a grievance of this nature? If yes, what action did you take in response, and what was the outcome?

MS BURCH: Sorry, I missed the beginning of the question.

Mr Coe: Minister, did Dave Cavill approach your office?

MS BURCH: Dave Cavill has made contact through my office. I think he has contacted everyone in this place. The investigations have been concluded, it is my understanding, through the Human Rights Commission. That process is closed.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Minister, what specific actions have you taken to improve the complaint handling policies and procedures, associated training of staff and Bimberi operations generally as recommended in the commission's report?

MS BURCH: I thank Mr Smyth for his question. Look, I did not wait for the report to start implementing improvements at Bimberi and in youth justice. I think those in this place will recall that towards the latter part of last year, in November, I implemented a change management process. We recruited Danny O'Neil, who was regularly a visitor there, and provided ongoing support to staff.

There are 64 recommendations of the existing report that are already completed or underway. I just remind those here that I commenced this work in the latter part of last year.

MR HARGREAVES: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much. Minister, have you received any approach from the opposition detailing specific allegations in the matter which you referred to earlier on?

MS BURCH: I thank Mr Hargreaves. No. As I think I have indicated before, the approach from those opposite is to come to this place and to make allegations and ask questions. They have not visited, other than the visit of Mr Seselja and Mrs Dunne in

June—and one co-signed letter from Mr Coe and Mrs Dunne. That is the only approach that I have had outside this place, where they raise questions and continually misrepresent not only myself but also the Human Rights Commission. In fact, late yesterday afternoon, in response to those appalling commentaries from Mrs Dunne, the Human Rights Commission put out a media release clarifying the situation. Can I say that they feel quite verballed and they have made it quite clear in their media statement and in their media release that all allegations were reviewed, were considered, and the findings were reported and incorporated into the commentary and the recommendations in the report.

Auditor-General and Commissioner for Sustainability and the Environment—appointments

MS LE COUTEUR: My question is to the Minister for Environment and Sustainable Development and concerns statutory appointments. It appears that the recently appointed Auditor-General, Dr Maxine Cooper, also continues in the statutory position of Commissioner for Sustainability and the Environment, as her current and continuing contract is until 23 June, 2013. Minister, given the importance of these positions, how long does the government intend to allow one person to fill both roles?

MR CORBELL: There has been an overlap in the appointment of both the Commissioner for Sustainability and the Environment and the Auditor-General. The person occupying those positions has indicated that she will retain the office until the government appoints an interim replacement. That interim replacement is about to be finalised, at which point the commissioner will resign her office and focus solely on her functions as Auditor-General.

This is very much a brief, interim period to allow the inquiries that are currently underway to continue. I have agreed to a recommendation for an interim appointment for the Commissioner for Sustainability and the Environment, and the procedural requirements to enact that appointment are currently underway.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Has the commissioner been granted leave of absence from the position and could you elaborate as to the time frame for a substantive appointment?

MR CORBELL: I envisage that the implementation of the acting appointment will be put in place in coming days. That appointment will be for a six-month period, to allow the government to conclude a range of issues around possible changes to the Commissioner for Sustainability and the Environment's act.

As members may be aware, the outgoing commissioner made a series of recommendations about possible amendments to her governing legislation, and the government will take the interregnum period, that six-month interregnum period, to consider its position on possible changes to the governing legislation for the commissioner before moving to implement a long-term appointment. So the government will have in place a six-month appointment to allow that process to be completed.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, now that the deputy director of the Environment and Sustainable Development Directorate is also the Conservator of Flora and Fauna, how will the government ensure that this dual role is always filled by someone with suitable qualifications?

MR CORBELL: The Conservator of Flora and Fauna is required to exercise a close level of detailed judgement about the approvals and decisions they are required to make under legislation. They are supported in that task by an expert team of individuals who give them advice on those issues. The office of Conservator of Flora and Fauna continues to also be held by a person occupying a public service office, which has been the approach adopted throughout the term of this government and, indeed, into the term of the previous government.

MR SPEAKER: Yes, Mr Smyth, a supplementary?

MR SMYTH: Minister, is the occupant of both positions being paid for both positions?

MR CORBELL: No, occupants in those circumstances are not paid for both positions.

Childcare—rebate

MR HANSON: My question is to the Minister for Community Services. Minister, yesterday the commonwealth Labor-Greens coalition confirmed that childcare rebates had been slashed by up to $679 a year and that the lower rebate would be frozen for three years. Minister, how much will that impact on Canberra families with children in childcare?

MS BURCH: I notice that the Canberra Liberals did put out a media release. They are referring back to a decision that was made last year before the last federal election. We have capped the childcare rebate at $7,500. The impact of that on Canberra families is that now they are $1,255 better off under a Labor government than they have ever been under a coalition government.

Mr Seselja: So you won't answer the question.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Minister, at the time this policy was being developed, what did you say to the commonwealth Greens-Labor coalition about it and how it would impact on ACT families, and how did the commonwealth respond? If you said nothing, why not?

MS BURCH: I will go back to the interjection. What is the benefit of this? Families are better off by $1,255. My comments to my federal colleagues that any benefit—

Mr Hanson: Point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

Mr Hanson: I ask that she respond to the supplementary question, not to the interjection.

MR SPEAKER: Minister, I think you were about to come to that; so we will proceed, thank you.

MS BURCH: Well, I was, and my comment to my federal colleagues was that a betterment to Canberra families of $1,255 was most welcome.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, what modelling do you now undertake to see what impact this and the national quality framework will have on the cost of childcare in the ACT?

MS BURCH: As I have said, this is to the betterment to families. They are $1,255 better off. I think there was another part about the new reforms that will come in under the national quality framework. As I have brought to this place before, and I think it has been raised in estimates as well, we have done an audit of services. Those that meet the existing—

Members interjecting—

MR SPEAKER: Order, members!

MS BURCH: We have done an audit of services.

Members interjecting—

MS BURCH: They are clearly not interested in the answer, Mr Speaker.

MR SPEAKER: Mr Doszpot.

Members interjecting—

MR SPEAKER: Order, members! Mr Doszpot has the floor.

MR DOSZPOT: Minister, will you now be joining the chorus with the Chief Minister suggesting that Canberra families could save by stopping their Foxtel subscriptions?

MS BURCH: This cap that has been in place since 2010 provides a benefit to more than 14,000 Canberrans. My challenge for those opposite is: what will the impact of

the loss of 12,000 jobs in Canberra do to Canberra families? I ask the Leader of the Opposition to table the letter that he claims to have written.

Canberra—community facilities

MS PORTER: My question is to the Minister for Community Services. Minister, how has the ACT government invested in community facilities to make Canberra a more liveable and sustainable city?

MS BURCH: I thank Ms Porter for her question. The ACT government believes that access to quality community facilities is an important part of making Canberra a more liveable and sustainable city. This is why the government has invested significantly in a broad spectrum of community facilities.

In April, I announced an early childhood education package of over $60 million that will increase the number of long day care places across the ACT to assist existing childcare centres to expand and transition to the new national standards. Included in the package is the construction of the Franklin early childhood school and the Holder early childhood centre, which will deliver about 240 additional childcare places. As part of the package, childcare centres in community facilities will be upgraded through an investment of $9 million to assist them transition to the new national standards and provide a better quality service and extra childcare places where they are needed most.

In addition to this, the government have allocated $4 million to provide a childcare centre as part of the Flynn community centre and we have provided a further $4 million to Flynn for a community hub. We have also invested $350,000 to upgrade the Baringa centre to provide an additional 24 places.

Other community facilities have also been improved. The government has committed around $30 million to work on the former school sites and two greenfield sites known as the regional community facilities project. This project is providing 39 non-government, not-for-profit organisations with affordable premises to deliver their services to local communities.

Two neighbourhood halls were built at Bonython and Griffith as part of the project. These halls, together with the neighbourhood halls and other community meeting spaces incorporated into the community hubs, are acting as focal points and venues for families and social groups to meet.

Just over $8 million has been invested in the third of this government's family centres at west Belconnen, which offers vital access to early learning activities, play group and parental courses and other important support such as maternal, child health and allied health services. The centre will improve services for families in west Belconnen and ensure that children in the ACT have the best possible start in life. The centre is based on the successful child and family centre models in Gungahlin and Tuggeranong and will offer outreach programs to Aboriginal and Torres Strait Islander families. It also has a sustainable energy showcase, which makes it one of the most sustainable child and family centres in Australia.

The government has also invested $750,000 in refurbishing the UnitingCare early morning centre in Civic, improving essential services being provided to homeless people. We have also committed $1.7 million for the design and construction of a dedicated space and facilities for older people who live in Tuggeranong. I am pleased to say that the work on the Tuggeranong seniors centre in Greenway has commenced and is expected to be completed later this year.

These initiatives amount to an investment of about $100 million by this government, an investment that will make Canberra a more liveable and sustainable city for all.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you, Mr Speaker. Minister, how are the community organisations utilising the community hubs as part of the regional community facilities project?

MS BURCH: I thank Ms Porter for her interest. The regional community facilities projects have provided substantial benefits for both the community organisations that occupy the community hubs and the local communities they serve. Having visited most of these, I know that the organisations accommodated represent a broad cross-section of our community. The groups range from Warehouse Circus to Carers ACT, the ACT council of community services and the Asthma Foundation.

In most cases the accommodation of community organisations in the hubs has meant reduced rental payments and allowed those organisations to be more economically sustainable so that they can more effectively pursue their own objectives. Providing organisations with a permanent home has also given them the confidence to grow and develop the range of services they offer.

As there are many community organisations that directly assist children and young people, the ageing, those with a disability and the vulnerable in our community, this government's investment has directed support to better services for those people. The hubs have also given organisations the opportunity to network with other organisations and improve the good work that they already do. I have already seen the evidence of these partnerships that can develop from the co-location of services in these hubs, and I hope that they continue.

The halls and meeting spaces at the hubs, as well as the neighbourhood halls in Bonython and Griffith, provide a place where groups can gather and meet and develop the social networks and systems that are so essential to building social capital and a more resilient and sustainable community.

DR BOURKE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Minister, how is the government planning to spend its $9 million investment in community childcare facilities?

MS BURCH: I thank Dr Bourke for his interest in community facilities. The upgrade of early childhood facilities will improve and refurbish childcare facilities to assist them across Canberra as they embrace the new national quality standards, which come into place next year. This $9 million investment will make a significant difference to families looking for quality childcare for their children so they can return to work and contribute to the family budget.

The review into childcare sites being undertaken by the Community Services Directorate is almost complete. The government has employed architects who have experience in childcare centres to look at each childcare centre, including the external play areas, to determine their capacity to meet the new standards and to provide further childcare places. Issues such as anticipated future demand and planning consideration are also taken into account.

I expect to be in a position to report to the Assembly during the September sittings on the outcomes of this review. Based on the early results of that work, the following centres have been identified for early extension and refurbishment: Black Mountain community preschool and childcare centre at Acton, Campbell Cottage childcare centre in Campbell and Cooinda Cottage in Charnwood. Preliminary design work has been completed on these sites and planning approvals are in the process of being obtained. The extensions of these centres will realise an additional 49-plus childcare places, which will be welcomed by Canberra families.

This $9 million investment is on top of the $250,000 that we have delivered to the childcare sector through our childcare grants program. I encourage all members here to support the childcare sector. Information about grants and who received them is certainly available on the website. I look forward to updating more sites when we go through the $9 million in upgrading community childcare centres.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, can you assure the Assembly that the childcare facility in Flynn will be open for the start of next year?

MS BURCH: Certainly from the information I have from the directorate, I recognise that the services will be there in early January for the start of the year. Certainly that is the advice I have.

Childcare—rebate

MR DOSZPOT: My question is to the Minister for Community Services. I refer to the announcement that now that the Greens have the majority in the Senate the planned slash of more than eight per cent to the childcare rebate has become a reality

and that the lower rate is frozen for three years. No doubt the minister has done some analysis and developed strategies in relation to the impact of this reduced rebate, because she has been aware of it for some time—at least 16 months. Minister, how many Canberra families will be impacted by the lower rebate in 2011-12, 2012-13 and 2013-14?

MS BURCH: I will remind Mr Doszpot—

Members interjecting—

MR SPEAKER: Order members!

MS BURCH: that the cap came into place in 2010—

Members interjecting—

MR SPEAKER: One moment, Minister Burch, thank you. I mentioned in this chamber yesterday—stop the clocks, thank you—that it is against the standing orders to throw gratuitous insults across the chamber on a repeated basis. Mr Hanson, you are a particular offender. I consider this to be unparliamentary behaviour, and I will start to enforce those rules more strictly from now on, because it has reached a point that I think is unacceptable in this chamber. Ms Burch, you have the floor.

MS BURCH: Thank you. Mr Speaker, more than 14,000 Canberra families are receiving the childcare rebate and are, on average, $1,255 better off a year since federal Labor increased the rebate from 30 to 50 per cent three years ago. The average family income being spent on childcare has almost halved since 2004, dropping from 13 per cent to just seven per cent in 2010 for families with one child in care and earning $75,000 a year.

Mr Seselja: A point of order, Mr Speaker.

MR SPEAKER: One moment, Minister Burch. Mr Seselja, a point of order.

Mr Seselja: The question was very specific. It was about the cap on the rebate and it was about what would be the impact of this cap on families in Canberra over three financial years. The minister is not going close to addressing that question, and I ask you to ask her to be directly relevant to the very specific question.

MR SPEAKER: I think there is latitude for the minister to set out the historical context, but I expect you to come to the question shortly, minister.

MS BURCH: I think the answer to the question is the impact of the cap on the rebate on Canberra families, and that impact is that since 2004 the out-of-pocket expenses have dropped from 13 to seven per cent. The impact on 14,000 families is that they are $1,255 better off. So we know that since the cap has been introduced at—

Mr Seselja: A point of order, Mr Speaker.

MR SPEAKER: Order, one moment, Ms Burch, thank you.

Mr Seselja: The minister needs to be directly relevant. We asked about one specific policy change and what the impact of that is. She is avoiding answering that question. If she cannot answer that question, she should sit down. She is not being directly relevant to that question.

MR SPEAKER: Minister Burch, I—

MS BURCH: It is $1,255—the impact is that families are better off by $1,255, Mr Speaker.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, how much in total will the reduced rebate take out of the pockets of Canberra families in 2011-12, 2012-13 and 2013-14?

MS BURCH: I do not have the information going out to 2013 but the information that I have in front of me is that out-of-pocket expenses for childcare have decreased under the Labor government and the cap on the rebate still provides families with a betterment of out-of-pocket expenses for childcare.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is it true that the change to the cap occurred in 2010, more than 12 months before the Greens gained the balance of power in the Senate?

MS BURCH: It is absolutely true that the announcement was made 12 months ago. It could be 12 months before the Greens gained the balance of power. But it had also been in place a good 12 months before any one of those opposite asked a question.

MR SESELJA: Supplementary, Mr Speaker.

MR SPEAKER: Mr Seselja.

MR SESELJA: Minister, what is the projected impact on Canberra families of the reduction in the cap on the childcare rebate?

MS BURCH: Just to satisfy them, I will bring it back for them.

Energy—solar

MR HARGREAVES: My question is to the Minister for the Environment and Sustainable Development. Is the minister able to advise the Assembly of the next step in the ACT government's plans to increase solar renewable generation capacity in the ACT?

MR CORBELL: I thank Mr Hargreaves for his question and his interest in this policy area. Members would be aware, Mr Speaker, that we already have significant

solar generation output occurring in the territory as a result of the installation of nearly 30 megawatts of capacity under the feed-in tariff scheme for micro and medium scale generation. This generates enough power annually for around 10,000 ACT households having the average power usage. But the ACT government is now looking towards our future needs for renewable generation at large scale and has released a discussion paper to indicate to the solar renewable industry how the ACT proposes to offer support into the future.

As members would be aware, I announced at the end of last year that the ACT government would encourage the construction of large solar energy facilities in the ACT through a feed-in tariff for facilities larger than 200 kilowatts with an overall scheme cap of 40 megawatts. I said then that an auction would be conducted to bring forward competitive bids for the FIT required to support large-scale solar energy facilities.

That structure and process currently is being developed by the Environment and Sustainability Directorate and proposes that bidders be responsible for financing, constructing, owning and operating their proposed facilities. The ACT government will be responsible for legislative arrangements to provide a supported price payment for the electricity sent out from such facilities.

This process will be a world leading mechanism and, in developing the auction, the ACT has drawn on lessons from other jurisdictions already well down the path of large scale adoption of solar renewable energy. The results of this work will be that later in these sittings I intend to bring to the Assembly the enacting legislation for the conduct of an auction for large-scale renewable energy.

It is worth noting that, although the bidders for the initial 40 megawatt tranche will be from solar PV proponents, the legislation is being drafted to be technology agnostic. This is so the ACT can take advantage of the potential advantages from innovations in renewable generation technologies into the future. This will be an important initiative for the ACT and will build on Labor's commitment to make Canberra the solar capital of Australia.

MR SPEAKER: Supplementary, Mr Hargreaves?

MR HARGREAVES: Thanks very much, Mr Speaker. The minister referred to the discussion paper on the large-scale solar auction process. What has been the feedback to the minister on that paper?

MR CORBELL: The response to the discussion paper on a large-scale solar auction has been overwhelmingly positive, with feedback from a range of potential bidders. The industry is clearly ready to take on this opportunity and it is looking at this policy from the ACT government as a way to establish a base for the longer term sustainability of the solar industry in the ACT.

There have been some potential bidders wishing to build upon the work they undertook for the commonwealth solar flagships program. A number of these are well advanced with possible solutions for constructing and operating a solar power generating facility in the ACT and have expressed a willingness to participate as soon

as possible. Other potential bidders are less well advanced in their knowledge of local issues around the deployment of large-scale solar in the ACT but remain very interested in the opportunities that this approach may present.

The Environment and Sustainable Development Directorate issued a briefing paper in July this year which outlined key aspects of the proposed solar auction process. In particular, it set out the structure of the proposed FIT, being a fixed revenue FIT, and some proposed features of the auction process. Feedback from industry indicated a very high level of interest in the auction and support for the policy as a whole. What this level of interest demonstrates is that the auction is going to be a very competitive process, which should mean that we get the lowest price the market can offer for large-scale solar.

There have been 18 responses received as part of the consultation process on the discussion paper, including 64 questions and 81 recommendations. This large volume of information from potential bidders is currently being assessed by my directorate with a view to publishing a set of common questions and answers on the directorate website in the near future. A transparent and competitive process will ensure that all bidders have access to the same data concerning available land and electricity network capacity. Bidders have also reinforced the directorate's already announced intention to design an auction that awards a FIT to organisations that can and will execute a successful project.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Would the minister outline the benefits for the ACT of encouraging deployment of large-scale solar generation in the territory?

MR CORBELL: I thank Ms Porter for the question. As I indicated in answer to a previous question, the development of the sustainable energy policy includes a focus on the economic development opportunities associated with this shift towards renewable energy. Over the long term, large-scale distributed renewable energy generation has the potential to transform our energy supply system from one which is dependent on imports from fossil fuel generators to one driven by clean renewable energy produced within our city, our territory and our region.

In this context, large-scale solar generation offers a first step into the future with important lessons for policymakers, the industry and the community about how we can tackle the challenges of climate change and transform our energy systems.

Renewable energy also delivers direct environmental benefits. We estimate that there will be significant offsets in relation to greenhouse gas emissions as a result of these projects. But, significantly, it will also mean that the opportunity is there to create the intellectual capital in our city about how to deploy large-scale solar. That presents real economic opportunities into the future.

DR BOURKE: A supplementary.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Minister, how will these new steps to enhance the ACT's reputation as Australia's solar capital affect those younger Canberrans interested in creating a sustainable city?

MR CORBELL: I thank Dr Bourke for the question. These initiatives highlight the fact that, by investing in this type of technological capacity early, we are demonstrating to future generations and the emerging generations what the potential is for large-scale renewable energy generation. We are giving a strong example of where the city needs to go into the future.

Whether it is solar, whether it is smart co-generation and tri-generation capacity, whether it is decentralised energy networks, whether it is the use of other technologies such as biotechnologies, combined heat-power technologies—all of these will play a critical role in giving the city a decentralised, sustainable and renewable energy capacity into the future. The demonstration of these projects gives, I think, great opportunity and inspiration to future generations.

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

Superannuation—territory liability

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation): Last week I tabled a series of papers and Mr Smyth sought some information in relation to the territory's defined benefit superannuation liability. I have sought some advice on this matter and I can provide the following information to the Assembly.

For budget and annual financial reporting purposes, as I indicated last week, an actuarial evaluation of the territory's employer defined benefit superannuation liability is undertaken. The valuation process involves the determination of the projected annual emerging cost cash flows across the estimated liability period, which is currently to around June 2080, then calculating the present value of these cash flows as at 30 June each year by discounting the cash flows.

For budgeting purposes, the assumption underpinning the annual budget estimate is a 10-year commonwealth government bond rate of six per cent. The estimated superannuation liability at 30 June 2011 as set out in the 2011-2012 budget was, as Mr Smyth indicated, $4.321 billion.

For annual financial reporting purposes, the actual 10-year commonwealth bond rate as at 30 June 2011 is required to be used to value the superannuation liability in accordance with accounting standards. I can advise the Assembly that the actual annualised rate as at 30 June 2011 was 5.28 per cent. This lower rate has resulted in an increase in the valuation of superannuation liabilities at 30 June 2011 from the budget estimated $4.321 billion to $4.870 billion or an increase, as Mr Smyth indicated, of approximately $550 million.

The difference between the 31 December actual superannuation liability valuation and the mid-year review full-year estimated outcome was for the same reason, the difference in the discounted rate used to value the liability. At the time of the mid-year review, the assumption was that the 10-year commonwealth government bond rate as at 30 June would be in the order of six per cent, whereas at 31 December 2007 the actual quarterly result as required by accounting standards was valued at the 10-year commonwealth bond rate at 30 June 2010 which, I am advised, was 5.16 per cent.

Supplementary answers to questions without notice

Auditor-General and Commissioner for Sustainability and the Environment—appointments

Alexander Maconochie Centre—Aboriginal and Torres Strait Islander detainees

MR CORBELL: During question time today, I think it was Ms Le Couteur—apologies if it was not—asked me a question about the position of the Commissioner for Sustainability and the Environment. I am advised that Dr Cooper is still officially the commissioner as well as having been appointed Auditor-General. However, she is only being paid in the position of Auditor-General and is only working in that function of Auditor-General. I am advised that Dr Cooper is retaining the office of commissioner until the government finalises an acting appointment, which as I indicated to members is imminent.

Yesterday Ms Hunter asked me a question about a peer support program being implemented at the AMC following the working together document. I can advise Ms Hunter that the working together report was a joint initiative between ACT Corrective Services and a number of Indigenous service delivery and advocacy agencies to examine service gaps and was released in December 2010. It recommended that Corrective Services implement a trial prisoner peer support program as the basis for the future Aboriginal and Torres Strait Islander specific prisoner peer support program. Corrective Services has examined peer support options for the AMC. Establishing a type of program that is available in some larger jurisdictions has not been deemed viable at the AMC because of the small number of longer term suitable detainees.

As an alternative, Corrective Services is currently considering options for small and more viable programs that address peer support, mentoring and related counselling services which will be available for both Indigenous and non-Indigenous detainees. Corrective Services are in discussion with the Aboriginal Justice Centre in regard to this mentoring program for male and female Aboriginal and Torres Strait Islander detainees, which will draw on members of the local Indigenous community.

For example, Corrective Services is also liaising with the Women in Prisons Group to establish peer support for female detainees at the AMC which will in part be provided by former female detainees. It is also close to finalising arrangements with Relationships Australia to establish a successful yarning program for Aboriginal and Torres Strait Islander detainees. The yarning program aims to provide a framework for Aboriginal and Torres Strait Islander male detainees to identify their values, priorities and change through collaboration and conversation.

Paper

Mr Corbell presented the following paper, pursuant to resolution of the Assembly of 9 March 2011:

> Alexander Maconochie Centre—Prisoner capacity demands—Government response, dated August 2011.

Justice and Community Safety—Standing Committee
Report 5—government response

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) (3:01): For the information of members, I present the following paper:

> Justice and Community Safety—Standing Committee—Report 5—*The Freedom of Information Act 1989*—Government response, dated August 2011.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Scoping study for specialist after-school and vacation care support
Paper and 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): For the information of members, I present the following paper:

> Specialist Afterschool and Vacation Care Support—Scoping Study, dated June 2011, prepared by Courage Partners.

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

Leave granted.

MS BURCH: Earlier this year, our CSD began working on a scoping study for specialist after-school care and vacation care support for school-age children with a disability. Today I am pleased to present the outcomes of this work and table the scoping study for specialist after-school and vacation care. The purpose of the study was to estimate the demand for after-school care and vacation support to better understand the drivers of demand and identify options to address unmet need. After-school hours and vacation care programs are critical supports for families and, where families are balancing family life and school, start and finishing times can be a

challenge. For some families, we understand after-school hours care enables parents to return to work full time.

We would all acknowledge that access to safe and fun recreational activities after school and in the school holidays is important for the health and wellbeing of all children and young people in our community. Having said that, we need to make sure that children and young people with a disability are able to access those opportunities. In presenting today's report, I would like to briefly outline the key findings and the next steps for the ACT government in response to this matter.

There are approximately 2,500 students with a disability enrolled in public and non-government schools and, of these students, the report estimates that 193 primary school and 115 public high school and college students require access to some form of out-of-school care. Children under 12 with a disability mainly attend mainstream, out-of-school hours care and vacation care and these programs are supervised, age-appropriate recreational activities which encourage children to interact with friends, learn life skills, problem-solve and be challenged by new experiences in a safe environment. They are usually located in schools run by the school's P&C association and licensed by a childcare regulatory body. The inclusion of children with a disability in these programs is supported by the federally funded inclusion support team. Young people over the age of 12 with a disability can attend community-based programs after school at the youth centres across Canberra.

There are, of course, a range of services funded by both the ACT and federal governments which provide specialist responses to the needs of students with a disability. These include the after-school and school holiday programs which have been run successfully by Woden Community Services for many years. Also the Tuggeranong youth centre run by Communites@Work provides after-school and holiday care programs for young people with high support needs.

We know that, for a variety of reasons and sometimes at the preference of the parents, mainstream services are not always a viable option for children and young people with complex behaviours and high needs associated with their disability. The scoping study sought to understand the barriers which impact on the access of this group of children and young people to mainstream after-hours school care. The report confirms students who tend to experience the most difficulties accessing mainstream out-of-school care are those with complex behaviours associated with autism and students with severe and profound disabilities who have complex care and medical needs or who use a wheelchair.

The community has told us, through this scoping study, that a range of out-of-school solutions were needed and not a one size fits all. Community stakeholders have told us that some programs should be community based and some should be more targeted towards special schools. Similarly, some parents of primary school children want after-school care, as I have said, in specialist schools, and others consider a joint program including children with and without a disability to be a good model.

To respond to the need and considering the advice we have been provided in the scoping study, I am pleased to advise that the government will establish a range of new after-school and vacation services across the ACT. These new services will

respond to the needs of children and young people with complex needs, including those with autism. We will be going out to the community sector to find the providers of these new services and I look forward to the first of the new services being opened at the beginning of term in 2012. The package of services provides a range of after-school hours and vacation care across the ACT at a cost of $335,000 per annum.

The places comprise 10 after-school places based at Black Mountain school from February 2012 and 10 holiday places at Black Mountain school as well in the first holiday period after the beginning of term, 10 after-school places in an inclusive community venue such as a youth centre in Belconnen, 10 after-school places in Belconnen and 10 holiday places at Malkara for primary students and 10 holiday places at Cranleigh for primary students as well. In addition to these programs, I have asked the directorate to review resources available to enhance vacation care in the Tuggeranong area.

I look forward to visiting these new services as they are established as they will provide age-appropriate and meaningful activities for our young people and teens with a disability. I commend the report to members.

Paper

Ms Burch presented the following paper:

> Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2010-2011—Fourth quarter (1 April to 30 June 2011).

ACT prevention of violence against women and children strategy 2011-17

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

> Our responsibility—Ending violence against women and children—ACT Prevention of Violence Against Women and Children Strategy 2011-2017.

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

Leave granted.

MS BURCH: It is my pleasure to table the ACT prevention of violence against women and children strategy 2011-17, *Our responsibility: ending violence against women and children*.

On 4 January this year, the former Chief Minister, Jon Stanhope, endorsed the *National plan to reduce violence against women and their children* for 2010-22, with

all other states and territories following suit in February. The national plan brings together the work of state, territory and commonwealth governments and the community sector to address the cause and effects of violence against women and their children. The aim of the national plan is to reduce violence against women and their children, to improve collaboration between governments, to increase support for women and their children and to foster innovation and ideas to bring about change.

The national plan sets out six outcomes. These include that communities are safe and free from violence, relationships are respectful, Indigenous communities are strengthened, services meet the needs of women and their children experiencing violence, justice responses are effective and perpetrators stop their violence and are held to account.

As part of the ACT commitment to the national plan, the ACT has developed the strategy which I have tabled here today. The ACT prevention of violence against women and children strategy is a whole-of-government and community response to violence against women and children. It is a joint strategy with the ACT Attorney-General and it is the first of its kind in the ACT.

This strategy also has strong links to the Canberra plan and the Canberra social plan, which clearly articulate that we are to create a safe environment for every member of our community. The purpose of the strategy is to involve the whole community in upholding and respecting the rights of women and children in the ACT. The strategy focuses on prevention, early intervention and support services, and holding perpetrators accountable as well as helping them to change their behaviours.

The ACT strategy identifies four primary objects, which align to the six national outcomes. We will deliver these over the coming years. The four objectives are that women and children are safe because an antiviolence culture exists in the ACT; Aboriginal and Torres Strait Islander women and children are supported and safe in their communities; women's and children's needs are met through joined up services and systems; and men who use violence are held accountable and supported to change their behaviour.

In the ACT alone, the Australian Federal Police have told us that, during 2009-10, 338 instances of sexual assault and 3,902 incidents relating to family violence were reported to ACT Policing.

Although domestic violence and sexual assault are issues known to cut across socioeconomic and cultural backgrounds, we know that women from some marginalised groups are at a greater risk of experiencing violence than others. Women with a disability and Aboriginal and Torres Strait Islander women and children are more likely to experience physical or sexual violence than their counterparts. We believe that this warrants a particular focus in the first three years of the strategy.

Women and children who are subjected to violence need to be supported to continue to contribute. This is why creating and participating in a public conversation, speaking out against violence and modelling respectful relationships are important. I note that several of my Assembly colleagues are white ribbon ambassadors; I thank them for their support and the important step that they individually take about this issue.

Whilst we need individuals to stand up and speak out, this strategy requires us to work collaboratively and across disciplines to address the causes and consequences of violence against women and children in our community.

The ACT is leading the way in actually creating a sense of safety in relation to safety for women and girls in public spaces. This year we have had two women's safety audits undertaken at the Australia Day Live concert and the Multicultural Festival. The safety audit tool is now available for major events in Canberra and is an area that will be progressed through this strategy.

Also in the ACT there have been significant and sustained activities to improve system responses to family violence and sexual assault. This has included the family violence intervention program, established in 1998, and the sexual assault reform program, established in 2007. These approaches contribute to the ease and confidence with which those subjected to violence can engage with the criminal justice system. However, the ACT strategy also encompasses a broader response to violence against women and children, including a focus on prevention and early intervention and provision of support to those that do not engage with the criminal justice system.

In this year's budget there was some funding for extra assistance for men and young men who use violence. The family violence prevention program will work intensively with men who use violence to effect long-term behavioural change and to reduce reoffending. Funding for the Aboriginal and Torres Strait Islander guidance partner and remuneration of the Galambany circle sentencing court panel will assist young Aboriginal and Torres Strait Islander people who are referred to restorative justice.

In last year's budget there were also additional funds to provide support in establishing a court advocacy service provided by the Domestic Violence Crisis Service, increasing the capacity of the Canberra Rape Crisis Centre. This strategy focuses on consolidating work to lay the foundations so that future work can occur. This will involve significant cooperation between the government and the community sector.

I would like finally to acknowledge all those involved in the development of the ACT prevention of violence against women strategy, including members of the ACT advisory council on women, the Domestic Violence Prevention Council, community and government participants in the round table and the community sector reference group, who ensured that issues for all women were considered in the development of the whole-of-community response to reduce violence against women and their children.

This government strongly believes that it is the right of all women and children in our community to live free from fear and experience of violence. It is my, your and our responsibility to ensure that that is so.

Papers

Mr Corbell presented the following papers:

Petition which does not conform with the standing orders—Australian Kava Movement—Ms Bresnan.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

ACT Teacher Quality Institute Act—ACT Teacher Quality Institute Amendment Regulation 2011 (No 1)—Subordinate Law SL2011-24 (LR, 5 August 2011).

ACT Teacher Quality Institute Act and Financial Management Act—

ACT Teacher Quality Institute Board Appointment 2011 (No 2)—Disallowable Instrument DI2011-217 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 3)—Disallowable Instrument DI2011-219 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 4)—Disallowable Instrument DI2011-220 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 5)—Disallowable Instrument DI2011-221 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 6)—Disallowable Instrument DI2011-222 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 7)—Disallowable Instrument DI2011-223 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 8)—Disallowable Instrument DI2011-224 (LR, 15 August 2011).

ACT Teacher Quality Institute Board Appointment 2011 (No 9)—Disallowable Instrument DI2011-225 (LR, 15 August 2011).

Auditor-General Act—Auditor-General Appointment 2011 (No 1)—Disallowable Instrument DI2011-155 (without explanatory statement) (LR, 14 July 2011).

Building and Construction Industry Training Levy Act and Financial Management Act—

Building and Construction Industry Training Levy (Governing Board) Appointment 2011 (No 1)—Disallowable Instrument DI2011-187 (LR, 7 July 2011).

Building and Construction Industry Training Levy (Governing Board) Appointment 2011 (No 2)—Disallowable Instrument DI2011-188 (LR, 7 July 2011).

Building and Construction Industry Training Levy (Governing Board) Appointment 2011 (No 3)—Disallowable Instrument DI2011-189 (LR, 7 July 2011).

Building and Construction Industry Training Levy (Governing Board) Appointment 2011 (No 4)—Disallowable Instrument DI2011-190 (LR, 7 July 2011).

Canberra Institute of Technology Act—Canberra Institute of Technology (Fees) Determination 2011—Disallowable Instrument DI2011-205 (LR, 28 July 2011).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Perpetual Care Trust Percentage and Perpetual Care Trust Reserve Percentage) Determination 2011 (No 1)—Disallowable Instrument DI2011-214 (LR, 11 August 2011).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Australian Property Institute Valuers Limited Scheme Amendment 2011 (No 1)—Disallowable Instrument DI2011-215 (LR, 11 August 2011).

Civil Law (Wrongs) Professional Standards Council Appointment 2011 (No 2)—Disallowable Instrument DI2011-207 (LR, 2 August 2011).

Domestic Animals Act—Domestic Animals (Fees) Determination 2011 (No 2)—Disallowable Instrument DI2011-209 (LR, 8 August 2011).

Education Act—

Education (Government Schools Education Council) Appointment 2011 (No 2)—Disallowable Instrument DI2011-216 (LR, 15 August 2011).

Education (Non-Government Schools Education Council) Appointment 2011 (No 2)—Disallowable Instrument DI2011-191 (LR, 7 July 2011).

Education (Non-Government Schools Education Council) Appointment 2011 (No 3)—Disallowable Instrument DI2011-192 (LR, 7 July 2011).

Education (Non-Government Schools Education Council) Appointment 2011 (No 4)—Disallowable Instrument DI2011-193 (LR, 7 July 2011).

Health Professionals Act and Health Professionals Regulation—Health Professionals (Veterinary Surgeons Board) Appointment 2011 (No 3)—Disallowable Instrument DI2011-195 (LR, 11 July 2011).

Juries Act—Juries (Payment) Determination 2011—Disallowable Instrument DI2011-186 (LR, 4 July 2011).

Legal Aid Act—Legal Aid (Commissioner—Bar Association Nominee) Appointment 2011—Disallowable Instrument DI2011-208 (LR, 5 August 2011).

Liquor Act—Liquor Amendment Regulation 2011 (No 1)—Subordinate Law SL2011-23 (LR, 4 August 2011).

Planning and Development Act—

Planning and Development (Lease Variation Charges) Determination 2011 (No 1)—Disallowable Instrument DI2011-198 (LR, 15 July 2011).

Planning and Development (Remission of Lease Variation Charges) Determination 2011 (No 1)—Disallowable Instrument DI2011-197 (LR, 15 July 2011).

Public Baths and Public Bathing Act—Public Baths and Public Bathing (Active Leisure Centre Fees) Determination 2011—Disallowable Instrument DI2011-202 (LR, 21 July 2011).

Public Place Names Act—

Public Place Names (Belconnen District) Determination 2011 (No 1)—Disallowable Instrument DI2011-184 (LR, 4 July 2011).

Public Place Names (Forde) Determination 2011 (No 2)—Disallowable Instrument DI2011-213 (LR, 8 August 2011).

Public Place Names (Forrest) Determination 2011 (No 1)—Disallowable Instrument DI2011-182 (LR, 4 July 2011).

Public Place Names (Harrison) Determination 2011 (No 3)—Disallowable Instrument DI2011-210 (LR, 8 August 2011).

Public Place Names (Hume) Determination 2011 (No 1)—Disallowable Instrument DI2011-211 (LR, 8 August 2011).

Public Place Names (Wright) Determination 2011 (No 2)—Disallowable Instrument DI2011-183 (LR, 4 July 2011).

Race and Sports Bookmaking Act—Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2011 (No 1)—Disallowable Instrument DI2011-203 (LR, 20 July 2011).

Racing Act—Racing Appeals Tribunal Appointment 2011 (No 1)—Disallowable Instrument DI2011-196 (LR, 13 July 2011).

Road Transport (General) Act—Road Transport (General) (Pay Parking Area Fees) Determination 2011—Disallowable Instrument DI2011-200 (LR, 21 July 2011).

Tobacco Act—Tobacco (Compliance Testing Procedures) Approval 2011 (No 1)—Disallowable Instrument DI2011-194 (LR, 11 July 2011).

Training and Tertiary Education Act—Training and Tertiary Education (Fees) Determination 2011—Disallowable Instrument DI2011-201 (LR, 21 July 2011).

ACT public service
Discussion of matter of public importance

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

The importance of a positive culture in the ACT Public Service.

MR DOSZPOT (Brindabella) (3.17): Thank you for this opportunity to speak on the importance of a positive culture in the ACT public service. This is most certainly an important issue. In light of recent media reports and debates in this Assembly on whistleblowers and the reprisals that they have faced, today's MPI is very timely.

In my long and varied career prior to being a member of this Assembly, I have had the opportunity to work with a diverse range of organisations and to help them plan for the future. Some of these organisations were brimming with positive energy and happy staff, whilst others went to the other side of the equation, with unmotivated and dispirited employees.

What does a positive culture look like? Such organisations trust their staff; there is a shared vision, with an environment that supports two-way and up-down communication; there is positive reinforcement. These organisations are flexible; they

allow people to do what they are hired to do; and, most important of all, they allow staff to be passionate and be brave. The last point, on bravery, is a vital component of cultivating a positive organisational culture. It empowers staff to take ownership and leadership in doing the right thing.

Over the course of the last several months and weeks we have seen how this ACT Labor government suppressed brave members within the ACT public service, and many of these individuals suffered reprisals from within the system. Given the uncomfortable instances where I have been presented with allegations of bullying or lack of impartiality in the ACT public service, including the teaching service, I think this ACT Labor government has done much to devalue what is good in our public service.

Take, for example, the case of Ms Debbie Scattergood, who revealed that TAMS had wasted taxpayers' money on a $15 million contract for unforeseen expenditures. As a result of this, she suffered discrimination at work for four years—four years. And if that was not bad enough, her department tried to restructure her out of a job and was the subject of a biased report in an attempt to cover up departmental wrongdoings. Because of this, Ms Scattergood suffered reactive depression and financial distress while trying to defend her reputation. For those of you who may not be familiar with this case, she lost her home because of this.

And what about last week's article regarding former AMC Superintendent Doug Buchanan? He was cleared as a result of lack of evidence. The Hamburger review, issued in March, had found that Mr Buchanan was "mentoring the AMC leadership team and leading by example in his interactions with staff and detainees" and that "feedback from some external stakeholders is that the Superintendent is having a positive impact on AMC operations".

Here is an individual with 30 years experience in the corrections industry who had significantly improved the morale of the AMC but was denied due process because of a professional disagreement. Simply put, Mr Buchannan did not agree with the government on its needle exchange program. In return, he lost his job for doing what he thought was in the best interest of his organisation.

The Canberra Liberals called for a committee to investigate Mr Buchanan's departure, but ACT Labor, once again with Greens' support, outright rejected this. There is that undying or unquestioning support of their coalition from the Greens which is becoming quite common in this Assembly.

In February this year, the Canberra Liberals uncovered that a confidential phone line that was set up at Bimberi so that staff and detainees could give confidential evidence to the human rights audit conducted by the Children and Young People Commissioner, Alisdair Roy, was compromised. In one instance, Mr Roy approached a complainant's supervisor at Bimberi and informed the supervisor of the complaint that was lodged. In fact, we learnt of the complainant's name because, in a letter to Mrs Dunne, Mr Roy mentions the complainant's name not once but three times.

In March, we received revelations of departmental documents suggesting that staff collude with department managers. This was subsequently corroborated by up to three

separate Bimberi staff claiming the process was corrupted and problems were being covered up—with news that one member of staff was sacked after giving evidence and another stood down for their involvement in the review. The Canberra Liberals' preference was that this matter be handled through a judicial inquiry. But even with evidence that due process was corrupted, ACT Labor and the Greens again conspired against calls for a more thorough inquiry.

Then there was the bullying report from the Canberra Hospital. Even as early as February 2010, when serious accusations were made by doctors about the hostile and intimidating work culture that they had to work in, the health minister's response on ABC 666 radio was, "Well, what issues, Ross? This is the frustration I have." That was on ABC 666, on Ross Solly's program on 17 February 2010.

Amidst Ms Gallagher's denial at the time, nine obstetricians had resigned in the last 15 months, citing a bad workplace culture and incidents of bullying. At least four doctors wrote to the health minister refusing to work in the unit until the issue of bullying was resolved. The minister's position on bullying in Canberra Hospital has been cavalier, as she dismissed these as nothing more than doctor politics and mud-slinging.

The minister was happy to cover up the findings of a report into bullying in the obstetrics unit at Canberra Hospital. In true ACT Labor government form, rather than deal with the problems in a transparent and accountable manner, she threatened doctors and staff by proposing to dig up dirt on them by reviewing 10 years of previous medical board investigations.

Then we come to Neil Savery. The former ACTPLA chief executive, Mr Neil Savery, was in essence relieved of his role as chief planning executive, trying to maintain the integrity of the ACT planning process, through improper government interference by former Chief Minister Jon Stanhope and LAPS officials. According to Mr Stanhope, mounting tensions between Mr Savery and the government marked the final straw that led to the commissioning of Allan Hawke's review of the public service.

The outcome of this review saw the independence of ACTPLA subsumed in the Environment and Sustainable Development Directorate and its director-general, Mr David Papps, assuming the chief planning executive role. Simply put, the review of the ACT public service was nothing more than an exercise to get rid of a public servant who dared to stand up to the government. As the Chief Minister puts it, "It's a very clear instruction from me that I expect those differences to be resolved and that the situations that we have seen over the Giralang episode aren't repeated because I don't expect to see a situation like that again." That was Katy Gallagher on ABC radio 666 on 18 July 2011.

The truth is that this government has missed the point. Getting rid of Mr Savery will not fix the planning problems in this city. You can only do that by addressing the serious issues raised by Mr Savery in a transparent and accountable way. And this ACT Labor government struck Mr Savery down for his efforts.

On top of all this, we have the Human Rights Commission's report of almost 400 pages on its inquiry into the youth justice system in the ACT. It is a glaring

example of a lack of positive culture in the ACT public service all by itself. Delving into the report, we see 224 recommendations that seek to create a more positive culture. They include things like a better process of community and family engagement; a whole-of-government and whole-of-community clear and shared vision for vulnerable children, young people and their families; better training opportunities for Bimberi staff; better recruitment and induction practices for staff at Bimberi; better process, support and debriefing protocols for handling incidents; better integration of support services, for instance developing a culture of working together within the Community Services Directorate; and better complaints-handling procedures.

These and the other 217 recommendations of the Human Rights Commission report are founded on building a more positive environment for and culture among the workers and residents of Bimberi and their families, along with staff of the Community Services Directorate and the community more broadly. It is a far-reaching report. It seems incredible, and I guess quite sad, that it took an inquiry and a lengthy report for this government to be jolted into action to develop even the most basic and simple tools to foster that positive environment and culture.

In conclusion, the cases that I have highlighted here today in all probability represent just the tip of the iceberg of internal issues faced by our ACT public servants every day. What is difficult to believe is that rather than actively improving things, this government is content with just maintaining the status quo. The Chief Minister stated quite clearly in last week's whistleblower motion:

> … one of the responsibilities that I have as Chief Minister is to ensure that we do not abuse our position of power and privilege.

Quite so, Chief Minister; it is very important that you as Chief Minister do not abuse your position of power and privilege. But that does not exempt you from looking at the issues that public servants are trying to bring to your attention. As I said, this is quite right on the Chief Minister's part to some extent, but this does not say anything to members of our public service who maybe experiencing mistreatment in their workplace.

What kind of positive culture is this ACT Labor government trying to create with its new unified public service model where, for all its professed claims to foster greater coordination, cohesion and alignment of effort by the ACT public service, we later learn from the former Chief Minister that the whole exercise was designed to take out the chief planning executive for merely being frank and fearless? I ask: what kind of organisational culture is this government cultivating in our public service here today?

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (3.29): I welcome the opportunity to speak on this issue, as there is nothing more important to the government than ensuring our own public service has a positive culture, evidenced by informed policy, ethical decision making and consistent service delivery, all achieved in a respectful and caring environment that supports a strong work-life balance.

Let me be very clear at the outset of my remarks that as Chief Minister I will not tolerate bullying in the ACT public service and nor will the members of the cabinet. We expect, and the community expects, officials in the ACTPS to work cooperatively, collaboratively and to support each other as they go about their daily work. The cabinet expects the directors-general and the executive cohort to provide a positive example of behaviour to the whole of the service. We expect public servants at every level to behave decently, fairly and supportively towards their colleagues.

We expect instances of bullying to be dealt with early and strongly. We expect colleagues who experience bullying to be supported and nurtured and we expect examples of unacceptable behaviour to be reported, examined and dealt with appropriately and promptly.

Mr Assistant Speaker, the people of Canberra and the government of the day depend on the ACT public service for the delivery of services that are critical to the successful functioning of our city and in some cases are genuinely matters of life and death. As part of ensuring the ACTPS can continue to deliver these services, the government believes that it is vital to offer and encourage a working environment that is conducive to high achievement and focused on results. But that is not at all costs, and certainly not at the expense of the people who make it possible.

There is nothing more integral to the success of our priorities and programs than the people charged with delivering those results, and those people are the public servants. It is crucial that our public servants feel supported and appreciated so that they can go about this important task. This is particularly the case in tough budget times such as now when the huge workload is expected to be achieved on scarce resources in the face of high public demand and scrutiny.

There has been a fair bit of media recently about instances where the ACT public service has not got it right, where errors have been made and employees have not felt appreciated, let alone valued. There have been examples of cases where complaints of bullying have been made. There have been examples of where complaints made have not been dealt with properly. Those cases will and are being looked at again by senior officials in the ACT public service.

Every time this happens is one incident too many in the eyes of the government. Each of our public servants deserves to be recognised, supported, developed and respected as an individual. So when employees are mismanaged, and they do not and cannot achieve their full potential, it is a disappointment to the service and a loss to the community it serves.

That said, it is important to keep things in perspective as well. The ACT public servant workforce is around 18,000 strong. Even with the best training and systems and the most well-intentioned management, it is unrealistic not to expect bad behaviour to occur from time to time. That is not to excuse the bullies, nor is it to diminish our commitment and desire to eradicate bullying.

It is simply a reflection of the reality of a large group of human beings and how we all behave towards each other. The government recognises that there is room for

improvement in this space and I have made it very clear to the Head of Service and the Commissioner for Public Administration in the several meetings I have had with them on this subject what my expectations of this improvement are.

There is a renewed focus on minimising those instances where public servants have not been treated in accordance with the government's high expectations in order to create the positive work culture that will attract and retain high calibre public servants to address our community's needs.

As we discuss those initiatives it is important to keep in mind that we should not conflate a number of incidents to taint the majority of hardworking, dedicated and well behaved officials that serve our community. We should not conflate genuine disclosures of maladministration and employment grievances and draw a conclusion that the problem is bigger than it is. We should not tar all of our officials with the same brush.

Of course, those who deserve it should be disciplined for behaving in a way that the community, not just the government, finds unacceptable. But we should, in this place, not risk denigrating the majority of our dedicated officials because some of their colleagues may behave unacceptably.

I remarked in this place last week that we should avoid abusing our position of power and privilege and think long and hard before we, in an attempt to score cheap political points, name in this place individuals who are often in difficult circumstances. Of course we should discuss systemic issues in public administration in the ACT but we should do so with the facts in front of us and a genuine desire to improve the systems as they exist.

I do welcome the opportunity for another debate on the standards in public life in this place, but we should engage in that debate positively and with a view to improving what we do. In this context it is particularly incumbent on ministers to avoid making public remarks about the individual circumstances of officials in their directorates in this place. This is something which the opposition is not bound by, as we clearly see by their behaviour in this place.

Mr Assistant Speaker, dealing with bullying is in part about dealing with the consequences and the perpetrators. More importantly, if we are to foster the positive culture in the public service we all desire, we must engage in a positive, forward looking process of setting expectations and equipping public servants to deliver on them. To this end there are a number of initiatives currently underway in the public service.

I have already spoken recently about the review of the ACT public interest disclosure legislation. An exposure draft of the proposed amendment bill based on the project's finding is to be released for public comment before the end of 2011. The exposure draft will address procedures for permitting appropriate public reporting of outcomes of investigations under the act, reflecting the intent of the Public Interest Disclosure Act to protect the public interest, clarifying the scope of what amounts to a public interest disclosure and ensuring a regime that facilitates the making of confidential disclosures and the protection of those who do.

This exposure draft is important. Indeed, if we look at the first section about allowing appropriate public reporting of outcomes of investigations under the act, I have written to the Attorney-General around this based on my experience with the review into obstetrics, around the fact that the inability to provide information at the end of that reporting process presented difficulties in terms of—

Mr Smyth: Yes, that is why you chose the process.

MS GALLAGHER: No, Mr Smyth. You are wrong there again.

Mr Smyth interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, Mr Smyth!

MS GALLAGHER: Mr Smyth, you have been interjecting all day. I listened to Mr Doszpot. All day you have been interjecting. I listened to Mr Doszpot in silence.

Mr Smyth interjecting—

MR ASSISTANT SPEAKER: Stop the clock, please. Mr Smyth will come to order. Chief Minister, leave it to me and I will deal with him. I shall warn Mr Smyth if it persists. Thank you, Chief Minister. The floor is yours.

MS GALLAGHER: As Mr Smyth knows, the minister did not choose the Public Interest Disclosure Act—

Mr Hanson interjecting—

MR ASSISTANT SPEAKER: And the same thing goes for you, Mr Hanson.

MS GALLAGHER: and the mechanism for review of the obstetrics. They know that and they consistently come in here and mislead the community over that. The minister does not choose the appropriate mechanism or avenue for the instigation and investigation of complaints. However, based on concerns that have been raised, I have done the responsible thing and we are actually looking to change the law, Mr Smyth. So you can sit there and carp and whine, but have you done anything about your concerns with the public interest disclosure? No, you have not. Where is your bill, Mr Smyth?

Mr Hanson: Mr Assistant Speaker, a point of order.

MR ASSISTANT SPEAKER: Stop the clock. Mr Hanson has a point of order.

Mr Hanson: Mr Assistant Speaker, under standing order 42 I would ask that the minister address her comments through you. That might alleviate the complaint that you have about Mr Smyth responding.

MR ASSISTANT SPEAKER: Thank you very much, Mr Hanson. I will ask the Chief Minister to address her remarks through the chair but I will also ask Mr Smyth

to desist. This is the last time. The next time I hear his voice while I am sitting in the chair—

Mr Hanson: Mr Assistant Speaker—

MR ASSISTANT SPEAKER: Please resume your seat, Mr Hanson, I have not finished; you can rise when I am. I have asked repeatedly that Mr Smyth hear the Chief Minister in silence. So far he has ignored me. If I hear his voice in interjection again, in the context of my time in this chair, he shall be warned. Mr Hanson, do you have a point to make?

Mr Hanson: Mr Assistant Speaker, Mr Smyth was not actually saying anything. He was not making any interjections.

MR ASSISTANT SPEAKER: Mr Hanson, there is no point of order—

Mr Hanson: What was occurring—

MR ASSISTANT SPEAKER: Mr Hanson, there is no point of order. There is no point of order. Resume your seat, otherwise I will warn you. Resume your seat. Resume your seat or move dissent from a ruling of the chair. I would welcome that. Chief Minister.

Mr Doszpot: You are itching for a fight, aren't you, John.

MR ASSISTANT SPEAKER: Mr Doszpot, you are warned. That was an inappropriate reflection on the chair.

Mr Hanson: He wasn't saying anything.

MR ASSISTANT SPEAKER: Mr Hanson, you are warned as well. We have two warnings on the go.

Mr Smyth: Oh, let's have a third then.

MR ASSISTANT SPEAKER: Three. We are going to make it a round three. Anybody else want a go? Right, that is three warnings on the go—one reflection on the chair and two for repeatedly ignoring the directions of the chair. Chief Minister, the floor is yours.

MS GALLAGHER: Thank you, Mr Assistant Speaker, and I do find it interesting that this matter of public importance is actually on promoting the importance of a positive culture in the ACT public service. Here on display this afternoon we have a repeat performance from the Canberra Liberals displaying what they have been doing for the last three years, which is the worst example of bullying, harassment and disrespect that we see on a daily basis in this chamber.

This is the message that we send to our public service—this conduct, this disrespect to you, Mr Assistant Speaker, as the presiding officer of the parliament, disrespect to every other member when they are on their feet talking, this bullying and harassing

other members. Then they have the nerve to come in here and lecture me on leadership on enforcing positive culture. Well done! That little five-minute interlude in the matter of public importance really has summed up, I think, the concerns of other members in this place and displayed for the ACT public service the standards that the Liberal Party set for themselves in this place.

There is, of course, a review of cross-directorate complaints handling underway across the public service that I have asked for in response to the Ombudsman's concerns around complaint handling in the public service here. That will be led by the Head of Service. At the end of the day, what I want to see in place is a standard process for complaints handling across the ACT public service, making it easier for people to complain and also to understand how that grievance is going to be followed through. We are looking at ways to improve the complaints entry through Canberra Connect to make sure that the complaints are dealt with there and then redirected to directorates where appropriate.

In addition to clear expectations about the level of work that is performed are guidelines about how public servants behave towards each other and stakeholders in how that work is done. To this end, a re-examination of ACT public service values and behaviours is planned, building on the respect, equity and diversity framework to promote collaboration and innovation in the way that public servants fulfil their duties. This will be a particular focus of the new People and Performance Council comprising of senior officials within each directorate. It will involve extensive consultation with staff at all levels.

Members will be aware that the RED framework was launched last year as the foundation statement of how the ACT public service should work and behave. The revised framework highlights that the ACT public service aims to create a positive work environment that promotes respect, equity and diversity across the service. Part of the RED framework involves a network of contact officers and executive sponsors with whom officials can raise concerns. It is supported by an open door policy for executives to create opportunities for unacceptable behaviour to be reported. It is anticipated that the revised statement of values and behaviours will be included as part of the suite of changes to modernise the ACT public sector legislation as recommended in the *Governing the city state* report.

Mr Assistant Speaker, my government are committed to providing a workplace for our public servants that is safe, supportive and productive. We will not tolerate bullying and we are already on a path to ensuring that the culture within the new, single ACT public service agency is one that makes it a rewarding place to work and a place we all wish it to be.

In conclusion, the values that are important to me as a leader of the government, but also as a person, are around honesty, integrity and respect. I expect that people, when they come to work, are treated with dignity and the respect that they deserve. I expect that people are given the opportunity to have their grievances aired and for those grievances to be handled appropriately.

A workplace is not the place for people to conduct themselves in a way that they would not want to be treated themselves. I expect managers, right down to managers

at the middle to lower management level, to have a very good idea about how decisions they take, responses they make in those very early days of a complaint, can impact on people as their grievance continues or remains unresolved.

I think leadership does come from the top. It has to be led by the Chief Minister and the Head of Service. The Head of Service needs to relay to all of his executives exactly what he expects from them as directors-general in terms of the standards they set within their own directorates. The directors-general will then rely on their executive team to flow that message down into individual work units.

I think there is room to improve in the ACT public service. I think that would be the same with any organisation and any workplace where people work together. But in a large workplace of 18,000, there is room to improve our systemic processes and we can do just that. We also need to train our staff to make sure that people, not just at the executive level but right down through the management chain, understand exactly what their responsibilities are and that their performance as managers will be measured against these. It will not just be about doing their job in terms of the outputs. It is actually doing their jobs as managers of teams of people.

There is considerable work underway. This is an issue I am spending a great deal of time on. I expect our systems to improve. That is not to say that there will not be cases and grievances across the ACT public service. There will be. But I do expect that the systems we have in place are the best, are the best practice, and that our staff that are implementing those systems are doing so fully trained, fully equipped and with a full understanding of what their responsibilities are. Thank you, Mr Assistant Speaker.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.46): It is a truism that there should be a positive culture within any workplace and, of course, within the ACT public service. What exactly a positive culture entails and how that could be defined might be problematic, but I think we would all agree that the service should be generally optimistic about their work, enthusiastic about new opportunities and eager to make a positive contribution to the community in whatever field or role they have within the public service. Group cultural practices and means for changing them are the subject of a very large amount of academic research, as is certainly a challenge of any large organisation, public or private, and is undoubtedly a considerable challenge that we should never pretend is going to be easy.

At the outset of my remarks I would like to reiterate the point I made in the debate last week on public interest disclosure—that is, that I think we need to be very careful about characterising the public service or tarring all public servants based on the poor conduct of relatively few employees. As a parliament, we delegate an enormous range of obligations and responsibilities to the executive and public servants. I think we should at the outset acknowledge the work they do. Of course, any organisation can improve and I think that there are pockets of the service where the prevailing culture and attitudes are not desirable and need to be addressed. We have spoken about these in some length here in recent debates.

This is a very interesting topic to raise at this point, after the government has been through a very large restructuring exercise. It is possibly the biggest change on paper that has happened since the advent of the ACT government, if only because we no

longer have departments; we now have directorates. This is supposed to mean that we now have a structure whereby the heads of each directorate communicate more directly, rather than through ministers, creating a somewhat flatter structure at the top end. It should help with creating a more cohesive, whole-of-government vision and better across-government coordination, which was sorely needed. There has been no shortage of problems created from departments not working together in their goals and aims.

One of the most positive outcomes of the administrative changes as a result of the Hawke review is the move away from ACT departments working in silos. Changing the culture of cross-agency communication to get the whole of the government working towards combined aims and goals and in cooperation will require more than just restructuring and will not happen overnight, but I hope that the current heads of each agency are committed to this new way of working. The more that we encourage inter-directorate committees to ensure smooth and cohesive applications of policies and programs the better for the people of Canberra. The number of complaints our offices receive which are based on one directorate telling someone one thing and another giving conflicting or inconsistent advice is indicative of the level of the problem.

One issue connected with this that I would like to touch on is that it appears the government is relying quite heavily on a single office building to achieve this goal. I think it is quite possible to get a range of agencies to work together more cooperatively without necessarily having to put them all in the same building. We discussed this in more detail yesterday. I believe that accommodating our public servants in an ACT government office precinct may well deliver the same cooperative benefits as the single building proposal.

Turning to a couple of specific issues, because I think it is important that they are addressed, there can be no doubt of the parliament's and the community's expectations in this regard. I am confident that there has and will continue to be progress on these issues. They are, firstly, the culture towards complaints. The Ombudsman has raised concerns about this recently, and I must acknowledge the government's support for my motion recently that called on the government to address this issue and ensure that agencies value complaints consistent with the Ombudsman's better practice guidelines. I hope that this will occur quickly and all agencies will develop a consistent and positive approach to complaints and recognise, of course, that the outcome of responding actively to complaints is, of course, fewer complaints in the future.

The next issue I would like to address is freedom of information. I have been frustrated with the government's application of the FOI Act. In a number of instances, I do not think the government has been correctly applying the provisions of the act and there has existed a bias towards non-disclosure. The Attorney-General, just within the last half hour or so, tabled the government's response to the committee report. The Chief Minister has made a number of commitments to improve in this regard. I note that the government's response which was tabled just before to the JACS committee report's recommendation is largely positive and certainly reflects a significant improvement on the status quo.

There remain a few issues that will need further work to ensure that we have a modern freedom of information scheme that ensures the government respects the community's right to know. In relation to public interest disclosure, the issues have been discussed at length in previous debates. The point was made that, while we very much welcome the government's commitment to table a new public interest disclosure bill very soon, we need to ensure that in the meantime the processes under the current act work properly.

We turn to some issues that have come up recently. There were cultural issues at Bimberi. There have been cultural issues, as we know, and problems in youth justice in the past. We have just had an extensive inquiry and an extensive and comprehensive report from the Human Rights Commission. I am confident that we will see change in the culture of management in the way staff are dealt with and the way staff are supported—training and so forth. I am pretty confident that we will be moving down that path.

In the context of a discussion on a positive culture in the public service, I would make the point that the Human Rights Commission found in that report that the publicity surrounding Bimberi, which was front-page headlines, had led to a very risk adverse culture by staff and management that meant that the young people in Bimberi were missing out on opportunities they might otherwise have had. I make the point that we should be very aware of the potential that this place has to influence the culture within parts of the public service as well. We should always be mindful of the impact our actions can have on the public service as a group and also on the individuals who work very hard to do their best for the territory.

I would also like to pick up on the Chief Minister's remark at the end of her speech. I very much think that on many occasions the behaviour in this place is way below where it should be. We should be role modelling how we want behaviour to be, not just within the public service but right across the ACT—in neighbourhoods, in schools and so forth. Quite frankly, many times it is pretty appalling and you see the bullying behaviour that goes on.

Of course, the government of the day have the greatest capacity to influence the culture and the buck must stop with them. We expect ministers to be able to influence the culture within the service so that there can be no ambiguity about what is and is not okay and what the underlying values and expectations are. The culture comes from the top. It is vital that a positive culture is set at the top and filters right down through the service. This means being open to new ideas and being comfortable admitting when mistakes are made, learning from them and moving on. That said, we should all be trying to create an environment that encourages creativity and a level of prudent risk taking and, most importantly, that when the evidence clearly points to a particular course of action they will not shy away from it because it is not what has always been done or there is necessarily a level of risk in it because others have not tried it elsewhere.

On the more general approach to the public service and their role within the government and the culture created in the public service, I would draw members' attention to an interesting book by the Australia and New Zealand School of

Government called *Whatever Happened to Frank and Fearless? The impact of new public management on the Australian Public Service*. It includes a very interesting account of the Howard government's attempts to get rid of the frank and fearless ideal of what the public service should be. The current APS values provide for the frank, honest, comprehensive, accurate and timely provision of advice. *(Time expired.)*

MR SESELJA (Molonglo—Leader of the Opposition) (3.56): It is probably worth picking up where Ms Hunter left off, isn't it—the death of frank and fearless. We see how this government treat people who give them frank and fearless advice. Just ask Doug Buchanan, Debbie Scattergood and Neil Savery how you get treated when you tell the truth to this government.

What do we think is happening to frank and fearless advice under the leadership of Katy Gallagher? Again, we had quite an extraordinary contribution from Katy Gallagher on this. She tried to claim that by keeping her to account in this place it amounts to bullying. What a ridiculous statement—trying to claim that because she gets asked hard questions about her performance and her mismanagement of the health system that is somehow bullying. It is extraordinary, isn't it, that we see the sensitivity to criticism and critique. I think that comes through in the way it flows down.

Katy Gallagher said, "We need to show leadership." Well, where is the leadership coming from the Chief Minister? We have had members of her own backbench making the most disgraceful comments in this place and she does nothing about it. She does absolutely nothing about it—she condones it—because she does not have the courage to actually stand up and say that it is unacceptable. She does not have the courage to actually show leadership. She does not even show leadership here in this place.

We see how it trickles down very quickly. We see it when she attacks doctors. If doctors dare to criticise her government and say that there are things that are going wrong, she has a go at them publicly. She criticises their motivations. She says that they are just involved in doctor politics, which suggests malicious motives. It suggests they are not telling the truth. It suggests they are liars when they bring forward these claims. What kind of message does that give?

Then, of course, she gets upset at interjections from Mr Smyth when he says, "Well, you chose the secret path." You did choose the secret path. You have to stand by that. You chose that with your vote. You had the opportunity to have an open inquiry into bullying at Canberra Hospital, but you chose to cover it up. Those are the facts. They might make you feel uncomfortable when they are highlighted in this place, but those are the facts: Katy Gallagher covers up bullying at Canberra Hospital. Those are the facts. The message that is given to public servants from the actions of this minister and of other ministers is that it is okay to cover up, it is okay to attack those who dare criticise this government.

Mr Assistant Speaker, make no mistake, this is a question of character. It is a question of character for this government because the overwhelming majority of public servants do an outstanding job. They do an important job and they should not be subject to threats and intimidation when they dare to criticise or highlight problems.

We should be encouraging that. We should be saying to the Doug Buchanans of the world, "Well done. Well done on your job. You might not agree with the needle exchange, but well done in making the prison manageable again when it was getting out of control." Instead Doug Buchanan gets run out of town. He gets treated shamefully by this government. He gets sacked for his efforts.

Let us just take a step back and ask: who do we believe? You have got a fella who comes in to fix problems for the ACT government with their dysfunctional prison. He comes in and fixes a lot of them. He gets rave reviews from an independent inquiry. He is then no longer in the job. He says he wants to be in the job. I wonder what might have happened. Could it be that he was sacked? You have got a guy who was in the job and doing a good job and who is no longer in the job and he says, "I want to be in the job." That does not sound to me like the actions of someone who quit. It does not sound like the actions of someone who just walked away. That is how they treat Doug Buchanan. This goes to that minister's character. It goes to the culture that they are overseeing in the public service.

Let us look at the disgraceful case of Neil Savery and how he has been treated. This is a guy who the current planning minister says does an outstanding job. I have had my differences with Neil Savery over the years, but I respect his performance and I respect his professionalism. Even if I do not always agree with his views on particular planning questions, I respect him. He is well respected and well regarded in his profession. He says that you are interfering. He says that you are compromising. That is a pretty serious charge that he made—that you have compromised an independent planning process. The government say to him, "You're wrong." In, fact, they say, "You don't even understand your job. You don't know what you're talking about." They vilify him and they push him aside. They restructure the whole public service to get rid of Neil Savery.

It was acknowledged by the former Chief Minister that that was the straw that broke the camel's back, that that was what led them to restructure the public service—because Neil Savery said, "Keep the politics out of planning." Neil Savery actually said, "You should honour what you say publicly with what you do privately," and he blew the whistle, didn't he? He blew the whistle on the hypocrisy of Andrew Barr when Andrew Barr stands in this place and pretends that he has taken the politics out of planning. Neil Savery said: "You're putting it right back in. You're doing it through ministers; you're doing it through officials. It's been happening for years and you put it back in planning." Neil Savery highlighted the hypocrisy of Andrew Barr and this government. What did he get for his trouble? He got vilified. He had ministers questioning whether he knew what he was talking about, whether he understood his job. He got pushed aside and restructured out a job. It is disgraceful, shameful behaviour.

Debbie Scattergood was doing what a good public servant does. If the ACT government encouraged this kind of action then taxpayers would be much better off. She was saying, "Look, there's a lot of waste here. You're not managing this contract properly." Isn't that what we want our public servants to do? That is a diligent public servant. "There's a contract that is not being managed well that is costing taxpayers extra. Let's fix it." What does she get for her trouble? She gets harassment, a massive legal bill and retribution from individuals.

These are not insignificant things, Madam Assistant Speaker. These are just some of the recent cases that we know about. Where do they get their marching instructions from? They get them from the top. They get them from Katy Gallagher. When she gets on radio and says to those who have serious concerns about problems at Canberra Hospital she questions their integrity, she questions their motivations and she publicly attacks who they are. Much of what they said was vindicated, of course, but this minister has sought to cover it up.

This MPI is about saying to the overwhelming majority of our public servants who are just going in there and doing their jobs, working hard, doing their best for the people of Canberra: "You need more support than you're getting at the moment. You need to be backed up in what you do. You should not be vilified and discriminated against and have retribution upon you because you dare to criticise the government. It is legitimate for you to raise concerns. It is legitimate for you to point out when they get it wrong. In fact, that is doing the job of a public servant—serving the public and saying, 'This is not the way it should be'." We say to them, "We will give you that support." This government does not. This government engages in retribution and in a culture of bullying. It needs to stop. You need to send a message back to public servants that frank and fearless advice is welcome; it is welcome once more.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.06): If hypocrisy has a name, we have just heard it from the Leader of the Opposition. In any organisation of any size—in fact we see it in this place with only 17 of us—there will be incidents of bullying and undesirable behaviour that will occur from time to time. In my view, what is important and what is the measure of the ACT public service is how it responds. It is critical that incidents of bullying and harassment are dealt with at the workplace level quickly and appropriately. Undoubtedly, culture plays an important role in defining how bullying is dealt with.

Culture plays an enormous role in terms of how things are done around here. There is no doubt that we need to be continually vigilant in fostering a positive work culture and in dealing with those who behave in ways that are not acceptable. In that context, it is important that we have a public debate and discussion about culture in the public service. It is perhaps only through shining a light on that culture that we can continue to improve it. So whilst it might be uncomfortable to talk about instances of bullying in any workplace, it is important that we do.

But that said, I think it is important that we do not ventilate individual cases in this place in particular in a way that causes distress to the individuals involved perhaps in the pursuit of a political end rather that in the best interests of those involved in the dispute. Above all, we must be conscious of the need not to conflate a small number of issues into a perception that the ACT public service is rife with bullying and harassment.

There has been coverage in recent days of a number of cases that show that in areas of the public service we can certainly do better. Whilst these cases are clearly unacceptable, I do not believe they provide evidence that the entirety of the public service is like this. As in every organisation, the vast majority of public servants in the

ACT public service dedicate themselves to the service of their community and to the support of their colleagues. The very few who do not do this are to be condemned, and such behaviour needs to be dealt with appropriately. Part of how we do that is to offer support and praise to those hardworking officials who model a supportive, positive approach to work.

Fostering a positive culture involves training and development, building shared expectations of behaviour and providing support to managers and staff. The government and the ACT public service leadership already have in place frameworks for maintaining a positive workplace culture. Under the Work Safety Act 2008, employers must take all reasonably practical steps to eliminate or minimise the harm from risks to health and safety of their workers. Inappropriate behaviour is one such health and safety risk. Employers must therefore ensure that they have done everything they reasonably can do to eliminate or minimise the effects of this kind of behaviour. Failure to manage this kind of behaviour could constitute a breach of the act and could have serious repercussions.

In that context we certainly welcome the role played by the Work Safety Commissioner in supporting the head of service and the directors-general of the various directorates across the ACT public service in ensuring that ACT public service workplaces are safe in all regards.

Under the national harmonisation of work safety laws, which are subject to consideration by jurisdictional parliaments, the ACT public service will, for the first time, be subject to criminal sanctions for breaches of work safety. Senior officers with management responsibility within the ACT public service will also be subject to the due diligence duties requiring them to take steps to manage work, health and safety. Workers will also be subject to duties not to expose themselves or other people to risk at work.

In addition to establishing the respect, equity and diversity framework last year, the government, in consultation, I might add, with the Work Safety Council, developed a code of practice for preventing and responding to bullying at work. The government has also established the ACT public service workers compensation and work safety improvement program. It focuses on delivering a one-service approach to the care, recovery and support of injured workers, with a single strategy executed across the ACT public service. The plan is designed as a holistic approach to improving the health and return-to-work outcomes for the injured worker.

This improvement plan is a key component in the strategies currently being implemented across the ACT public service to improve the capacity, the capability, the performance, the operations and, importantly, the service delivery of the ACT public service. The plan will assist in helping workers unfortunate enough to suffer from workplace incidents to return to work. Importantly though, it will be supported by a properly formulated and comprehensive training program that will assist in equipping ACT public service managers to do their jobs better. This program will help them to manage difficult situations, to manage performance of their staff positively and productively and to assist in building a more positive culture within the ACT public service.

As the Chief Minister said in this place last week and has again indicated this afternoon, the ACT public service can, indeed, do more. I think we can all collectively do more to develop a culture in all of our workplaces that is completely intolerant of bullying. I note the contributions of other members in the context of this debate this afternoon that a very good place to start could well be, in fact, this place and, most particularly, what occurs in this chamber.

Mr Seselja: Yes, like sexist language? What do you reckon?

MR BARR: I note the interjection of the Leader of the Opposition—he cannot help himself. But that was one of many examples, Mr Seselja, that are not isolated to one particular side of the chamber.

Mr Seselja: Do you have anything that compares to that? I don't think so.

MR BARR: Well, there are plenty of examples, and what we are hearing now again—

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Seselja, please be quiet.

Mr Doszpot interjecting—

MADAM ASSISTANT SPEAKER: Mr Doszpot, please be quiet. Mr Barr, you have the floor.

MR BARR: Thank you, Madam Assistant Speaker, You cannot even raise the issue without that sort of interjection. Again, I do not need to really say much more. They condemn themselves in the way that they behave in the context of even raising the issue. We have from time to time seen in other parliaments, particularly in the context of the national parliament, calls for a greater standard of behaviour in relation to the conduct of business.

Before I get another barrage of interjections from the deputy leader, yes, of course there is an appropriate time and place for robust debate. People come into this place with great passion and seek to argue their case, and that is fine. But there are obvious limits in relation to that, and I think that the observation not just of those who participate in this chamber but those who observe what occurs in here is that there are times when those boundaries are clearly crossed. The fact that those opposite seem to dismiss that completely or think that it only applies to the behaviour of one individual reflects very poorly on them.

In closing, the government remains committed to providing a safe, productive and enjoyable workplace for all of our public servants.

MR SMYTH (Brindabella) (4.16): I would just like to bring to the attention of the Assembly a person who actually rang my office. I have been working with her for a couple of years now on two public interest disclosures that she made, and she asked to

be identified as Gail Mensinga. She has said that she has been treated very poorly by the ACT government and wanted to be added to the long list of—

MADAM ASSISTANT SPEAKER: Mr Smyth, the time for discussion has expired.

Work Health and Safety Bill 2011

Debate resumed.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (4.17), in reply: I thank other members for their contribution on the Work Health and Safety Bill earlier, prior to lunch. I would like to table a revised explanatory statement for the bill. This bill confirms the government's commitment, along with all other jurisdictions, to harmonise occupational health and safety laws in Australia. It is another step in the government's agreement to participate in the delivery of a national seamless economy under the COAG-led national partnership agreement.

This is a bill that will assist the day-to-day operation of businesses throughout the territory and provide certainty of safety obligations for those companies that operate across the border into New South Wales and beyond and those companies based in the ACT that have workers across the border. For the first time in Australian history, if an employer is complying with this law they can rest assured that they are complying with all the laws and obligations across our borders.

There has also been a considerable amount of work undertaken by regulators around Australia. They have developed a national compliance and enforcement policy that for the first time will give our stakeholders surety in the way regulators will deal with them no matter where they are in Australia. The laws will be the same and will be regulated the same, no matter if the workplace is in the ACT or in Queanbeyan, or for that matter at BHP in Queensland or at a workplace in Tasmania.

The bill will enact the model Work Health and Safety Act, with only very minor jurisdictional modifications. The bill will be supplemented by model regulations and model codes of practice, which were recently agreed at a Workplace Relations Ministers Council. All of these documents have been subject to extensive public and stakeholder consultation and it is anticipated that the bill will commence on 1 January 2012.

In the ACT we are fortunate that our current work safety legislation is amongst the most modern and up-to-date legislation in the country. We developed these laws in 2008 in anticipation of harmonisation and we should be proud of the extent to which the process drew on the concepts and provisions of our own legislation. Because of this, I think it is fair to say that businesses will remain compliant with the provisions of the bill and the overall changes it brings are minimal.

However, there are three important changes: the removal of Crown immunity from prosecution of offences under the act and regulations, bringing the ACT into line with all other jurisdictions; the removal of the statutory right of prosecution for employee and employer groups that exists currently under the Work Safety Act; and the

reduction of the maximum prison sentence from seven years to five years, which has been balanced by an overall increase in the maximum fines available.

I would like to respond briefly to the comments from the scrutiny of bills committee, who have made substantial comments on this bill. The committee has provided comprehensive comments. Many of the substantive issues raised by the committee are similar to previous comments made on the Dangerous Substances Bill in 2003, the OH&S amendment bill in 2004 and the Work Safety Bill in 2008. These issues have been repeatedly addressed and I would like to stress to members today that the government's position remains unchanged.

By way of example, the committee is of the view that health and safety representatives and union permit holders have been provided with inappropriate powers. The government disagrees with this. The bill reflects the long-held and evidence-based view of the government that worker and union representation in the workplace play a fundamental and valuable role in improving safety outcomes and that certain powers are required to give effect to that role in practice. These powers are provided in a context of rigorous safeguards, such as the requirement for training, appeal rights, conditions on powers and revocation of rights where they are used inappropriately.

The committee has also raised a number of other concerns. I am satisfied that none of the comments raised warrants any amendment to the bill. I acknowledge that additional justification can be given to some aspects of the legislation and I am happy to have been able to clarify the operation of several provisions for the committee. I think the revised explanatory statement should provide that additional clarification.

The committee has commented on the supposed vague language used in the bill and in particular, the "reasonably practicable" qualifier that may result in uncertainty for duty holders. There has been a move away from prescriptive legislation and towards performance-based legislation following implementation of the report of Lord Roben's inquiry to the UK parliament in 1972. Performance-based legislation has been implemented since that report in all Australian jurisdictions and a number of other countries, and it is reflected in the Work Safety Act and existing laws in all other jurisdictions as well as overseas.

The provisions of the bill have been drafted as clearly as possible and are not new obligations on duty holders. There is a national, long-term acceptance and use of the "reasonably practicable" qualifier. The qualifier is widely used and well understood in OH&S regulation. Importantly, it provides duty holders with the flexibility to ensure that they put in place the best possible safety measures for their particular workplace.

The bill also clearly sets out the test to be applied in determining what is reasonably practicable, which has a long history of interpretation. Regulations, codes of practice and interpretive guidelines will further assist duty holders in ascertaining what is required.

The committee also raised concerns with the inclusion of strict liability offences, particularly for the safety duty offences and the level of penalties proposed under the bill. I acknowledge that the bill does go significantly beyond the norm in the territory.

The justification for inclusion of the strict liability offences is, in essence, the need to ensure that everyone with workplace safety responsibilities complies with their obligations at all times and acts appropriately to secure the health, safety and welfare of workers.

The government considers that the public interest is best served by establishing a regulatory regime that encourages people with workplace responsibilities to maintain a workplace that is as free as possible from harm or injury and to develop a "safety culture" or run the risk of being found in breach of the legislation. The fostering of this safety culture would be more difficult to accomplish without the use of strict liability offences.

It should be noted that the safety duty offences are cascaded, with the strict liability version of the offence having the lowest penalty. Where an offence involves acts or omissions that are done recklessly or deliberately, the penalty is higher to reflect a greater degree of culpability.

It should also be noted that the offences are not drafted in the same way as most strict liability offences. While there is no fault element, the duties linked to the offences are limited by the "reasonably practicable" qualifier and the prosecution must prove beyond all reasonable doubt that the defendant's conduct was not reasonable in light of the circumstances. Each provision is targeted at unlawful behaviour and the category 2 offence in particular requires a higher penalty to signal the importance of complying with the law where a failure to do so exposes an individual to a risk of death or serious injury or illness.

The increases in penalties reinforce the deterrent effect of the bill and, importantly, would allow the courts to respond meaningfully and proportionately to the worst breaches of the small minority of duty holders for whom the existing range of fines may have little punitive effect. There are serious offences which protect vulnerable individuals who are dependent on the duty holder to take proactive steps to ensure the safety of people they are responsible for at or near their workplace.

Madam Assistant Speaker, it is a well-worn cliche, but nothing could be closer to the truth: when a parent or spouse, son or daughter leave home to go to work, the family has the right to expect them home, and it is the Assembly's responsibility to ensure we have the laws in place to make this happen. In considering the matters raised by the committee, I am satisfied that the government's commitment to human rights has not been reduced by this bill. As I mentioned earlier, other than providing the revised explanatory statement, no changes to the bill are required.

I turn to the bill itself. The harmonisation of occupational health and safety has been underway for some time. It has been a vision of a number of governments of many different colours for many years, well before the states and territories entered into the intergovernmental agreement for regulatory reform in OH&S with the commonwealth back in 2008.

The bill enacts the model laws that were developed following a comprehensive review of Australia's OH&S laws by a panel of independent occupational health and safety experts. The review team consulted widely with business, employer and union groups,

took submissions from the public and made a number of detailed recommendations. Further consultation was also conducted nationally by SafeWork Australia.

Following this review, SafeWork Australia commenced the development of the model Work Health and Safety Act. Officers from the Office of Industrial Relations were involved, as were officials from all other jurisdictions—the ACTU, the Australian Industry Group, the Australian Chamber of Commerce and Industry—in assisting in the process of drafting the harmonised legislation.

This involved many meetings and teleconferences, and it involved a great deal of good will and give and take. The overall focus of these meetings was to ensure the best possible outcome, with worker safety being at the forefront of all these deliberations. The model bill was endorsed by the workplace relations ministers meeting on 11 December 2009, and I represented the government at that meeting.

The harmonisation of work health and safety laws will bring many benefits to business, employers, workers and unions through the creation of a nationally consistent and modernised scheme. This is particularly important for the territory. Our laws will be consistent with those in New South Wales and the commonwealth, and harmonisation will make the day-to-day operations of businesses operating in those jurisdictions simpler, more transparent and easier to comply with their responsibilities.

When you consider the profile of business and industry in the ACT, it is not only the construction industry that will benefit. It is the transport industry. It is the many small businesses such as accountants, financial advisers and other service industry businesses who will benefit from a national system through reduced complexity and red tape.

It is particularly important to note that Access Economics, in developing a cost-benefit analysis for the model act, noted that the most significant cost to business from the existing OH&S system arises from the duplication required to comply with regulatory offences across multiple jurisdictions. With the implementation of a nationally harmonised system, this duplication will be removed and they will be consistent across the country.

Employers will also benefit from greater certainty and a simplified system of legislation and enforcement. Indeed, I received a letter today from the Australian Chamber of Commerce and Industry representing a number of those businesses urging this legislation to pass the Assembly in the near future.

Workers will benefit from the enhanced protection provided by modernised laws and rights that are easier to understand and apply. For example, the bill reiterates what was introduced by this government in the Work Safety Act—the recognition of the changing face of the workplace that does not solely rely on traditional concepts of employer and employee.

This means greater fairness, as all workers on a day-to-day basis will have access to the same rigorous system of workplace health and safety regulation wherever they are in Australia and irrespective of whether they are employees, labour hire workers or contractors.

The harmonised laws will ensure the recognition of permits, licences and training qualifications across state and territory borders. This means that workers' safety-related qualifications and training will be recognised wherever they work in Australia, assisting in the mobility of individual workers and the Australian workforce as a whole.

The bill will remove Crown immunity, meaning that ACT government employers face the same sanctions as employers in the private sector should they not comply with the requirements of the legislation. This brings the ACT into line with the rest of Australia. It reinforces the government's view that all workers should be afforded the same level of safety at work, and that all employers must provide the same duty of care to their employees no matter where they are working.

The bill removes the right of industrial organisations and employer groups to have a statutory right to bring proceedings for an offence if the work health and safety laws are not in accordance with the majority of jurisdictions and was not agreed during the process of developing the model bill. Whilst the ACT argued for its retention, the argument was lost on majority vote.

Notwithstanding this, this does not change the common law right to initiate a prosecution that exists for all citizens in the ACT. Whilst this is not an automatic right, it will continue to exist for those persons who can attain standing before a court. The bill also allows a person to make a written request for a prosecution to be brought in a matter where there appears to have been a serious breach of the workplace health and safety laws at any time up to six months following the alleged breach if WorkSafe ACT has not investigated and commenced proceedings.

The bill includes a right for unions to enter a workplace for the purpose of consulting and advising workers on work, health and safety matters but protects the rights of businesses by requiring that prior notice be given before the union enters the workplace. It retains the rights that exist now in the Work Safety Act for a union to enter a workplace without notice where there is a suspected breach of the act.

The importance of the union movement in workers' safety is not diminished in any way by this bill. UnionsACT nominate four representatives to the Work Safety Council and those members play an important role in occupational health and safety in the territory. The maximum custodial sentence under the Work Health and Safety Bill will be five years, a reduction from the seven that exists under the current Work Safety Act 2008. However, the bill imposes significantly higher monetary penalties for a breach.

Three categories of penalty are introduced based on the degree of culpability, risk and harm in each circumstance. The highest category of offence involving proven recklessness attracts a maximum fine of $3 million for bodies corporate and for individuals, a maximum fine of $300,000 or a maximum of five years imprisonment or both.

The penalties are higher than those currently in place in the ACT and demonstrate the government's commitment to punish the very small minority of employers and

businesses that disregard the health and safety of their workplace. The industrial manslaughter provisions that are in the Crimes Act remain unchanged.

Another important element of the bill introduces new requirements on officers of corporations who have a safety duty under the act. It requires officers to exercise due diligence to ensure that their organisations comply with their duty. *(Extension of time granted.)*

This in essence requires all organisations to have an established work safety policy in place and ensure that those policies are being complied with, meaning that workers are safe working for those organisations. The bill balances the need for a rigorous safety regime and the rights of individuals and business.

As members are aware, the government is committed to harmonious workplaces built on good communication and consultation. There is no doubt that when workers and employers cooperate they can achieve safer and more productive workplaces. The bill requires a person conducting a business undertaking to consult with workers as far as is reasonably practicable. This continues one of the most important tenets of what was introduced in our current legislation, the need for ongoing and meaningful consultation of all persons in the workplace.

Importantly, it continues the role of health and safety representatives being the main link between managers and their workers. As is now the case with the Work Safety Act—when appropriately trained—health and safety representatives will be able to take action for the health and safety of those around them by issuing provisional improvement notices. Provisional improvement notices will be required to be confirmed by the regulator to ensure greater accountability and oversight.

The bill continues the role of health and safety committees. We are keen to keen to ensure that there is an appropriate balance between enforcement and the need to work with and assist duty holders to comply with the law. It is not about penalising people. It is about getting the best safety outcome for all and getting workers home at the end of the day.

The bill continues the use of enforceable undertakings to offer flexibility to the regulator to deal with breaches without compromising the health and safety of our workplaces. The provisions enable a person conducting a business or undertaking who is suspected of a breach to enter into an undertaking with the agreement of the regulator. This undertaking is capable of enforcement in court and a breach of an undertaking attracts severe penalties.

This innovation provides a regulator with an additional tool to enforce compliance without the need for costly and time-consuming litigation. As with our current legislation, the bill continues the primary duty to ensure, as far as reasonably practicable, the health and safety of workers. The test of reasonable practicability is important as it places that duty in the context of what a reasonable person could have foreseen as a risk to the health and safety of a worker and it encompasses reasonable action by a person to mitigate that risk.

The bill mirrors the Work Safety Act 2008 in that it defines a worker widely to provide protection to people who may be engaged on a site under the direction of a duty holder but who are not directly engaged by that duty holder. In this regard the bill maintains the duties we established under the Work Safety Act 2008. The bill also defines the primary duty holder as a person conducting a business or undertaking, a concept that this government introduced with the Work Safety Act 2008. Under this more comprehensive definition, a person holding a duty includes a body corporate, or an unincorporated body or partnership.

The definition applies to activities whether they are conducted alone or with others, for profit or not for profit, and with or without the engagement of workers. This provision will cover a broad range of work relationships and business structures. As we have found, the concept of a person conducting a business or undertaking provides greater day-to-day certainty about safety duties by removing the ambiguity that may arise, for example, between a principal contractor and subcontractors.

I will briefly touch on the issue of volunteers. Disappointingly, there is much misinformation bandied about the impact of this legislation on volunteers and volunteer organisations. I acknowledge the important contribution volunteering organisations make and I have offered, and reiterated here, that the resources of government will be made available to talk thorough the details of the bill with any volunteer organisation concerned about the operation of this legislation. But there is nothing in this bill that places any more onerous requirements on volunteers than exists under current legislation.

There have been some suggestions that volunteer organisations will have to close down because of harmonisation, and this is not true. In preparing the model laws all parties have been mindful of volunteers and their organisations to ensure the laws do not place inappropriate duties on them. A balance has been achieved between providing volunteers with appropriate safety protections and ensuring that individuals are not deterred from undertaking this work, and we will continue to work with all those groups if they are concerned.

I would like to re-emphasise the consultation that has taken place during the development of these laws. I cannot stress that enough in the interests of harmonisation and realising all of the benefits that it will bring. I look forward to seeing these laws implemented throughout Australia and to seeing improvements in efficiency as well as safety as a result of these laws. I thank the Assembly for providing me with extra time to finish this speech. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Ms Gallagher	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mr Hanson	
Ms Burch	Ms Porter	Mr Seselja	
Mr Corbell	Mr Rattenbury		

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Land Tax Amendment Bill 2011

Debate resumed from 23 June 2011 on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

MR SMYTH (Brindabella) (4.41): Mr Speaker, the opposition will be supporting this bill. Essentially it is a very straightforward matter, and I thank the Treasurer for providing additional material. The purpose of the bill is to require the owner of a residential property to notify the commissioner of a land tax liability where the owner holds the property as trustee of a trust. The issue being resolved is that, at present, these properties cannot be identified because there is no requirement for the property title to show that the owner holds the property in trust. The owner who is a trustee will be required to notify the commissioner that a property is rented and that it is liable for land tax. It seems perfectly sensible and reasonable public policy.

The advice I have received from the Treasurer indicates that there will be only a small number of properties which will be subject to this new provision. The only financial implication is the potential for a small increase in revenue generated from land tax as a consequence of relevant properties on which land tax should be paid having that land tax being paid, except that it is not possible to quantify the quantum at this time.

I emphasise that the provisions in the bill do not change or extend the policy of imposing the liability for land tax; rather, these provisions will apply land tax to all relevant properties, as intended by the current policy. The community will benefit from this bill, as the fundamental revenue policy objective—that is, to impose land tax on all rented properties—will be applied to all relevant properties.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.42): The Greens will support this bill. The bill proposes a reasonable and not onerous requirement on legal owners of land where they own that land as trustees. The bill

will not affect the tax liability of those placed under the new notification obligations and will make the administration of the land tax scheme easier for the commission, reducing the dead weight of taxation in a manner that does not unreasonably burden the taxpayer. The bill creates the same obligation for trustees as for owners whose properties are rented, and the Greens agree that this obligation should be extended to trustees.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.43): I thank both the opposition and the Greens for their support. I hope that all Treasury bills are dealt with this efficiently, although that might be a little optimistic. But I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

ACT Teacher Quality Institute Amendment Bill 2011

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

> That this bill be agreed to in principle.

MR DOSZPOT (Brindabella) (4.44): Just as the Canberra Liberals supported the passage of the ACT Teacher Quality Institute Act in December last year, so too will we be supporting the amendment bill before us, which sets out to correct some drafting issues. The principle of the institute—to ensure standards of teachers in ACT schools, whether public, Catholic or independent, are upheld—is one that all of us in this Assembly would strongly support. The key initial function of the institute is to register all teachers working or seeking to work in ACT schools.

The establishment of the institute was perhaps a little slower than we might have first hoped or assumed, and the registration process certainly had some hiccups. I know, for example, that some schools had difficulty accessing the online registration. In response to a question I raised during estimates, I was advised that all teachers would complete the online application and verification by the end of term 3 this year, and I certainly have not heard of any additional delays to those experienced by some teachers around May of this year.

This amendment bill will make sure that teachers seeking registration can comply with the Spent Convictions Act 2000, which requires spent convictions to be included in the assessment process leading to the issue of a police certificate or criminal history check. The bill closes a loophole where those applying for teacher positions do not have to declare their criminal history under the operation of the Spent Convictions Act. The Spent Convictions Act allows people with criminal history more than 10 years old not to declare their criminal record, and it cannot be taken into consideration by a

decision maker in assessing suitability for a job. Obviously, there are some professions, and some offences, where this should not apply—for example, it would not apply to security clearances or casino licences. These exemptions are listed in the Spent Convictions Act. Currently teachers are exempt.

As a matter of principle, we should hold teachers to a higher standard of openness, due to the high risk if a relevant conviction were undetected, for example, a 15-year-old child pornography conviction. We want our children protected as much as we can. The guidelines include reference to the relevance of an offence in relation to the teaching profession and whether or not there is a high degree of direct connection between the offence and inherent requirements of the profession, but they do not include definitions for a high degree of "direct connection" or the "inherent requirements of the profession". This is, in many ways, the operative clause in a practical sense and is loosely drafted. What is a "direct connection" and what are the "inherent requirements of the profession"?

Common sense dictates that some of the higher charges are clearly relevant—child molestation and pornography, for example, but what about a 20-year-old drug conviction? Is this relevant? Some would argue yes. Others would argue that a minor conviction 20 years ago is irrelevant. A theft charge—is this relevant? A dishonesty charge, tax avoidance, fraud et cetera—are they relevant? We will support these amendments but on the understanding that the minister will ensure there is a close monitoring of the operation of this bill.

I also add that the Greens' amendments concern transition arrangements for people working in administrative roles not currently teaching but holding teaching qualifications. They also capture those specialist teachers engaged primarily in the vocational education sector who do not hold formal teaching qualifications. I understand these people will be covered by the issue of a permit to teach under transitional arrangements.

These appear to be sensible inclusions, although I remain concerned about the qualifications level of teachers employed at the CIT. I raised questions about this at estimates, and I remain concerned about people who do not hold appropriate teaching qualifications and whether they are being employed and remunerated at appropriate levels of salary. As previously mentioned, Mr Speaker, we will be supporting these amendments.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.49): The Greens support the creation of the Teacher Quality Institute and will be supporting this bill to, amongst other things, improve the assessment of prospective teachers who have been convicted of offences in the past and ensure that the act operates appropriately and complementarily with the Spent Convictions Act 2000.

The Greens agree that it is appropriate that the Spent Convictions Act should not apply in these circumstances and that it is appropriate that the institute consider all previous convictions in determining whether or not to grant a person permission to teach.

I note that the guidelines to be made under the bill will provide for the time since the offence was committed to be taken into account. Clearly, offences committed a long time ago where the applicant has been proven to have mended their ways must be a relevant factor in assessing the degree of connection with the inherent requirements of the teaching profession, and this is a factor that will be required to be assessed. I think this is a reasonable balance between the rights of people who have been punished for an offence to move on with their lives and the protections necessary to protect children and young people.

The bill engages a range of human rights, including the right to privacy. While the explanatory statement makes some general statements about this, it does not properly evaluate the proportionality of this in the context of the criteria set out in section 28 of the Human Rights Act. However, arguably, a determination on this issue had already been reached in the inclusion of the provisions in the current TQI act.

I turn to the issue of a high degree of direct connection, which is the test against which the institute must evaluate any previous convictions. Unfortunately, the explanatory statement is of little assistance in ascertaining what this means as it describes the test as simply a "direct connection", which, of course, appears to be a much lower standard than what is set out in the bill.

There are two issues with the construction of the test and the standard itself—the first is that, given the nature of teaching, almost anything could be said to be significant in the context of the inherent requirements of the profession as we, of course, want our teachers to be role models for our children and we want to be confident that they will encourage and model the right behaviour. The only other example of this test that I have been able to find occurs in section 35A of the Health Practitioner Regulation National Law (ACT) Act 2010. As far as I am aware, the application of this has not yet been considered by any courts or tribunals.

Given the nature of what we are assessing, any test would be difficult to apply, and I acknowledge that it is difficult to formulate subsidiary tests to assist in articulating the meaning of the high degree of direct connection test. The structure proposed to assess any offences against the guidelines is a good model and provides the best means of assessing the offences against an objective framework but not that ultimately the guidelines refer back to the central high degree of direct connection test.

Some factors which I think are relevant and which I would anticipate the guidelines will contemplate would be that there should not be reasonable grounds for a belief that the offences give rise to an increased risk of the applicant committing an offence against children because of the criminal history.

The other parts of the test should involve the characteristics or character issues that come about because of the offence, even though it is unlikely that these give rise to an increased risk of an offence against children. This may include things such as fraud or violence that could reasonably give rise to significant concern that a person should not be entrusted with the responsibility of educating our children and young people.

The second issue with the structure of the test that I would like to address is that it could be argued that the test is set out in such a way as to require that the standard—that, is the high degree of direct connection—must apply for the offence or offences and does not allow for the cumulative concern that may arise for a person who has committed a significant number of offences.

In the Greens' view, this is not the correct construction, and the inclusion of the requirements as I propose to amend it to the number of offences committed in the guidelines clarifies that it is the criminal history record and all the offences therein that might give rise to the reasonable belief that there is a high degree of direct connection and that that precludes someone from being permitted to teach. The Greens will move a number of minor amendments that I think will improve the bill. Again, to reiterate, we support the bill.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.54), in reply: I thank the shadow minister and the parliamentary convener for the Greens for their support. The Teacher Quality Institute commenced operation this year and has worked with all ACT schools to implement the teacher registration process. The institute will continue to work closely with ACT teachers, local universities and national bodies on key reform elements of the teacher quality national partnership.

As part of this work I can report that the Teacher Quality Institute has recently won a grant from the Australian Institute for Teaching and School Leadership to develop a pilot for the national professional standards for teachers. The pilot focuses on the role of teaching standards in the development of quality teachers through effective professional experience programs. The pilot is a collaborative partnership between the Teacher Quality Institute, the University of Canberra, the Australian Catholic University, Macquarie primary school, Holy Family primary school in Gowrie and St Clare of Assisi primary school in Conder. It is a great example of cross-sectoral cooperation focusing on the common goal of teacher quality.

Teacher registration is the process through which we can ensure that teachers are appropriately qualified and suitable for employment in ACT schools. The requirements for registration apply to all teachers, whether they are employed in an independent, Catholic or public school. An essential element of teacher registration and granting of a permit to teach is the assessment of the criminal history of applicants, determining their fitness to teach in the ACT.

The Spent Convictions Act 2000 allows for the assessment of spent convictions when an applicant is seeking employment in certain professions—for example, the judiciary, police or prison service, or anyone involved in teaching or childcare. However, currently the ACT Teacher Quality Institute Act 2010 does not allow for the assessment of spent convictions in assessment of criminal history checks for people seeking employment as teachers in our schools. The passing of this amendment today will allow for the assessment of spent convictions with criminal history checks. It will also bring the act into line with the Spent Convictions Act 2000.

It is the responsibility of all of us involved in education to do all we can to ensure the safety of the students in our schools. This amendment addresses the very important aspect of the protection of children, with criminal history checks, including the assessment of spent convictions to be carried out as part of the teacher registration or permit to teach process in the ACT. As teachers must be registered with the institute before seeking employment in an ACT school, teacher registration or a permit to teach will be evidence that there is nothing in their history that would make them unfit to work with children.

To guide the assessment of criminal history the bill requires the development and application of guidelines on how an assessment of a person's police certificate or criminal history is to be conducted. This would include the nature, gravity and circumstances of any offence and the relevance of the offence in relation to the teaching profession.

I am sure all members can see just how important this assessment is to ensuring the rights of children and young people and the expectation of their parents and carers to a safe environment in our schools. I also want to assure members that personal information that is required in regard to the assessment of spent convictions will meet the requirements of section 92 of the ACT Teacher Quality Institute Act 2010. Under this act a negative assessment of criminal history information is a reviewable decision. An applicant can seek a review of the decision through the Civil and Administrative Tribunal.

The purpose of the amendments to the transitional arrangements for teacher registration in the territory is to include teachers who are not currently in a specific teaching role but are working in an education administration role. This amendment to the definition of "teacher currently teaching" will include qualified teachers currently working in the Catholic Education Office and in the central office of the Education and Training Directorate.

Under a new section the transitional arrangements have been included to address the circumstance where someone has been teaching but does not have formal teaching qualifications. This will allow for someone who has been teaching in a school with specialist knowledge, training, skills or qualifications to be granted a permit to teach in the subject they are teaching. An example of this is a tradesperson teaching a technical class in a secondary school, such as mechanics. This provision ensures the quality assurance of the permit to teach approval process in instances where a fully qualified teacher is not available and schools need to employ another person to continue to deliver the subject.

In conclusion, the ACT Teacher Quality Institute has an important responsibility to approve teachers to teach in the territory, to accredit ACT teacher education programs and lead the implementation of professional teacher standards in ACT schools. The spent convictions amendment to the ACT Teacher Quality Institute Act will ensure that teachers in the ACT will be assessed under a consistent set of guidelines. By lifting teacher quality we will, of course, help raise the status of the teaching profession and help attract the very best to teach in the ACT. The passage of these

amendments will assist the institute to enhance the standing of the teaching profession in the territory and, importantly, to uphold the community's confidence in the integrity of the teaching workforce.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1 agreed to.

Clause 2.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (5.00): Pursuant to standing order 182A(b), I seek leave to move an amendment to this clause that it is minor and technical in nature.

Leave granted.

MR BARR: I move amendment No 1 circulated in my name and table a supplementary explanatory statement to the government amendment *[see schedule 1 at page 3978]*.

This amendment simply changes the words, "commences on the day after its notification day" with "commences on a day fixed by the Minister by written notice". If the provisions have not commenced within six months beginning on the notification day it automatically commences the first day after that period.

Amendment agreed to.

Clause 2, as amended, agreed to.

Remainder of bill, by leave, taken as a whole.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (5.02,), by leave: I move amendments Nos 1 to 12 circulated in my name together. *[see schedule 2 at page 3978]*

These amendments are relatively minor. They clarify the basis on which discretionary decision making is to be undertaken and clarify that decisions are to be premised on reasonable grounds. The amendments also omit the subsection that the person should be registered, as that is not an objective standard against which any decision maker could make the decision. I think it makes it more difficult to articulate when someone does or does not satisfy the test.

More generally, it is undesirable to use the term "should" in legislation. In this instance, we are creating a decision making power and I think that omitting the proposed subsection (2) better articulates the scope and manner in which we intend

that discretion to be exercised. The amendment also omits the proposed new section 35A(2). It is not appropriate to incorporate material from elsewhere in this case and particularly not as it may apply from time to time.

It is not overly onerous to expect that the executive will publish the guidelines in full and exactly as they intend them to be at any point in time on the legislation register. This will ensure that they are clearly accessible to the ACT community and a conscious decision is made by our executive that the guidelines are the most appropriate and adapted standards and requirements for education in the ACT. It would be a very rare circumstance for us to agree that it is appropriate to incorporate any material from elsewhere, particularly as it might apply from time to time, and it is certainly not appropriate in this case.

The final amendment is to substitute an alternative form of words to ensure that the number of offences committed by the applicant be considered without the need for this to be done by reference to one particular offence. I understand that these amendments will be supported by others and I thank members for that.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (5.04): The government will be supporting those amendments. I thank Ms Hunter and her office for working collaboratively with the government in proceeding through this work.

Amendments agreed to.

Remainder of bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Road Transport (Safety and Traffic Management) Amendment Bill 2011

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

> That this bill be agreed to in principle.

MR COE (Ginninderra) (5.05): I rise today to speak on the Road Transport (Safety and Traffic Management) Amendment Bill 2011. This bill facilitates the government's implementation and rollout of point-to-point speed cameras. These cameras differ considerably to the mid-block and red light cameras already in place in the territory. Whilst point-to-point cameras are also fixed, they operate on a different basis. Current fixed cameras take a photograph at a red light or when a speeding motorist passes the point at which the camera takes a photo and transmits the image to the traffic camera office adjudication system. At this point the number plate is read and the registered owner of the vehicle is decided.

In contrast to this, point-to-point cameras utilise optimal character recognition capability to read the number plate of the cars which pass the cameras. So as a car

passes the first camera in a point-to-point system, the number plate is read and stored in a database. When that same car passes the second camera, the number plate is read again and the timestamps of the two database entries are used to calculate the time and average speed travelled. This is called automatic number plate recognition technology, or ANPR. I have concerns about this technology, for several reasons.

However, it must be said that this Bill before us today from the government should not be debated at this time. It should not be debated until all the facts and figures are on the table and until all the information that is available to this government is made available to other members of this place. It is not for want of trying that we do not have all the information available to us, because it is this government that once again put on displays of inconsistencies that exist between their agencies when it comes to requests made through FOI.

Very shortly after the bill was tabled on 30 June, I sought and received a briefing on the bill. The briefing, while reasonably extensive, did not cover a number of issues that I had sought to query. I then put in a request under freedom of information for further information on the point-to-point camera system. In what can only be perceived as an obstructionist move by this government, I was informed that I would have to pay $1,470 to gain access to the information—almost $1,500. To obtain information for $1,500, in this new era of information and transparency in what the Chief Minister herself calls "open and accountable government" is quite outrageous.

This is the real measure of this government. This is their true definition of open and accountable government—obstruction and obfuscation at every turn. However, despite requesting that the bill be debated at a later time to accommodate the time frame needed to appeal the decision to charge me for information under FOI, Mr Corbell has insisted on steamrolling this through today.

Like all strategies designed to reduce accidents and fatalities, the government must show evidence to support the introduction of point-to-point speed cameras, including the justification of the cost, the rationale behind the locations that have been chosen, and they must address the concerns which relate to the use of the data captured. This is all vital information which has been withheld.

The opposition remain unconvinced that the safety benefits of this legislation outweigh the possible negatives. There are a number of concerns we have with regard to the introduction of point-to-point cameras in the ACT. While the media today have highlighted some of my concerns relating to privacy, this is not my sole concern.

Many questions have been raised about the effectiveness of fixed speed cameras. These questions have been raised by respected motoring bodies across the nation, including the NRMA, the RACV, the RACQ and the National Motorists Association of Australia, who have all publicly denounced the efficacy of speed cameras. The NRMA is on the record as saying that more speed cameras alone are not the answer to reducing the road toll.

After a New South Wales Auditor-General report found that some fixed speed cameras had no significant safety benefits, 38 of 141 cameras were removed. The president of the NRMA, Wendy Machin, said in response:

> Motorists need to have confidence in the credibility of speed cameras and the quick removal of those found to have no safety benefit is a positive step forward.

During an inquiry into road safety benefits of fixed speed cameras undertaken by a Queensland parliamentary committee, the National Motorists Association said in their submission:

> Speed cameras cannot reduce the incidence of any of the various factors contributing to road deaths other than speed. Thus the increasing incidence of deaths with speed as a contributing factor with the increased usage of speed cameras, whether mobile or fixed, clearly demonstrates their ineffectiveness in improving safety.

A little over one year ago, on 22 August, the *Canberra Times* published a story titled "Fixed speed cameras fail in task". Of the nine fixed mid-block cameras in operation in the ACT that were looked at by the study, eight saw more accidents occur at the sites than before the cameras were in operation. When talking of the locations when the cameras were installed in May 2007, Mrs Dunne said:

> These [new camera sites] are not recognised black spots, they are not particularly dangerous … It's entirely about revenue, dressed up as if it's road safety.

How right she was. These cameras raise approximately $7 million per year. Based on this example, I have concerns about the locations the ACT has chosen for point-to-point cameras. We must remember that we cannot just look at the number of accidents; we must also look at the overall traffic levels. For instance, a road with 10 accidents and 10,000 car movements is perhaps less dangerous than a road with only two accidents but just 1,000 car movements. There are lots of questions about the sites chosen, but this government seems unwilling to provide the evidence, especially through FOI.

We all know anecdotal evidence of motorists slamming on the brakes as they drive past speed cameras and then resume their original speed after passing the detection points. Obviously the government thinks that this anecdotal evidence is real and should be addressed by point-to-point cameras over a larger detection zone. However, there is nothing stopping someone driving fast before and after a zone and simply slowing down for the zone in question.

In fact, given it is an average speed, I imagine some people will go fast for parts of the speed detection zone, then slow down to get their average down. In fact, I predict that the final few hundred metres of any point-to-point system is going to see cars going very slowly, perhaps dangerously slowly. Perhaps even the side of the road will have cars parked or pulled over as someone who subconsciously crept over the speed limit or someone who deliberately sped pulls over to get their average below the system, to avoid the fine. While some members may laugh, I am sure this will happen.

If these point-to-point cameras are going to be the success the government claims they will be, I imagine we will not need to ever deploy mobile speed vans or police with radar to these locations. I think not. I imagine they will only be successful in raising revenue from unsuspecting Canberrans and visitors.

Alan Evans from the NRMA came out specifically against the proposal for point-to-point cameras. On 22 September last year, he said in an ABC radio interview:

> … the evidence is not there to say that these cameras stop road cashes …

Fixed speed cameras across the UK are being switched off due to the lack of evidence proving their effectiveness at cutting the road toll. The conservative government in the UK are delivering on their pledge to end the war on the motorist.

On privacy, this government has played down concerns. The government is saying that the information will only be stored for 30 days, but we all know that breaches of privacy do happen. As soon as the government has information, there is concern that it is going to be misused, and this government does not have a good track record when it comes to handling private information.

The minister has assured us that the information will be handled by sworn police officers, but he forgets to mention the other individuals and contractors that are involved in getting the data from the point-to-point devices to the police. Then, of course, there is also scope for human error and deliberate misuse.

I have confidence in the AFP's capacity to use the RAPID system which is currently in operation. The police are used to using this kind of information under these kinds of operations, and they are also used to the sensitivity of privacy concerns. They also have sworn an oath, which is a significant commitment to undertaking the roles they have been trained to do.

These cameras have the potential for mass surveillance. Even the minister acknowledged this on radio this morning.

The forward design study on the point to point itself devoted a whole chapter to other uses of the technology and specifically mentions the potential for mass surveillance. That report states:

> P2P systems also have the potential to be used for purposes other than enforcement of average speed offences, including:
>
> fixed speed offences;
> bus lane enforcement;
> unregistered and uninsured vehicles;
> unlicensed drivers;
> providing traffic data to a Traffic Management Centre (TMC);
> Road User pricing;
> identifying vehicles associated with crime; and
> mass surveillance.

The government is saying that this information is going to be used solely for road safety but it cannot deny that, over time, it can and will be used for things other than what it was originally intended for. No-one can ignore the fact that this information is useful to many. There are many in the private sector who would be very interested in

obtaining information that tracks car movements in the ACT, that tells them what cars we drive or how often we drive them.

The Australian Privacy Foundation has raised some very valid concerns about the technology and the bill that is before us today, concerns that they have raised with the government through correspondence to the former minister, Mr Stanhope, and with the Greens and me. Mr Stanhope responded to the group at the time that they raised concerns, but was very dismissive, saying:

> I can understand your concerns about the use of point-to point-cameras for mass surveillance purposes. This is not the government's intention …

In a letter to me, the president of the Privacy Foundation said:

> The ACT Government has breached its undertakings in relation to open government and community consultation, in that it has avoided public scrutiny of this initiative.

The president went on to say:

> The collection and use of the registration data of 'vehicles of interest' is of much greater concern, and needs to be subjected to careful controls. However, the collection of any registration data that is not justified by reasonable grounds for suspicion of a criminal or traffic offence represents mass surveillance.

Further:

> The Bill seeks the Assembly's authorisation of the arbitrary gathering of data about people's movements on public roads. This would be the first occasion on which any Australian Parliament has sanctioned such a gross intrusion into freedoms.
>
> The literature is full of warnings about the creation of a surveillance society more efficient than that of East Germany in the 1980s. The Assembly is in dire danger of sleep-walking the population of Canberra into just that scenario. By doing so, the Assembly would provide the extremist elements within the national security community with the beachhead that they have been seeking, and make it much easier for the resistance in other jurisdictions to be overcome.
>
> It is essential that data be collected only where it is justified by the existence of evidence of a breach of traffic laws. Collection in any other circumstances is a gross invasion of privacy by the State and an invitation to abuse.

That was from the Privacy Foundation. Whilst the government and the bill state that data will only be used for traffic purposes, we are in shaky territory here, and the risk of function creep is very real. In a 2008 submission to a Queensland parliamentary committee into automatic number plate recognition technology, the Privacy Foundation said the following:

> ANPR has very substantial negative impacts on privacy, the seriousness of which is not adequately reflected in the Issues Paper—

put out by the parliamentary committee—

> ANPR, implemented in the manner conventional in, for example, the United Kingdom, generates a data trail for every vehicle that passes a control-point. This trail is attractive to all manner of organisations, in the public and private sectors alike. As a result, the pressure for function creep is enormous.
>
> Actual privacy breaches are a great concern; but ANPR's impacts go much further than that. The knowledge that it is undertaken shapes behaviour; indeed, even the suspicion that it may be undertaken creates a 'chilling effect'. Clearly, there are benefits from such deterrent effects, such as when people are dissuaded from performing criminal acts because of the fear of being caught. On the other hand, the impact is indiscriminate, and is likely to chill a great deal of perfectly legal behaviour as well.

This may not be your intention, Mr Corbell, but it remains a concern that I do not believe has been adequately addressed.

As I said earlier, the government has said that the data of non-offending drivers will be stored for 30 days. I am not sure why the data would need to be stored for that long, and I am concerned that the systems in place cannot guarantee the deletion of the records. Again, I would like to see what work the government has done to address this concern by looking at the correspondence which should come up in an FOI request.

In May last year I uncovered a scandal whereby the names, ID numbers and salaries of 15,000 ACT public servants were in a common drive available to more than 20,000 territory public servants. If we cannot trust this government with the data it has currently got, why would we give it even more?

Point-to-point cameras have been tried before, most notably in Victoria. Cameras were introduced in Victoria in 2007, along a stretch of the Hume Highway. These cameras were then switched off in October last year after nine motorists were incorrectly issued with an infringement. A technical fault was blamed in this instance, a technical fault which continues to be the basis for switching these cameras off altogether.

Last but most definitely not least are the opinions of the general public, who have been very vocal when it comes to speed camera technology. The community is divided on the issue, and strong opinions are everywhere. In a University of Canberra report prepared for the NRMA-ACT Road Safety Trust titled *Understanding driver culture—safe systems in the ACT*, a community attitudinal study, CAS, in 2009 found:

> In spite of early research suggesting some community support for the use of speed cameras, the cas study of 2009 indicates that the majority of Canberran drivers surveyed viewed speeding fines as revenue raising with a percentage prepared to agree it is "Okay to speed if driving safely".

On talkback radio this morning, one caller said: "These are nothing more than a revenue raiser … and they are misused. Canberra is turning into a nanny state."

Another said, "Big Brother is here." Another caller said he would like to start a coffee stall in between the point-to-point cameras in particular and sell coffee to those who have slowed down dramatically to avoid being caught speeding. I think that is most likely going to be the driver behaviour we are going to see changing.

I have serious concerns from both road safety and privacy points of view. I believe that the bill we have before us is not good legislation and is based on poor policy. The Canberra Liberals will be voting against this legislation.

MS BRESNAN (Brindabella) (5.21): The Greens approach the issue of speed cameras primarily from the perspective of road safety. We are supportive of new initiatives and new technologies that will help to keep ACT road users safe, and will contribute to a reduction in the deaths and injuries that occur on our roads each year.

The reality is that speed is one of the main contributors to trauma on our roads. I was pleased to see that Mr Coe explored this issue earlier in the year. He asked the government on notice how many motor vehicle accidents in the ACT occurred as a result of speeding. The investigations of the ACT police determined that, of the 15 fatal collisions occurring in 2010, speed was a contributing factor in five. At the time of the answer, speed was recorded as a factor in one of the two fatal collisions that occurred in 2011. This is a very important statistic. Speed on the roads is contributing to road deaths. People who speed endanger themselves as well as the lives of others in the community. Policymakers have an obligation to take reasonable steps to stop this.

The Greens are satisfied with the evidence demonstrating that speed cameras, including point-to-point cameras, reduce speeding and reduce accidents. For example, research from the Monash University Accident Research Centre demonstrated the nexus between speed cameras and the risk of fatal crashes. Two studies found, amongst other things, that the risk of fatal crashes fell by as much as 44 per cent in areas where speed cameras operated.

The AECOM forward design study on point-to-point cameras found similar evidence specifically for point-to-point cameras. It said:

> National and international experience has shown that P2P systems are effective in reducing the number and severity of crashes …

One of the studies it cited related to the introduction of a point-to-point camera on a stretch of road in the Netherlands. It reduced the total number of accidents by 47 per cent and detected a transgression rate of only 0.5 per cent. The AECOM study did point out that there can be a shift in the locations where speeding occurs to areas that are not under surveillance. However, it said that careful selection of sites could result in a successful outcome in speed.

This is one of the key asks of the Greens. Point-to-point cameras should be installed in locations that are carefully determined to have the best impact improvements to safety and driver behaviour.

Hindmarsh Drive has been identified as the first location for a point-to-point camera. This was done for the government by an independent consultant. It conducted a detailed site selection analysis, taking into account traffic factors, safety factors, as well as a sensitivity analysis. It ranked Hindmarsh Drive as the highest priority for the implementation of point-to-point cameras. I see that the government is following this independent advice, which I commend.

The layperson will also see why Hindmarsh Drive is a sensible spot. Police crash data reveals that Hindmarsh Drive is particularly perilous. Roads ACT reported that 85 per cent of traffic travels at about 88 kilometres per hour in this 80 kilometres per hour speed zone. Between 2006 and 2010 it was subject to 128 crashes and an average of 17 accidents per year that leave people injured. I understand that the most recent fatality occurring on Hindmarsh Drive was in the first half of last year.

Our goal should be to eliminate or at least reduce the terrible cost that the community suffers because of road accidents. The deaths, injury and mental and emotional anguish caused by road accidents are incredibly sad and painful for families and the community.

The Greens are not interested in politicising the important issue of road safety. Speed camera technology is an issue that is frequently politicised. In New South Wales, the new Liberal government promised to shut down speed cameras as part of its election promises. An Auditor-General's report in New South Wales identified a number of speed cameras that were not reducing crashes, and the government quickly and loudly shut these down. It cited concerns of the public that cameras were merely revenue raisers. What it did not emphasise, though, was the Auditor-General's finding:

> Overall, speed cameras change driver behaviour and improve road safety.

The Auditor-General concluded that there was no evidence that they were simply revenue raisers. It is also interesting that while some supported the removal of cameras, people living in the vicinity of the removed cameras were very unhappy. They complained that the removal of the cameras reduced safety in their neighbourhoods.

Speed cameras are a political issue also in Victoria. The new government in Victoria has just introduced legislation to create a specific speed camera commissioner for the state.

In this Assembly, I hope that we will make a tripartisan commitment to road safety. The Greens are willing to do this by agreeing in principle to this bill today. I am somewhat surprised by the Liberals' decision to vote against point-to-point cameras in principle.

In recent years in this Assembly we have made good progress on the issue of road safety. We passed roadside drug testing, for example. We were concerned about the safety of the community and the possibility of drug-affected drivers harming others. The same is true for speeding. We have an onus as law-makers and policymakers to protect people in the community from speeding drivers.

I want to commend the government for undertaking a considered approach to this issue of road safety so far. I understand that it ran a steering committee on the issue of point-to-point cameras and road safety. My office spoke to the NRMA on this issue. The NRMA said that it had been very satisfied with how the process was run and its opportunity to participate. As I mentioned, the government also commissioned the consultant AECOM to investigate point-to-point speed camera technology and how it could apply in the ACT.

Having made clear our in-principle support for road safety and for the role of point-to-point cameras in achieving that goal, I need to raise a specific issue with this legislation which I have discussed with the minister. I reiterate that it is the Greens' intention to cooperate on this issue, and to find a good way to progress this legislation in the interests of the community.

In the view of the Greens, the bill as presented raises two quite separate issues. We believe that these issues must be distinguished and approached separately.

The first issue is the allowing of point-to-point cameras for the enforcement of real-time traffic offences—that is, speeding. This is the standard use that everyone expects. This has been the context in which this bill has been discussed in the Assembly, the media, and the explanatory statement. As I said, the Greens are supportive of point-to-point cameras being used for this typical and expected purpose.

But the bill has a second, very important element. This is not immediately clear, even after an examination of the bill and accompanying material. Mr Coe has addressed these issues in his speech today, I will note. This second element is the collection and retention of a large amount of data specifically for the purpose of the police accessing it for later law enforcement purposes. The data that is intended to be stored includes a picture and time information for every vehicle that travels through a point-to-point camera. This is every vehicle, not just vehicles that are detected to be speeding.

We acknowledge that there are advantages in this in terms of law enforcement. However, the Greens want to make the point very clearly that sanctioning a new surveillance technology for the purpose of law enforcement is distinctly different from sanctioning the use of cameras to detect speeding drivers in real time.

This broad image storage power is a discrete aspect of the legislation. My understanding is that it is not required for the detection and enforcement of standard traffic offences such as speeding. The storage of images of non-offending vehicles is specifically for future general investigative purposes.

This issue of collecting information and using it for extended purposes must be given due consideration as an issue separate from the main purpose of the current bill and current debate. If the bill was passed in its current form, I believe there would be a strong argument that the Assembly had approved a new technology and a new, potentially controversial use without giving due consideration to the broader issues, including privacy and human rights.

There is a long history of human rights advocates, privacy advocates and the general community calling for a careful and considered approach to increased surveillance, increased police powers, and increased data collection by authorities. This should be respected.

Members would have seen reference to some of these issues in AECOM's paper. It points out:

> AFP believes the storage of images for a defined period would prove beneficial from a crime prevention and detection perspective … This application potentially represents 'function creep' and will raise community concerns about the purpose of the system and the privacy of their data.

The Greens believe that this is true. Therefore, this issue does need to be raised with the ACT community.

I point out further comments made by AECOM towards the end of its report. It said that when point-to-point systems were used for "speed enforcement purposes only", and I emphasise those words, they do not in themselves present any privacy or human rights issues beyond those posed by current speed enforcement systems. It is the storage and extended uses that present the problems. The AECOM report went on to specifically recommend that images of non-offending vehicles are deleted from roadside equipment as soon as practicably possible. As I have said, this is not the approach that the bill takes in its current form.

The concern is reiterated by the Queensland Travelsafe Committee. It listed a wide variety of privacy concerns relating to the retention of data from automatic numberplate recognition systems. These include the recording and retention of data relating to people who have not been identified as having done something illegal; the use of the system for previously unintended purposes, referred to as function creep; and philosophical issues about the collection and use of information and how that relates to the sort of society we are content to live in. These concerns stem specifically from the storage of images of all vehicles for future examination. This is the aspect the Greens are recommending should be separated out of this legislation. A number of privacy bodies, both statutory and community, have raised concerns with this approach.

I want to acknowledge the position of the Canberra Liberals on this bill, as expressed by Mr Coe. The Greens are pleased to see that the Liberals have taken what appears to be a strong approach on human rights, on privacy, and on careful consideration of police power. I believe that there are a number of human rights issues on which we should work together.

I wish to point out that the Greens have been in contact with the ACT human rights commissioner concerning this legislation. Despite the fact that the bill raises significant concerns around privacy and human rights, I was informed that the commissioner has not seen the bill or had a chance to comment. We believe that the commissioner should specifically consider the element of special concern in this bill. That is the retention of potentially private data for future general usage by the police.

Our view is that the commissioner's considered human rights perspective is always valuable in situations like this. I have written to the commissioner to ask for an analysis of the issues I have raised.

The position of the Greens is that we need a separate process to deal with this new law enforcement power. We are happy to return to this issue once there has been further work and consideration. This involves scrutiny by the ACT human rights commissioner. It should involve an assessment of the Human Rights Act, section 28 in particular.

Before any of these extended uses are sanctioned, the Greens would like to see clear guidelines for the use of information and the powers of the police. These should be legislative instruments.

In discussions with the department, we have been advised that there are guidelines being developed. I have asked the minister to seek advice from the department on making these a disallowable instrument. I recognise that this is not a typical practice; however, they are likely to be significant enough in this instance, and to have a bearing on how the legislation operates, to mean that we should consider this action with this legislation. I note that this is also being considered with another piece of legislation, the working with vulnerable people checks.

I will also mention that the Greens have proposed amendments to the bill to address the issues I have raised. I understand that the amendments are under consideration from the government and the technical experts in the department. This is a sensible approach to take: we want the amendments we have proposed to address the human rights and privacy concerns, but not to thwart the operation of the cameras because of a technicality.

The Greens' key amendment would ensure that there is no storage of images of non-offending vehicles. All images of vehicles that are not immediately detected as committing an offence would not be stored. The effect will be to make this a bill that permits point-to-point cameras for speed enforcement and road safety. Our key amendment would excise from this debate the issue of storing data and using it for other purposes.

We have additional amendments which are designed to further strengthen privacy matters. One is the creation of an offence for misusing collected data. I point out that this is a recommendation from the Victorian privacy commission. A further amendment ensures that the cameras photograph the rear of vehicles whenever possible.

As I have indicated, the Greens will support this point-to-point legislation in principle. We are not willing to finalise the detail stage at this point until further work is undertaken to address the issues raised.

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) (5.35), in reply: I thank members for their contributions to the debate this afternoon. The Road Transport (Safety and Traffic

Management) Amendment Bill provides a legislative basis for point-to-point speed camera technology in the territory. Point-to-point speed cameras measure a person's average speed between two points, unlike fixed speed cameras which use a range of different technologies to determine a vehicle speed at a particular point. The bill ensures that evidence of a vehicle's average speed may be used to prove the commission of a speeding offence.

In considering the amendments in the bill, I believe it is important to bear in mind that point-to-point cameras are an addition to an existing system of traffic cameras for dealing with speeding and red light offences. The first traffic cameras to commence operation in the ACT were mobile speed cameras, which commenced operations in October 1999. Initially, the camera vans operated at only a very small number of sites, including Parkes Way near Glenloch Interchange. The first red light camera was installed in the year 2000 on Ginninderra Drive, and since then the traffic camera program has expanded. There are now five mobile camera vans that operate at 171 sites and 26 fixed speed and red light cameras.

The traffic camera program operates in conjunction with police speed enforcement operations, which use a range of speed measurement devices in marked and unmarked vehicles. While point-to-point speed cameras are a new technology, they will fit into a scheme for receiving and managing images from traffic cameras to generate infringement notices for traffic offences that has worked effectively and securely for over a decade.

The scheme involves a range of provisions across the road transport legislation, including the Road Transport (Safety and Traffic Management) Act, the Road Transport (General) Act, the Road Transport (Driver Licensing) Act and the Road Transport (Vehicle Registration) Act, and the regulations made under those acts. It is also supported by privacy legislation, administrative guidelines and policies, including policies relating to the handling of private information and complaints.

The provisions relating to the collection, use and disclosure of personal information under the road transport legislation are set out in division 2.1 of the Road Transport (Vehicle Registration) Act, division 2.1 of the Road Transport (Driver Licensing) Act and the Road Transport (General) Act, and regulations made under those acts. The aggregation and linkage of data is implicitly authorised by section 36 of the Road Transport (General) Act, which provides that, if a vehicle has been involved in an offence, the responsible person for a vehicle may be served with an infringement notice for the offence by posting the notice to the address recorded on the database. Section 42 of the same act specifically relates to camera-detected offences and imposes obligations on owners of vehicles involved in camera-detected offences who are served with infringement notices.

In relation to the information that must be shown on images taken by point-to-point cameras, I can advise that traffic cameras, including the new point-to-point cameras, are programmed to record specific information on each image as it is taken. This information relates to matters such as the type and location of the camera, the image sequence and the date and time the image was taken. This is technical information relevant to proving when, where and how an image was taken so that the accuracy of

the image can be established, if necessary, in court. It is not possible to include personal information about the driver or vehicle owner on images taken by traffic cameras. This is in an important point.

Personal information relating to vehicle owners and drivers is held on the rego.act database system. That system is not linked to the camera system in any way. The two systems do not and cannot communicate with each other. It is, therefore, not possible for information from the rego.act system to be included on images when the images are taken. Personal information cannot be transferred onto the images after they are taken, because once an image has been taken, the digital image file for that image cannot be altered, whether by the Traffic Camera Office or by anybody else.

A draft of this bill was provided to the Office of the Australian Information Commission, which is the office that supports the Australian Information Commissioner, the Privacy Commissioner and the Freedom of Information Commissioner. In relation to matters raised by the OAIC, I undertook to provide further information about the measures that are either already in place or will be put in place to ensure that images and personal information used in the point-to-point camera system will be dealt with appropriately. The government will make a regulation to implement one of the OAIC's suggestions. The new regulation will give a legislative basis for the requirement to delete unadjudicated images after 30 days.

There are existing provisions in other territory legislation that could be used as a model for a new regulation to require the destruction of images after 30 days. I note that the existing regulation-making power in section 24 of the principal act is amended by the bill to allow for regulations for any other matter relating to average speed detection systems and that this amended power would support the making of the proposed regulation.

On this point, I note that Ms Bresnan has foreshadowed she intends to move an amendment to require the deletion of unadjudicated images as soon as possible. The government is considering Ms Bresnan's amendment, although it does have some reservations about it, as I have indicated to her previously. These relate primarily to the availability of the information to be accessed by the police by either subpoena or warrant should that be necessary for the purposes of a criminal investigation. Nevertheless, the government is giving further consideration to the issues raised by Ms Bresnan.

The government will also adopt the OAIC's recommendation that before any more extended use is made of images from the point-to-point system, an assessment is made using the framework developed by the OAIC. This framework is consistent with the existing approach used in the ACT for assessing the human rights impacts of new laws and policies.

It is the case that the AECOM forward design study noted that the technology in point-to-point camera systems has the potential to be used for a wider range of purposes than speed enforcement, including mass surveillance. But I want to make it clear that government has not provided for that use in this bill. The government believes any extension in the use of images from traffic cameras beyond those

currently contemplated should be subject to a rigorous assessment of their impact on human rights, including the right to privacy.

Another matter raised by the OAIC was the direction from which point-to-point cameras will photograph vehicles. The OAIC suggested that, if the government intends that only images showing the rather of the vehicle should be taken, that direction should be mandated in legislation. I can advise members that, while it is the government's preference for practical reasons to photograph vehicles from the rear, it is not always possible to situate cameras to achieve this outcome.

I can confirm that the point-to-point cameras installed on Hindmarsh Drive will photograph the rear of vehicles. All except one of the existing fixed speed and red light cameras in the territory also take images from the rear. The single forward-facing camera was placed that way because, after the mounting for the camera was installed, it was discovered that the unique combination of topography and adjacent structures caused severe interference with the signal to the camera and an accurate signal could be obtained only for front-facing images in that particular location.

It is also worth noting that mobile camera vans have the option of taking images either from the front or from the rear. The factors that affect the direction from which an image will be taken include the width of the street where the van is set up and safety factors. These issues include general traffic safety factors, such as the potential for collisions and the job safety risks to the camera operators. The government is developing guidelines for the placement of traffic cameras under its road safety strategy, and the direction of cameras will be addressed in those guidelines.

In relation to issues around data aggregation and linkage, it is helpful to consider the ways in which the existing traffic cameras handle personal information, which I have previously mentioned. Point-to-point camera systems will not deal with personal information any differently from the other types of traffic cameras. There is nothing inherently different either about the images taken by point-to-point cameras or the information that will be used by the Traffic Camera Office to prepare an infringement notice for an offence detected by the system.

The only substantive difference between the existing camera systems and the point-to-point system is that images from point-to-point cameras are evidence of a vehicle's average speed between two points, whereas images from fixed or mobile cameras are evidence of a vehicle's speed at a particular point. The processes for adjudicating images, retrieving vehicle ownership information from the database, preparing infringement notices and handling complaints are otherwise exactly the same. The same types of information security protocols which will apply to images from the point-to-point cameras already apply to images from the other traffic cameras. Members should bear that in mind.

In relation to arrangements for notifying clients about the collection and use of information, drivers and vehicle owners are aware that the Road Transport Authority collects personal information to compile its driver licence and vehicle registration databases and for enforcing transport law—that is the primary purpose for which drivers are licensed and vehicles are registered. ACT drivers and registered operators

are advised of the range of purposes to which information may be put when they apply for a licence or registration and when they renew. The application forms include a privacy notice that explains the purposes for which the information is sought, the uses to which it may be put or disclosed and the range of persons or agencies to which it may be disclosed. Enforcement is an identified purpose.

In addition, the bill contains new provisions that govern the use and disclosure of images taken by traffic cameras. These provisions ensure that the use and disclosure of images is protected to a standard comparable to the information privacy principles and will apply to an image whether or not that image contains any personal information. The new protections do not displace the existing protections that currently regulate the use and disclosure of any personal information held on rego.act databases.

The purposes for which images may be used or disclosed are set out in sections 29 and 29A. These purposes include speeding offences and other offences against the road transport legislation. Provision is also made for disclosure under any other law in force in the territory. It is intended that this provision would apply to laws that positively authorise the use or disclosure of the images. It is not intended to apply to laws that do not prevent or are silent about the use or disclosure of these images.

I am aware that Ms Bresnan proposes to move an amendment that will limit who can access the information obtained by cameras and that it can only be used for a traffic infringement purpose. This proposed amendment is of concern to the government. The reason for that is its operation with the powers of the police to subpoena and get a warrant to procure material for the purposes of a criminal investigation. In particular, the advice I have received from the Chief Police Officer raises issues such as, would the police be prohibited from getting that information under the amendment proposed by Ms Bresnan in circumstances involving a motor vehicle which caused the alleged offence of manslaughter, which is not a traffic matter but would, nevertheless, potentially involve a speeding vehicle? Would the police be prohibited from obtaining material in that circumstance?

Equally, as to matters such as culpable driving causing death and culpable driving causing grievous bodily harm, would Ms Bresnan's amendment preclude the police from obtaining the data as part of the evidence using a subpoena and a warrant granted by the courts? This is a complex matter which I am seeking further advice on. But I foreshadow that it is a matter of concern for the government and we will deal with it in debate in the detail stage.

Finally, in considering issues of privacy, I think it is important not to lose sight of the reason for this bill. Despite strong efforts by the police and road safety personnel, speeding is a problem in the ACT. For many thousands of drivers each year that are detected speeding by police or by cameras, many more go undetected. Sadly, every year, some of these drivers will crash, some of them will be killed and others will either seriously injure themselves or somebody else.

Point-to-point speed cameras will not be the only tool at the disposal of road safety authorities to address the ongoing problem of speeding on our roads. They will be one

component of a complex speed management system that is intended to reduce speeding on the ACT roads—and that is to the benefit of all road users. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mr Hanson	
Ms Burch	Ms Porter	Mr Seselja	
Mr Corbell	Mr Rattenbury		

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 3, by leave, taken together and agreed to.

Debate (on motion by **Mr Coe**) adjourned.

Personal explanation

MR RATTENBURY (Molonglo): Madam Assistant Speaker, I seek leave to make a statement under standing order 46.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Leave is granted.

MR RATTENBURY: Yesterday in this chamber, Mr Hanson made a statement in regards to Greens MLAs regarding their attitudes to science and scientists. He suggested the Greens MLAs, myself included, supported vile and intimidating actions directed towards scientists.

I can assure the Assembly and Mr Hanson that neither I nor any Green MLA condones any kind of violence or intimidating behaviour towards another person—ever. There is no place for personal intimidation or violence in our society at all. My personal values on this are absolutely unequivocal.

Adjournment

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

> That the Assembly do now adjourn.

Hearing Awareness Week

MR DOSZPOT (Brindabella) (5.54): Yesterday I stood in this place and spoke about the importance of the annual Hearing Awareness Week and also the visit I made yesterday to the expo organised by the ACT Deafness Resource Centre. I was disappointed, but not surprised, to find that the former minister for disability, Mr Hargreaves, interjected saying, "Well, that explains why you are speaking loudly." It is worth noting that the current minister for disability, Ms Burch, had a good laugh at this remark.

Madam Assistant Speaker, I certainly considered Mr Hargreaves's comment in extremely bad taste. It is not a joke, yet it is another example from a sacked minister that demonstrates a total lack of judgement and respect. It is little wonder that the Chief Minister has chosen to run with only four ministers rather than bring this man back into the cabinet. I call on Mr Hargreaves to apologise for this deplorable remark and in future show more respect to the hearing impaired in our community.

I also spoke yesterday about a meeting I attended at the invitation of the Cranleigh P&C association and the email I received that summarised their many concerns. I am also indebted to the president of the P&C, Anne Dunstan, for her attaching to her email a story by Emily Perly Kingsley entitled "Welcome to Holland", which basically sums up what life is like when you discover you have a child with special needs. I found it very moving and would like to share the story with my colleagues in the Assembly.

> Welcome to Holland
>
> I am often asked to describe the experience of raising a child with a disability—to try to help people who have not shared that unique experience.
>
> To understand it, to imagine how it would feel, it's like this …
>
> When you're going to have a baby, it's like planning a wonderful vacation to Italy. You get a bunch of guide books and make all your plans. The Colosseum, Michelangelo's David, the gondolas of Venice. You get a book of handy phrases and learn to say a few words in Italian. It's all very exciting.
>
> Finally, the time comes for your trip. You pack your bags and off you go. Several hours later, the plane lands. The stewardess comes in and says: "Welcome to Holland".
>
> "Holland?!!?", you say. "Holland? I signed up for Italy. All my life, I've dreamt of going to Italy!!"
>
> "I'm sorry", she says. "There's been a change and we've landed in Holland".
>
> "But I don't know anything about Holland!! I never thought of going to Holland!! I have no idea what goes on in Holland!!"
>
> What's important to remember is that you haven't landed in a terrible, ugly place full of famine, pestilence and disease. It's just a different place.

> So you have to go out and buy a new set of guide books, you have to learn a whole new language, and you'll meet a whole new bunch of people you would never have met otherwise.
>
> Holland—it's a slower pace than Italy, less flashy than Italy.
>
> But after you've been there for a while, and you've had a chance to catch your breath, you look around and begin to discover that Holland has windmills and Holland has tulips, Holland even has Rembrandts!!
>
> But everyone you know is busy coming and going from Italy, and they're all bragging about what a great time they've had there. And for the rest of your life you will say, "yes, that is where I was supposed to go, that's what I had planned." And the pain of that will never, ever, ever, ever ever go away. And you must accept that pain—because the loss of that dream is a very, very significant loss.
>
> But—if you spend your time mourning the fact that you never got to go to Italy, you may never be available to enjoy the very lovely, very special things about Holland!
>
> Welcome to Holland
>
> By Emily Perly Kingsley

Commonwealth Women Parliamentarians

MS PORTER (Ginninderra) (5.58): Members would be aware that I am the ACT representative on the Commonwealth Women Parliamentarians Australian region steering committee. On the weekend and on Monday this week, the committee held a young women's forum in Canberra. Ten young women between the ages of 18 and 25 from around Australia and Norfolk Island were selected from 70 women who were nominated.

The purpose of the forum was to give these young women, none of whom are members of political parties or affiliated to a party or grouping, the opportunity to learn more about Australian politics, engage with sitting politicians, explore aspects of women's involvement and discuss their own aspirations, their barriers to involvement and how they can productively direct their energy in relation to democracy.

The group met in the federal parliament and enjoyed discussions with politicians of all persuasions, looked at the role of the media, discussed political activism and debated different ways that women are treated and viewed when engaged in politics. They also had an opportunity to raise matters of particular concern to them, as well as their general attitudes to the various aspects of politics.

At the end of the forum, each of the participants declared the forum had been a great success. Whilst they thought there was room for some improvement that could be made to the format, they felt it was highly desirable, firstly, to maintain contact through an interactive website and, secondly, to seek funding to conduct further

similar forums, obviously to give other young women the opportunity that they have had.

I enjoyed meeting with these young women, who included young women from both the ACT and Norfolk Island. The successful commonwealth's nominee was a young woman who arrived in Australia as a refugee from Sudan in 2005 after spending many years in the refugee camps and experiencing considerable trauma. Now an Australian citizen and studying at university, she strongly contributed throughout the forum with the other nine young women.

I would like to thank my fellow members of the CWP steering committee and the other politicians and guest speakers who gave their time and those who organised and facilitated the forum. I look forward to the next opportunity to be involved in a similar forum in the future.

Belarus—freedom and democracy

MR COE (Ginninderra) (6.01): I rise today to add my voice to the many thousands of people around the world who are calling for democracy and freedom in Belarus. Today, 25 August, marks 20 years since the country gained independence from the Soviet Union. However, in 1994 Alexander Lukashenko became president; since then, democracy and freedom in the nation have slipped and Belarusians do not enjoy the liberties of other Europeans. Belarus is referred to as the last dictatorship in Europe and is without doubt the most closed and least democratic in Europe.

The International Young Democrat Union, of which I am deputy chairman, have been involved in the coordination of a number of demonstrations of support for democracy in Belarus. With efforts in the UK, Sweden and elsewhere, we are hopeful that we will be able to contribute to the growing momentum for change in the eastern European state.

I also encourage all those on Twitter who support the call for freedom and democracy in Belarus to use "#Belarus" and "#August25" to add your tweets to what I hope will be a trending topic around the world.

A few months ago, on 12 March, the IYDU called for the following: that the Belarusian authorities immediately release all political detainees; that the Belarusian authorities respect human rights, democratic standards and the rule of law; that the members of the IYDU call for a visa ban on representatives of the Belarusian regime in their respective countries; that the members of the IYDU demand their countries to remove visa fees for Belarusian youngsters and students; that the members of the IYDU demand their countries to support students that are expelled for political reasons; and that the members of the IYDU support political opposition, independent media and other democratic structures within Belarus.

The IYDU supports freedom and democracy in Belarus and in particular supports the pro-freedom youth movements in Belarus that are courageously campaigning for freedom in the country. I would like to commend Daniel Walter, Christian Holm, James Marriott and the many others in the IYDU for the selfless service they give towards advancing freedom in Europe and around the world.

Lifeline—gala ball

MR SMYTH (Brindabella) (6.03): I had the honour on 13 August of attending the inaugural Lifeline ball to celebrate their 40th anniversary. The theme was the Willy Wonka gala ball. In intending, I represented the leader of the Canberra Liberals, Mr Seselja, and the shadow minister for health, Mr Hanson. As the only politician there, I thought it was appropriate to tell you all what a wonderful thing you missed.

So here are a few words: on Saturday, 13 August Lifeline Canberra celebrated its 40th birthday with an event unlike any other that Canberra had ever seen, a Willy Wonka gala ball featuring all things chocolate. Hotel Realm's national ballroom was transformed into the Wonka factory, complete with the iconic Wonka factory gates, dancing oompa loompas, songs by Willy Wonka and a candy bar, manned by a loveable candy man, which boasted over 113 kilos of chocolate and candy. Giant lollipops, candy cane trees, a chocolate fountain and an abundance of gold chocolate coins were just some of the edible decorations that helped the theme come to life. Willy Wonka opened the show with the song *Pure Imagination* as oompa loompas took the guests' hands and led them up the stairs from the foyer into the Wonka factory.

The event was not only a celebration of 40 years, it also generated much-needed funds for the charity, with over $50,000 being raised through the generosity of the 450 guests that attended.

Aside from all of the fun, there was a serious side to the occasion and there was not a dry eye in the house when Kate DeAraugo, the 2005 *Australian Idol* winner, sang a heartfelt song written especially for Lifeline titled *Why Do I Feel This Way?* which very accurately captured the feelings and thoughts of many of the Lifeline telephone crisis counselling callers.

We also heard from a very impressive young lady about the impact of suicide on her life and, despite the revelry, not a sound was heard while she spoke. Almost two years ago, Philippa Seldon lost her eldest brother to suicide. She spoke at the ball of her experience with suicide and her upcoming adventure Cycle4Life which will see she and her friend Gary Lilley cycle 1,600 kilometres from Canberra to Brisbane in order to raise awareness of suicide prevention as well as raise funds for Lifeline Canberra. Her speech held the attention of everyone at the ball and was referred to as a real eye opener. Indeed I believe she left today from federal parliament after a cycle this morning with some federal politicians.

Lifeline takes on average one call per minute and during busy times, including the festive period, on average Lifeline speaks to more than 1,300 people a day, including an average of 50 suicide-related calls and intervenes in a suicide around 10 times a day. These numbers are frightening. In the ACT last year, some 43 people took their own lives.

Suicide touches the lives of many people and is, in every case, a tragedy, both for the life that has ended and the family and friends and community left behind. It would

shock many people to know that on average in Australia someone attempts suicide every 10 minutes and a life is lost to suicide every four hours. That means over 2,000 Australians take their own lives every year. Suicide is not something easily spoken about by most people. The topic, like depression or mental illness, is often referred to as a taboo.

All in all, the event was deemed a huge success, due largely in part to the fine details of the theme and the perfect balance of fun with a very serious message. It was a great night, despite the revelry and some of the jibes. It truly was. A lot of us attend balls on a regular basis. This one was very different. Lifeline are going to do it every two years. So I look forward in two years to the theme that will top Willy Wonka and his oompa loompas.

What I think it is worthy to do, though, is ask all Canberrans to support those that support organisations like Lifeline. The major sponsors were Community CPS, Clear Complexions, Toll Group, ActewAGL and Projection Coordination. The Candy Bar was sponsored by Executive Intelligence Group. Some of the suppliers were people like Hotel Realm, Nova Multimedia and Elect Printing. There were also a huge number of prizes donated for the night and, with due credit, they came from the ACT government, Adoretea, Animor Massage Services, Anytime Fitness, Australian Commonwealth Games Association, Belconnen Premier Inn, Bella Vista, Benedict House, Bliss Gardens and Giftware, Bunnings Belconnen, Christine's Place, Clear Complexions, Coordinate, Crabtree and Evelyn, Dawn Fraser, Dendy Cinemas, Dinosaur Museum, Englobo Group, Faux Tanning, Fight of Fancy, Frugii, Gungahlin Marketplace, Harbourfront Restaurant, the Helen Cross stilnox campaign, Maggie Beer Products, Maria Slater Travel, Mezzalira Restaurant, Myer Canberra Centre, National Gallery of Australia, and others. *(Time expired.)*

Hearing impairment and deafness expo

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) (6.08): I will be brief. I just wanted to make reference to yesterday's hearing impairment and deafness expo that Mr Doszpot has referred to. I think one thing that he forgot to say was that there was life membership awarded to two people at the expo. I want to congratulate Mr Jack White OAM, who has worked tirelessly in the installation of hearing induction loops in homes, public buildings and government departments, as well as being on the ACT Deafness Resource Centre board for 10 years and the last five years as treasurer.

A life membership award was also awarded to Mrs Sue Daw OAM, who is the Canberra coordinator of Better Hearing Australia and has been coordinating lip-reading classes for those with a hearing impairment for several years. Mrs Daws has been on the board of the ACT Deafness Resource Centre as a representative of Better Hearing Australia, Canberra branch, for the last 10 years.

As to some of the comments yesterday around Mr Hargreaves's private member's motion, for the information of Mr Doszpot, who is not here—but I am sure he will follow this up—I inform him that the proposed disability insurance scheme is

intended to provide individualised funding for the lifetime care and support needs of people with significant disability across the ages. The scheme could potentially cover goods and services used by students with a disability in education if these were also necessary for everyday living.

Examples would include a hearing aid or a wheelchair. The NDIS does not replace the ACT Education and Training Directorate's responsibility for disability support in schools and, as such, the NDIS does not relate to disability in education. I think part of the work is an ongoing protocol between the two elements. I note that Minister Barr secured $5 million in the recent budget to support children with a disability in ACT schools.

Whilst Mr Doszpot comes in here and seems genuinely concerned for families with children with disability and individuals with disability, it is worth noting that his interest does not extend too far because February was the last time that Mr Doszpot asked a question on disability. I am not quite sure if he gets the short straw in their caucus or is not able to ask, but, again, it is a shame that someone who appears to have such an interest does not take advantage of this place and ask questions. Even today when I tabled a scoping study report on after-school and vacation care, there was no commentary; there was no participation from Mr Doszpot. I will continue to improve services as and when I can for people with a disability. The offer is always there for Mr Doszpot to be informed of those activities.

West Belconnen community health centre

DR BOURKE (Ginninderra) (6.11): Two weeks ago I went to the west Belconnen community health centre for a tour, and I thought I might share my thoughts about west Belconnen community health centre with the Assembly. West Belconnen community centre has 5½ thousand members and it provides services on two sites, at Charnwood in the old high school and at Totterdell Street in Belconnen. There is a family membership fee of $50, so each family has to pay $50 to be part of this cooperative.

I first became aware of the west Belconnen community health centre in 2007, when I was a member of the Capital Region Area Consultative Committee and they were applying for a regional partnerships grant. The west Belconnen community health centre is important for three reasons: firstly, it illustrates to us some very good public health principles; secondly, it reinforces our knowledge about cooperatives; and thirdly, its funding is something that we really should think about.

Firstly, the availability of good medical care tends to vary inversely with the need for it by the population served. That is not my statement; it was made by Hart in 1971, quite a while ago, in the *Lancet* and it is called the inverse care law. What it is basically saying is that medical services are less likely to be provided where they are needed. So if the population needs care, they are less likely to get it, and if they do not need it, they are more likely to have more care available. This particularly interrelates with the social determinants of health, which we discussed extensively here last week. We know that socioeconomic disadvantage is an indicator of poorer health. The active community residents in west Belconnen did a survey in 2005 and found that they had

a proportion of one GP per 11,000 people. We know that west Belconnen is an area of socioeconomic disadvantage, so this is once again evidencing these public health principles.

Secondly, cooperatives have a long history in this country. As I grew up in country Victoria, driving through country towns you would see mechanics institutes, little buildings set aside as community cooperatives for learning, support and education, which were established in the 19th century. In the bigger towns, you would see dairy farmers cooperatives, organisations put together by dairy farmers to sell their produce on a cooperative basis. These were collective organisations; they were working to provide self-help. In the case of the west Belconnen community health centre, they are providing health benefits. They are usually democratic, and they are often not for profit. These are an example of collective action, a value which is very dear to the ALP family and is also strongly part of Indigenous philosophies.

Finally, let me talk about the funding of the west Belconnen community health centre. There was an initial grant of $220,000 from the commonwealth and $220,000 from the ACT government. Since those initial grants, west Belconnen competes for funding with other GP practices on a level playing field. There is no extra benefit that it receives. I think the west Belconnen community health centre cooperative should be commended for that.

Statement by Mr Rattenbury

MR HANSON (Molonglo) (6.15): I rise tonight in response to the comments made under standing order 46 by Mr Rattenbury just prior to the adjournment, where he said that he had been misrepresented. I stand by the comments that I have made in this place with regard to Mr Rattenbury and his attitude towards science and towards scientists. You need to examine the facts to confirm—and I think my case is quite clear—that Mr Rattenbury does have an attitude towards science and towards scientists which is inconsistent with the requirements of the office of Speaker and of a member of this place.

Let us look at it very clearly. Mr Rattenbury is a long-term member of Greenpeace. Greenpeace broke into the CSIRO. They destroyed property and, in doing so, intimidated scientists and traumatised staff. It was act of vandalism. Worse, it was a criminal act. And it was an act committed against science. The motivation for this act was to destroy science. The singular motivation was to destroy science.

Mr Rattenbury has repeatedly refused to condemn this action. He has had plenty of opportunities, both in this place and in the media, to condemn that action, but he has not. What he has done in discussions relating to this is: he has said that he supports unlawful protest. If someone is talking about a specific criminal act and his response is to say, "I support unlawful protest," the deduction that any reasonable person will take from that is that he supports that act. You cannot separate the two. If he is talking about a criminal act, if he is talking about this attack on science and says, "I support unlawful protest," clearly, what he is saying is, "I support that act of Greenpeace." The reality is that until Mr Rattenbury comes into this place and says, "I condemn that act; I condemn that attack on science," then I believe—and I think others believe—

that Mr Rattenbury actually supports attacks on science and supports attacks on scientists.

Regardless of whether I believe it or not, it is certainly the perception. There is a perception amongst a large part of the community that Mr Rattenbury, as an individual, as a member of this place and as the Speaker, has supported an attack on science. And I will stand by that. He can make as many statements as he likes under standing order 46. Until he condemns that action, that is what I believe, and I think that is the perception that will remain in the community.

Question resolved in the affirmative.

The Assembly adjourned at 6.19 pm until Tuesday, 20 September 2011, at 10 am.

Schedules of amendments

Schedule 1

ACT Teacher Quality Institute Amendment Bill 2011

Amendment moved by the Minister for Education and Training

1
Clause 2
Page 2, line 3—

omit clause 2, substitute

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

Schedule 2

ACT Teacher Quality Institute Amendment Bill 2011

Amendments moved by Ms Hunter

1
Proposed new clause 3A
Page 2, line 11

insert

3A Eligibility for full registration
Section 32

after

satisfied

insert

on reasonable grounds

2
Clause 4
Proposed new section 32 (1) (f)
Page 2, line 15—

omit proposed new section 32 (1) (f), substitute

(f) in relation to any conviction mentioned in the certificate or criminal history record supplied under paragraph (d) or (e)—

(i) the certificate or criminal history record has been assessed in accordance with the criminal history guidelines; and

(ii) the conviction does not have a high degree of direct connection with the inherent requirements of the teaching profession; and

3
Proposed new clause 4A
Page 2, line 22

insert

4A Eligibility for provisional registration
Section 33

after

satisfied

insert

on reasonable grounds

4
Clause 5
Proposed new section 33 (1) (e)
Page 3, line 4—

omit proposed new section 33 (1) (e), substitute

(e) in relation to any conviction mentioned in the certificate or criminal history record supplied under paragraph (c) or (d)—

(i) the certificate or criminal history record has been assessed in accordance with the criminal history guidelines; and

(ii) the conviction does not have a high degree of direct connection with the inherent requirements of the teaching profession; and

5
Proposed new clause 5A
Page 3, line 11

insert

5A Eligibility for permit to teach
Section 34

after

satisfied

insert

on reasonable grounds

6
Clause 6
Proposed new section 35 (1)
Page 3, line 15

after

satisfied

insert

on reasonable grounds

7
Clause 7
Proposed new section 35 (1) (d)
Page 3, line 19—

omit proposed new section 35 (1) (d), substitute

(d) that in relation to any conviction mentioned in the certificate or criminal history record supplied under paragraph (b) or (c)—

(i) the certificate or criminal history record has been assessed in accordance with the criminal history guidelines; and

(ii) the conviction does not have a high degree of direct connection with the inherent requirements of the teaching profession; and

8
Proposed new clause 7A
Page 3, line 26

insert

7A Section 35 (2) and (3)

after

satisfied

insert

on reasonable grounds

9
Clause 9
Proposed new section 35A (2) and note
Page 4, line 13—

omit

10
Clause 9
Proposed new section 35B (1) (i)
Page 5, line 20—

omit proposed new section 35B (1) (i), substitute

(i) the number of offences committed;

11
Clause 10
Proposed new section 51 (5) (d) (ii)
Page 6, line 11—

omit proposed new section 51 (5) (d) (ii), substitute

(ii) in relation to any conviction mentioned in the certificate or criminal history record—

(A) the certificate or criminal history record has been assessed in accordance with the criminal history guidelines; and

(B) the conviction does not have a high degree of direct connection with the inherent requirements of the teaching profession.

12
Clause 11
Proposed new section 53 (5) (d) (ii)
Page 7, line 9—

omit proposed new section 53 (5) (d) (ii), substitute

(ii) in relation to any conviction mentioned in the certificate or criminal history record—

(A) the certificate or criminal history record has been assessed in accordance with the criminal history guidelines; and

(B) the conviction does not have a high degree of direct connection with the inherent requirements of the teaching profession.

Answers to questions

Electricity—maintenance outages (Question No 1648)

Mrs Dunne asked the Minister for the Environment and Sustainable Development, upon notice, on 28 June 2011 *(redirected to the Treasurer)*:

(1) Why was only one day's notice given to residents in the vicinity of Strzelecki Crescent, Narrabundah in the early part of June 2011 advising of the second of two electricity maintenance outages in the space of a week.

(2) What are the requirements in relation to the giving of notice to residents of electricity maintenance outages.

(3) If the notice referred to in part (1) did not comply with that requirement, why not.

(4) What has the Minister done to satisfy himself that similar instances of short notice will not be repeated.

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

(1) I am advised by ActewAGL that two electricity outages were required in the vicinity of Strzelecki Crescent, Narrabundah in June 2011. ActewAGL was not able to combine both outages because performing both jobs at the same time would have placed its crews in an unsafe situation.

Notice was given to residents for each of the two outages as follows:

Outage Date	Outage Notice Sent to Residents	Amount of Notice Given
17 June 2011	6 June 2011	9 business days
29 June 2011	15 June 2011	10 business days

(2) Legislation states that a Utility must provide a minimum 2 business days written notice for planned interruptions where access to private property is not required. If access to private property is required, then Utilities must provide a minimum 4 business days written notice. I am advised by ActewAGL that it has adopted its own policy of providing a minimum 7 business days notice where possible.

(3) The notice referred to in part (1) complied with legislative requirements.

(4) Refer to answer (2) above.

Government—regulatory impact statements (Question No 1653)

Mr Smyth asked the Treasurer, 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) Four for the 2009-2010 and 2010-2011 financial years.

(2) Subjects for each RIS are as follows:

Subjects
Racing and Wagering Industry Challenges
Road Transport (Third Party Insurance) Amendment Bill 2010 (No 2)
Gaming Machine Amendment Bill 2011
Change of Use Charge

(3) None. I consider that the law and guidelines in relation to Regulatory Impact Statements have been applied appropriately.

(4) See (3) above.

Housing—affordability (Question No 1684)

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 the priority of *Housing options for all Canberrans*, Priority 4, includes providing greater diversity of housing appropriate for all ages (a) what measures in the 2011-12 Budget will assist in affordable and appropriate housing for elderly Canberrans, (b) by applying the Lease Variation Charge to units and self-contained retirement units, how will this affect this objective for the young and the elderly in particular, (c) why is there no direct measure of achievement for older persons housing, (d) how will the Government measure its support of housing options for the elderly and (e) how will these initiatives be funded or where will funding be redirected from, if there are initiatives to assist in achieving this objective that are not funded through the budget.

(2) What measures is the Government pursuing to ensure it meets the housing supply target.

(3) Given that the Chief Minister noted in the Assembly that further initiatives will be progressed to support housing affordability, when will these initiatives be released.

(4) When will the Government announce initiatives or take action from its update to the affordable housing strategy.

(5) How much funding is allocated in 2011-12 to rejuvenate the public housing stock and what type of work will be completed.

(6) When will the Government announce initiatives or take action on its short term accommodation strategy once it is completed in December 2011.

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

(1)(a) Funding for the Affordable Housing initiative in the 2011-12 Budget includes support for recommendations under Phase 2 of the Affordable Housing Action Plan which relate to increasing the supply and diversity of accommodation options for older Canberrans.

(1)(b) The Lease Variation Charge (previously referred to as the change of use charge) has been in place for a very long time. The codes to be applicable from 1 July 2011 are based on market values, and have been reviewed by a panel with representatives from the Australian Property Institute (API).

The Member would be aware that before 2010, a practice of low fixed fees being applied to dual occupancy, townhouse and multi unit development was in place. The Government has provided transition arrangements with generous remissions for the residential sector to adjust. There is no evidence that the benefits of the low fees were being passed on to homebuyers. Since the rectification of the system in May 2010, there is no evidence of a systematic drop in the supply of dwellings.

The Government provides a range of assistance for both the young and elderly in the housing market. This includes initiatives within the Affordable Housing Action Plan such as the Pensioner Duty Concession Scheme and the Home Buyers Concession Scheme

(1)(c) There has been a significant increase in the supply of older persons housing for public housing tenants. This has been principally achieved through the Nation Building Jobs Plan Initiative with housing for older people being provided on community facilities sites in Bonython, Chapman, Conder, Curtin, Florey, Kambah, Macquarie and Rivett.

Housing ACT also has a program of modifying public housing properties which allow people to remain in the home they are living in. This ageing in place, gives people the opportunity to continue to live in the community they have established over time.

Where Housing ACT constructs public housing it ensures that the dwellings are constructed to adaptable and/or accessible requirements. This improves the flexibility of the properties, so that they can be used by a broader range of public housing tenants and allows tenants to age in place.

(1)(d) Support of housing options for the elderly is measured by the Economic Development Directorate through two means. Firstly the Land Release Program in which sites are specifically identified for the purpose of housing for the aged, and secondly through the Government's Affordable Housing Action Plan.

In the case of the Land Release Program, support is measured by the number of sites and corresponding site yields for either independent living units or supported accommodation. By way of example, there were 254 dwelling sites released for aged care in the 2010/11 financial year.

With respect to the ACT Government's *Affordable Housing Action Plan*, there are 8 specific objectives by which support is measured for housing options for the elderly. These are outlined at **www.actaffordablehousing.com.au**.
Each of these objectives are specifically measured and reported in regular updates on the progress of the *Affordable Housing Action Plan*.

(1)(e) Any new initiatives will be considered in the normal budget context, considered against the full range of competing priorities.

(2) The ACT Government is not directly responsible for the *construction* of homes across the territory so therefore does not set a housing supply target. The ACT Government does however work closely with the building and development industry on a number of levels to ensure that a required level of housing is supplied to the ACT market.

In the first instance, statistics on population growth and household formation are used in producing an ACT Government estimate of the underlying demand for new housing. These estimates are discussed with industry and released publically each year. In addition, information on recent actual housing supply is published by the Economic Development Directorate each quarter in the publication *Residential Land and Building Activity*.

Secondly, in order to facilitate the construction of the required amount of dwellings, the ACT Government undertakes an annual land release program in which targets are set for the release of land to the public and to the private development industry. In the most recent financial year a total of 5,048 dwelling sites were released – the highest level in the Territory since self government.

(3) The Government has indicated it will release an updated housing affordability strategy by February 2012. Initiatives not already funded and published in the 2011-12 Budget will be considered in the normal budget context, considered against all of the issues competing for Government's limited resources.

(4) The Government has indicated it will release an updated housing affordability strategy by February 2012.

(5) 2011-12 Budget Paper 4, pages 381-396 outlines the activity for the Housing ACT portfolio.

Redevelopment of public housing properties will continue in 2011-2012. This includes progressing the work initiated on the redevelopment of Bega and Allawah Court and Currong Apartments in Braddon and Reid. Discussions are underway with the Environment and Sustainable Development Directorate about a Territory Plan variation for the area.

A design competition has also been announced for the Northbourne Flats, with the aim of redesigning the flats in Braddon and Turner. There has been strong interest in the design competition. A winner is expected to be announced in October 2011. The Government committed $8 million in 2011-12 in addition to the $8 million to improve the energy efficiency of public housing through upgrading/improving building shells, insulation and draught sealing and other improvements to enhance the liveability of public housing.

(6) Any new initiatives will be considered in the normal budget context, considered against the full range of competing priorities.

Government—office building (Question No 1705)

Mr Seselja asked the Minister for Economic Development, upon notice, on 16 August 2011:

In relation to the answers to questions on notice E11-089 and E11-126 which stated that "the annual savings calculated by the Economic Development Directorate cannot therefore be identified in the analysis", can the Minister provide a copy of the calculations and any relevant background calculations completed by the Directorate in relation to the $34.5 million in claimed savings from the Government Office Building.

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

The information available in relation to the annual savings calculations for the proposed Government Office building was provided to the Member in response to his Freedom of Information (FOI) request of 3 June 2011.

Government—building management (Question No 1706)

Mr Seselja asked the Minister for Economic Development, upon notice, on 16 August 2011 *(redirected to the Minister for Territory and Municipal Services)*:

(1) How does the Government fund its capital maintenance budget for government-owned buildings.

(2) Does the ACT Government engage a private entity to act as its property manager of government-owned buildings.

(3) Do tenant agencies engage a private entity to act as its building manager in relation to internal capital works, for example, fitouts.

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

(1) There are two sources of funding for capital upgrades and building maintenance for Government owned office buildings:

a. The ACT Budget can provide Capital Works or Capital Upgrades funds; and/or

b. Rent from owned office buildings.

(2) No, Government owned office buildings are managed by ACT Property Group.

(3) Yes, tenant agencies can engage private entities to undertake internal capital works, for example, fitout works.

ACTION bus service—MyWay card (Question No 1715)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 August 2011:

(1) How many (a) MyWay and (b) MyWay concession cards have been sold since the introduction of the MyWay ticketing system to date in total and what is the total dollar value of these sales.

(2) How many of the MyWay cards referred to in part (1) have been registered.

(3) How many recharges have occurred using (a) BPAY, (b) credit card and (c) cash at a MYWay recharge agent and what is the total value of these sales.

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

(1) (a) 146,451, in total
(b) of the 146,451 MyWay Cards 92,316 are concession cards (which include seniors, students, pensioners)

The total value of these sales is $5,971,540.

(2) 89,333.

(3) (a) 36,639 totalling $1,379,605.25
(b) 12,863 credit card and 9,239 direct debit payments, totalling $787,279.75
(c) 171,705 payments have occurred at recharge agent facilities, totalling $3,804,655.00. However, these transactions are unable to be broken down into cash payments or otherwise.

Motor vehicles—registration (Question No 1716)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 August 2011 *(redirected to the Attorney-General)*:

(1) In relation to QoN E11-193 asked during the hearings of the Select Committee on Estimates 2011-2012, what was the number of cars in 2010-11 that were registered on a (a) quarterly and (b) half-yearly basis.

(2) Do the numbers referred to in part (1) include the re-registration of the same vehicle over the year period.

(3) Of the cars registered (a) quarterly and (b) half-yearly, how many cars paid upon registration a surcharge of (i) $25 or (ii) $10.

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

1)
a) 145, 607 cars registered quarterly; and
b) 50, 587 cars registered half-yearly.

2) Yes

3)
a) Quarterly:
i) 143,500; and
ii) 2,071.

b) Half-yearly:
i) 50,179; and
ii) 389.

Roads—parking revenue (Question No 1719)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 August 2011 *(redirected to the Attorney-General)*:

What is the breakdown in revenue received by the ACT Government for parking pre-payments by (a) month, (b) suburb and (c) type, including (i) ticket machines, (ii) parking meters and (iii) pre-paid online for the 2010-11 financial year.

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

Month/Year	Location of Use	Pre-Paid Online	Pre-Paid Other (RTA, mail, Canberra Connect)
July 2010	Civic	$75,140.00	$61,658.00
	Woden	$29,680.00	$69,436.50
	Tuggeranong	$2,390.00	$7,342.00
	Belconnen	$12,841.50	$18,322.00
	Total:	**$120,051.50**	**$156,758.50**
August 2010	Civic	$60,679.00	$54,916.00
	Woden	$22,668.50	$70,098.00
	Tuggeranong	$1,266.00	$6,206.00
	Belconnen	$12,351.00	$15,076.50
	Total:	**$96,964.50**	**$146,296.50**
September 2010	Civic	$63,354.00	$39,958.00
	Woden	$18,494.00	$53,687.50
	Tuggeranong	$1,564.00	$5,852.00
	Belconnen	$9,270.50	$13,407.50
	Total:	**$92,682.50**	**$112,905.00**

October 2010	Civic	$56,302.00	$75,743.00
	Woden	$19,198.50	$64,171.00
	Tuggeranong	$1,450.00	$6,474.00
	Belconnen	$11,893.00	$15,664.00
	Total:	**$88,843.50**	**$162,052.00**
November 2010	Civic	$39,785.00	$49,097.00
	Woden	$16,505.00	$59,505.00
	Tuggeranong	$1,600.00	$7,652.00
	Belconnen	$6,708.00	$15,116.50
	Total:	**$64,598.00**	**$131,370.50**
December 2010	Civic	$26,112.00	$23,974.00
	Woden	$12,473.50	$20,101.50
	Tuggeranong	$782.00	$1,556.00
	Belconnen	$5,411.50	$7,621.00
	Total:	**$44,779.00**	**$53,252.50**

Month/Year	Location of Use	Pre-Paid Online	Pre-Paid Other (RTA, mail, Canberra Connect)
January 2011	Civic	$67,430.00	$66,494.00
	Woden	$28,618.00	$74,563.50
	Tuggeranong	$2,348.00	$7,236.00
	Belconnen	$12,138.50	$18,978.00
	Total:	**$110,534.50**	**$167,271.50**
February 2011	Civic	$47,248.00	$48,429.25
	Woden	$24,467.00	$63,202.50
	Tuggeranong	$1,426.00	$7,164.00
	Belconnen	$10,669.50	$24,357.75
	Total	**$83,810.50**	**$143,153.50**
March 2011	Civic	$59,225.00	$49,634.00
	Woden	$24,969.00	$63,440.50
	Tuggeranong	$1,666.00	$7,428.00
	Belconnen	$5,476.00	$14,581.50
	Total	**$91,336.00**	**$135,084.00**
April 2011	Civic	$56,350.00	$89,479.00
	Woden	$30,977.00	$45,506.50
	Tuggeranong	$1,470.00	$6,488.00
	Belconnen	$7,824.00	$15,432.50
	Total	**$96,621.00**	**$156,906.00**
May 2011	Civic	$69,818.00	$47,058.00
	Woden	$32,040.00	$77,947.50
	Tuggeranong	$2,710.00	$8,226.00
	Belconnen	$12,423.50	$13,363.50
	Total	**$116,991.50**	**$146,595.00**

June 2011	Civic	$58,263.00	$40,284.25
	Woden	$30,972.50	$64,124.50
	Tuggeranong	$2,150.00	$4,978.00
	Belconnen	$14,734.50	$10,069.00
	Total	**$106,120.00**	**$119,455.75**

Schools—capital funding (Question No 1725)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

(1) What is the current progress of considering options for capital funding to non-government schools, using the closed interest subsidy scheme funding.

(2) Is the funding for the closed interest subsidy scheme still included in the forward estimates; if so, (a) what is the annual allocation of funding for the years 2011-12 to 2014-15, (b) what is the amount of funding that has lapsed each year since the closure of the scheme and (c) has any funding referred to in part 2(b) been rolled over or is it contained in prior year appropriations.

(3) If the funding for the closed interest subsidy scheme is not included in the forward estimates, what budget was the savings measure published in.

(4) How many outstanding loans are currently being funded under the scheme.

(5) What is the total value of outstanding interest payments for existing loans under this scheme and what is the breakdown of these payments for the years 2011-12 to 2014-15.

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

1) The Government has re-invested the excess funds in relation to the Interest Subsidy Scheme through new initiatives such as Disability Access and Information Communication Technology. Any unspent funds for the Interest Subsidy Scheme are rolled over in the following year's appropriation;

2) The 2011-12 budget and forward years includes an allocation for the Interest Subsidy Scheme;

a) The annual allocation of funding for the interest subsidy scheme are provided in the table below:

	2011-12 $m	**2012-13 $m**	**2013-14 $m**	**2014-15 $m**
Interest Subsidy Scheme Funding	2.8	3.2	3.3	3.4

b) No interest subsidy scheme funding has lapsed since the closure of the scheme;
c) All unspent funding associated with the interest subsidy scheme has been rolled over into the forward year;

3) Not Applicable. All unspent funds are rolled forward;

4) The Directorate funded the relevant interest component of 48 interest subsidy scheme loans in 2010-11;

5) The payments made to non-government schools through the interest subsidy scheme are dependent upon interest rates and claims from schools. As a result it is difficult to accurately forecast the future payments. However, payments are expected to be within the allocated resources with claims reducing in future years.

Teachers—annual leave loading (Question No 1727)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

(1) Do Government school teachers in the ACT receive an annual leave loading; if so, is it guaranteed that this provision will remain in the current enterprise agreement bargaining negotiations.

(2) What is the rate of annual leave loading applied and how many weeks is this applied to.

(3) How is annual leave loading applied to teachers who have not worked a full school calendar year.

(4) What is the reasoning behind annual leave loading being paid.

(5) On what date is an annual leave loading payment made.

(6) What was the total dollar amount paid on annual leave loading in 2009-10 and 2010-11.

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

1) Annual leave loading is available for classroom teachers and school counsellors.
a) The provisions for annual leave loading are contained in the ACT Public Service Common Terms and Conditions and are negotiated on a whole of government basis. There is no intention to change this provision in the current round of bargaining.

2) Annual leave loading rate is based on 17.5% of the teacher's ordinary hourly rate of pay on 1 January multiplied by the number of hours of annual leave accrued during the preceding twelve months service. For a full time teacher the maximum annual leave accrual is 20 days (4 weeks) per year. Leave loading payable is subject to a maximum payment. For January 2011 the maximum payment was $1057.88.

3) Annual leave loading is paid based on the number of hours of annual leave accrued during the preceding twelve months service. Part time teachers will be paid the annual leave loading on a pro rata basis.

4) Annual Leave loading is available to provide monetary assistance while on annual leave.

5) Annual leave loading is paid on the first pay day in December each year.

6) Total dollar amount paid for annual leave loading in 2009-2010 was $2,783,031.78 and in 2010-2011 was $2,870,885.01.

Schools—chaplaincy program (Question No 1729)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

(1) What ACT public schools are currently involved in the National Schools Chaplaincy program.

(2) Is the Minister aware of any complaints lodged with the Directorate or a school by parents or other concerned citizens about this program.

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

1) This information is available on the Department of Education, Employment and Workplace Relations website: http://www.deewr.gov.au/Schooling/NationalSchoolChaplaincyProgram/Documents/ACT.pdf.

2) No complaints have been lodged with the Education and Training Directorate about the National Schools Chaplaincy program.

Questions without notice taken on notice

Bimberi Youth Justice Centre

Ms BURCH *(in reply to a question and a supplementary question by Ms Hunter on Tuesday, 16 August 2011)*: Following Question Time yesterday, I advised the Assembly that at the last sittings Ms Hunter had asked me, as the Minister for Community Services, a question on the number of recommendations on the Bimberi Review that have been progressed. Further I advised I would table a summary of Recommendations that have already been actioned or completed by the Community Services Directorate for Member's information.

Attachment A

Human Rights Commission Report *The ACT Youth Justice System: A Report to the ACT Legislative Assembly by the Human Rights Commission*
Summary of Recommendations Already Actioned (completed or underway) by the Community Services Directorate

Rec No.	What the recommendation/s is about	Comments
4.7 4.11 4.12	The development of shared statement of purpose for Bimberi and translating this into a practice framework	Work commenced
4.13 4.17	A consultant to work with staff and management to improve the culture at Bimberi	Work commenced
4.14 5.24	Introducing a performance management process and supervision training for managers	Work commenced
5.1	Including qualifications in youth work for youth worker positions at Bimberi	Completed
5.2	Training for Bimberi managers on psychometric testing	Completed
5.4	Filling the Aboriginal and Torres Strait Islander Youth Liaison Position at Bimberi	Work commenced
5.5	Continuing the over-recruit strategy at Bimberi	Completed
5.8	Continuing Expressions of Interest for temporary positions in Community Youth Justice	Completed
5.9	Reviewing the classification structure for youth workers at Bimberi	Work commenced
5.10	Undertake a training assessment needs of Bimberi staff	Work commenced
5.12 5.13 5.14 5.15 5.16	Development of an extended induction training program at Bimberi and working with local training providers and universities to scope opportunities for youth justice specific qualifications	Work commenced
5.24 5.25 5.27	Improved support to staff at Bimberi including performance management, addressing work safety issues and improving communication between staff and management	Work commenced
6.7 6.8	Review record keeping systems at Bimberi including the need for an electronic information database	Work commenced

7.3 7.5 7.6	Changes to the Youth and Family Support Services Delivery Framework that include: • a focus on boys aged 8-12 • a focus on young people at risk of offending • development of strong relationships and referral pathways between service providers	Work commenced
7.20	Establishment of a diversion from custody support service	Work commenced
7.29	Establishing a trial for a Youth Drug and Alcohol Court	Work commenced
7.31	Development of an ACT Diversion Plan	Work commenced
7.26 8.1 8.2 8.3 8.4 8.5	Development of a new Case Management Model in community youth justice and at Bimberi including the mechanisms for day release to attend programs in the community	Work commenced
10.1 12.8 12.9 12.13 12.23	Enhancing the programs available at Bimberi	Work commenced
11.2 11.3	Accommodation options	Work commenced
11.8	Transition planning	Work commenced
12.3 12.6	Enhanced communications between the Murrumbidgee Education and Training Centre staff and Bimberi staff	Work commenced
12.5	Establishing an onsite principal at the Murrumbidgee Education and Training Centre	Completed
14.4 14.5 14.6 14.8 14.11 14.12 14.13 14.14 14.15 14.16 14.17	Developing better practice guidelines on safe physical restraint informed by research, use of force and segregation	Work commenced
14.20 14.21 14.22 14.23	Developing better practice guidelines for strip searching	Work commenced
14.26	Refit the televisions in the units in Coree	Work commenced
15.4	Reviewing all operating procedures at Bimberi	Work commenced

Children and young people—abuse

Ms BURCH *(in reply to a supplementary question by Ms Le Couteur on Wednesday, 24 August 2011)*: The counting rules for reports of abuse for children and young people in out of home care are complex. A child may be in an out of home care placement but visiting home or are with friends when the report is received. Allegations in Child Protection may not be substantiated. A more reliable figure in relation to abuse in out of home care is that supplied annually to the Report on Government Services on substantiations.

The ACT Government reports annually to the Report on Government Services on "Children in out-of-home care by whether they were the subject of child protection substantiation and the person believed responsible was in the household".

The counting rule for this figure includes "children in at least one out-of-home care placement during the year ended 30 June 2010, who were the subject of a child protection substantiation whilst in out-of-home care in 2009-10, regardless of the date of notification, and the person believed responsible was living in the household providing out-of-home care (or a worker in a residential facility in which the child was living) at the time the harm, abuse and/or neglect occurred." As the report notes, the threshold for substantiating harm or risk involving children in care is lower than that for children in the care of their parents.

In the period approximating the time since the beginning of this Assembly, 2008-09 and 2009-10, there were 16 cases of children in care in the ACT who were the subject of substantiation where the person responsible was in the household. The 2010-11 data are currently being compiled and verified.