Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

22 SEPTEMBER 2011

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Thursday, 22 September 2011

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The Assembly met at 10 am.

(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.

Speech clocks
Statement by Speaker

MR SPEAKER: Members, I wish to make a brief statement. Last night, points of order were taken concerning whether the occupant of the chair is able to adjust the speech time available to members. Following those points of order, the Assistant Speaker agreed to refer the matter to me for consideration.

Members will recall that, whilst Mr Seselja was closing the debate on his bill last evening, the Assistant Speaker named a member for disorderly behaviour. During the naming procedure, the speech time clocks were allowed to run down before the Assistant Speaker directed the Clerk to stop the clock at 12 seconds.

Standing order 69 states the maximum period of time for which members may speak on a bill. It also allows the Speaker, at his or her discretion, to direct the clock to be stopped.

Whilst I understand the logic that was applied last night to the situation faced by Mr Seselja, there is no provision in the standing orders for the occupant of the chair to extend the time allotted to a member.

I suggest that when occupants of the chair feel that there may be a need due to other circumstances—for example, a naming or other disruption—they ascertain whether it is the wish of the Assembly for the speech time clocks to be reset or adjusted in some manner.

Petition
Ministerial response

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

By **Mr Barr**, Minister for Education and Training, dated 21 September 2011, in response to a petition lodged by Mr Doszpot on 22 June 2011 concerning fortnightly absence record procedures of public school teachers.

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

Schools—absence records—petition No 122

The response read as follows:

> The absence record was introduced at the recommendation of the Education and Training Directorate's Internal Audit Committee and is a requirement of the current teachers' enterprise agreement. Completion of the absence record fills an accountability gap and is not unfair or burdensome on teachers and principals. Electronic submission of leave forms will be introduced this year and while it will assist in the process of ensuring compliance it will not initially negate the need for completion of the absence record. Representatives of the Directorate continue to work with the Australian Education Union to develop the most efficient mechanism to ensure compliance in the submission of leave forms.

Justice and Community Safety—Standing Committee
Amendment to resolution

MRS DUNNE (Ginninderra) (10.03), by leave: I move:

> That the resolution of the Assembly of 7 April 2011, referring the ACT Electoral Commission's report, entitled *Report on the ACT Legislative Assembly Election 2008*, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011 to the Standing Committee on Justice and Community Safety be amended by omitting the words "by 22 September 2011" and substituting "by the last sitting day in October 2011".

This is a resolution which has been agreed to by all members of the Standing Committee on Justice and Community Safety. As members will notice from the blue today, the committee is tabling a report on the review of campaign financing laws which has consumed almost all our hours together as a committee, and many more than those usually scheduled. Because the committee had given priority to concluding that report, it was not possible for us to meet this deadline as well and do justice to both. So the committee resolved to move this amendment in this place today. I commend the motion to the house.

Question resolved in the affirmative.

Working with Vulnerable People (Consequential Amendments) Bill 2011

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

Title read by Clerk.

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) (10.05): I move:

> That this bill be agreed to in principle.

I am pleased to present the Working with Vulnerable People (Consequential Amendments) Bill 2011.

The Working with Vulnerable People (Consequential Amendments) Bill 2011 amends legislation arising from the working with vulnerable people background checking legislation. This bill makes amendments to the ACT Teacher Quality Institute Act 2010, the Children and Young People Act 2008, the Public Sector Management Act 1994 and the Spent Convictions Act 2000. The bill complements and builds on existing legislation and replaces current checking requirements across a range of regulated activities.

I will now discuss each consequential amendment.

The ACT Teacher Quality Institute Act 2010 established the ACT Teacher Quality Institute as a territory authority with responsibility for teacher registration, accreditation of pre-service teacher education programs, and certification of teachers against national standards.

The Teacher Quality Institute Act requires a person to provide evidence of any criminal history; however, the act does not require a person to hold current working with vulnerable people registration when applying for registration as a teacher or for a permit to teach.

The amendments to division 4.1 and sections 32, 33, 35, 51 and 53 align the Teacher Quality Institute Act with the Working with Vulnerable People (Background Checking) Bill, resulting in a person being required to hold current working with vulnerable people registration when applying for full or provisional registration as a teacher and when seeking a permit to teach.

The Children and Young People Act 2008 provides for the safety and wellbeing of children and young people. Once the working with vulnerable people background checking legislation commences, relevant suitable entities and authorised persons working or volunteering with children and young people will be required to hold working with vulnerable people registration.

To align the Children and Young People Act with the working with vulnerable people background checking legislation, a new section is being added to section 63 which will compel relevant suitable entities to hold working with vulnerable people registration. The consequential amendment to section 438 adds a note to this section providing for authorised assessors to be registered under the working with vulnerable people legislation.

Section 68 of the Public Sector Management Act 1994 provides for appointments to the public sector. Section 68 also provides for consideration of specific criteria, including a person's criminal convictions, during the appointment process.

The consequential amendment to section 68 notes that if a person is to be appointed to a position related to a regulated activity which is accessed by vulnerable people, the

person may need to be registered under the working with vulnerable people legislation. The amendment is not intended to encourage a person to believe they can be appointed to the public sector without firstly satisfying all preconditions of appointment provided under section 68(2) of the act. The amendment does not add unnecessary requirements to the appointment process.

Consideration of non-conviction information, including spent convictions, has been raised as an issue by stakeholders during consultation on the draft risk assessment and decision-making guide documents.

The issue related to the use of spent convictions when determining a person's suitability to work or volunteer with vulnerable people accessing a regulated activity. Non-conviction information, including spent conviction information, assists in identifying inappropriate behaviour patterns. This type of information will be one component of the information which will be used to determine the suitability of an applicant to work or volunteer with vulnerable people accessing a regulated activity.

Consideration of childhood and adult spent convictions are not possible outside the crime-free periods prescribed in the Spent Convictions Act 2000. For a person to be compelled to disclose all relevant childhood and adult spent convictions, section 19 of the Spent Convictions Act is being amended to exempt those applying for registration under the working with vulnerable people background checking legislation from the limitations imposed on the disclosure of spent convictions information.

This government is committed to the support and protection of vulnerable people in the ACT; and by ensuring congruence between the working with vulnerable people legislation and other relevant ACT legislation, the protection of vulnerable people is further enhanced.

I commend the bill to the Assembly.

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

Children and Young People (Education and Care Services National Law) Consequential Amendment Bill 2011

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

Title read by Clerk.

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) (10.12): I move:

> That this bill be agreed to in principle.

The ACT is progressing towards the implementation of a national quality agenda that was agreed to by the Council of Australian Governments in 2009. The ACT signed up

to this agreement and it shared its vision that by 2020 all children will have the best start in life to create a better future for themselves and for the nation.

The key components of the national quality agenda—specifically legislation reform, national quality framework and the assessment and rating process—will work simultaneously to allow the benefits of reforms to be realised. Education and care services in the ACT will experience an integrated and unified national system which drives continuous quality improvement in education and care services at the same time as reducing regulatory burden.

In practice, for ACT families, this means a greater level of transparency in the information they can access about education and care services. In turn, this will allow them to make informed decisions about which setting will best suit their family needs.

A critical part of enabling the passage of education and care services national law in the ACT is an amendment to the Children and Young People Act 2008. For the majority of the ACT's childcare services, the Education and Care Services National Law (ACT) Bill 2011 will apply, providing a national regulatory framework to licence, assess and support the ACT's long day care, independent preschools, family day care and out-of-hours school-age care services.

The education and care services national law will also incorporate ACT government preschools under this new framework. This will provide for a unified education and care sector working together to deliver high quality children services to Canberra's children and families.

The Children and Young People Act 2008, particularly chapter 20, childcare services, currently provides for the licensing and monitoring of childcare services in the ACT. The Children and Young People (Education and Care Services National Law) Consequential Amendment Bill 2011 amends the Children and Young People Act 2008 to exclude those services which will be provided for under the Children and Care Services National Law (ACT) Bill 2011.

The amendment is to section 731 of the Children and Young People Act where it provides a list of circumstances whereby the chapter does not apply. The amendment is to include in this list services that will be regulated under the education and care services national law.

The Education and Care Services National Law (ACT) Bill 2011 sets out those services which will not be included in the framework and that at this stage are considered out of scope. For the ACT, this particularly translates to 17 playschools, two services that provide primary occasional care and one budget-based funded service.

Chapter 20 of the Children and Young People Act 2008 will continue to apply to services in the ACT which are considered out of scope of the Education and Care Services National Law (ACT) Bill 2011.

All of the services in the ACT which are currently out of scope have been informed that they will not be assessed under the Education and Care Services National Law

Bill (ACT) 2011. The children's policy and regulation unit will continue to licence and regulate their services under the Children and Young People Act 2008.

The Education and Care Services National Law Bill 2011 will be reviewed in 2014. These services, which are currently excluded from the Education and Care Services Law (ACT) Bill 2011, will be considered for inclusion during this review period.

The ACT education and care sector is well prepared and committed to adopting the Education and Care Services National Law (ACT) Bill 2011. The ACT's education and care sector have been advocating for years and, indeed, welcome the reforms under the national quality agenda.

The amendments to the Children and Young People Act 2008 will allow the sector to move forward to progress the commitment to quality education and care for our children.

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

Annual and financial reports 2010-2011
Reference

Motion (by **Ms Gallagher**, on behalf of Mr **Corbell**) agreed to:

That:

(1) the annual and financial reports for the calendar year 2011 and the financial year 2010-2011 presented to the Assembly pursuant to the *Annual Reports (Government Agencies) Act 2004* stand referred to the standing committees, on presentation, in accordance with the schedule below;

(2) the annual reports of ACT Policing and the ACT Legislative Assembly Secretariat stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts, respectively;

(3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2011 and financial year 2010-2011 annual and financial reports at any given time; and

(4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

Annual Report (in alphabetical order)	Reporting area	Ministerial Portfolio	Standing Committee
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Electoral Commission		Attorney-General	Justice and Community Safety

ACT Gambling and Racing Commission		Minister for Economic Development	Public Accounts
ACT Government Procurement Board		Treasurer	Public Accounts
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
ACT Insurance Authority	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Long Service Leave Authority		Minister for Industrial Relations	Public Accounts
ACT Ombudsman		Attorney-General	Justice and Community Safety
ACT Planning and Land Authority		Minister for the Environment and Sustainable Development	Planning, Public Works and Territory and Municipal Services
ACT Policing		Minister for Police and Emergency Services	Justice and Community Safety
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
ACTEW Corporation Limited		Treasurer	Public Accounts
ACTTAB Ltd		Treasurer	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs
Chief Minister's and Cabinet Directorate	ACT Executive	Chief Minister	Public Accounts
Chief Minister's and Cabinet Directorate		Chief Minister	Public Accounts
Chief Minister's and Cabinet Directorate	Industrial Relations Policy Workplace Compensation and Workplace Safety Policy	Minister for Industrial Relations	Public Accounts
Chief Minister's and Cabinet Directorate	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
Chief Minister's and Cabinet Directorate	Work Safety Council	Minister for Industrial Relations	Public Accounts
Commissioner for Public Administration		Chief Minister	Public Accounts

Commissioner for Sustainability and the Environment		Minister for the Environment and Sustainable Development	Climate Change, Environment and Water
Community Services Directorate	Arts Policy, Advice and Programs (including Arts ACT)	Minister for the Arts	Education, Training and Youth Affairs
Community Services Directorate	Community Affairs—Aboriginal and Torres Strait Islander Affairs	Minister for Aboriginal and Torres Strait Islander Affairs	Health, Community and Social Services
Community Services Directorate	Community Affairs—Ageing	Minister for Ageing	Health, Community and Social Services
Community Services Directorate	Community Affairs—Multicultural Affairs	Minister for Multicultural Affairs	Health, Community and Social Services
Community Services Directorate	Community Affairs—Women	Minister for Women	Health, Community and Social Services
Community Services Directorate	Disability and Therapy Services Housing ACT Community Development and Policy	Minister for Community Services	Health, Community and Social Services
Community Services Directorate	Office of Children, Youth and Family Services	Minister for Community Services	Education, Training and Youth Affairs
Community Services Directorate	Official Visitor — *Children and Young People Act 2008*	Minister for Community Services	Education, Training and Youth Affairs
Cultural Facilities Corporation		Minister for the Arts	Education, Training and Youth Affairs
Director of Public Prosecutions		Attorney-General	Justice and Community Safety
Economic Development Directorate	Business Support Programs; Skills and Economic Development (including Live in Canberra)	Minister for Economic Development	Public Accounts
Exhibition Park Corporation	Economic Development Directorate	Minister for Economic Development	Public Accounts

Economic Development Directorate	Tourism Policy and Services (including Australian Capital Tourism)	Minister for Tourism, Sport and Recreation	Public Accounts
Education and Training Directorate		Minister for Education and Training	Education, Training and Youth Affairs
Environment and Sustainable Development Directorate		Minister for the Environment and Sustainable Development	Climate Change, Environment and Water
Environment and Sustainable Development Directorate	Conservator of Flora and Fauna	Minister for the Environment and Sustainable Development	Climate Change, Environment and Water
Environment and Sustainable Development Directorate	Environment Protection Authority	Minister for the Environment and Sustainable Development	Climate Change, Environment and Water
Environment and Sustainable Development Directorate	ACT Heritage Council	Minister for the Environment and Sustainable Development	Planning, Public Works and Territory and Municipal Services
Health Directorate		Minister for Health	Health, Community and Social Services
Independent Competition and Regulatory Commission		Treasurer	Public Accounts
Justice and Community Safety Directorate		Attorney-General	Justice and Community Safety
Justice and Community Safety Directorate	Corrective Services	Attorney-General	Justice and Community Safety
Justice and Community Safety Directorate	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
Justice and Community Safety Directorate	Road Services Transport Policy and Regulation	Attorney-General	Planning, Public Works and Territory and Municipal Services
Land Development Agency		Minister for Economic Development	Planning, Public Works and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Rhodium Asset Solutions		Treasurer	Public Accounts
Territory and Municipal Services Directorate		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services

Territory and Municipal Services Directorate	ACTION	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
Territory and Municipal Services Directorate	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
Totalcare Industries		Treasurer	Public Accounts
Treasury Directorate		Treasurer	Public Accounts
Treasury Directorate	Shared Services	Treasurer	Public Accounts
Treasury Directorate	Director of Territory Records	Treasurer	Public Accounts
University of Canberra		Minister for Education and Training	Education, Training and Youth Affairs
Victims of Crime Commissioner		Attorney-General	Justice and Community Safety

Supermarket competition—proposed select committee

MR SPEAKER: I understand it is the wish of the Assembly to debate this motion cognately with Assembly business, notice No 3. That being the case, I remind members that in debating notice No 2, Assembly business they may also address their remarks to notice No 3, Assembly business.

Mrs Dunne: Neither Mr Seselja nor Ms Le Couteur are here.

Mr Smyth: Mr Speaker, I seek leave to make a short statement.

Leave not granted.

MR SPEAKER: Members, under standing order 127, this item will be withdrawn from the notice paper unless another member at the request of the proposer thereupon fixes a future time for the moving of the motion.

Mrs Dunne: I move—no, I do not.

Mr Barr: He's arrived!

MR SPEAKER: Order! Mr Seselja, you have the call if you wish to move your motion.

MR SESELJA (Molonglo—Leader of the Opposition) (10.18): I move:

That this Assembly:

(1) notes:

(a) that ACT consumers are best served by policies that promote competition;

(b) that planning policies should be free from inappropriate political interference, and offer certainty to supermarket operators and protection for ACT consumers;

(c) that the ACT Supermarket Competition Policy has created uncertainty and delay for both operators and consumers; and

(d) that the example of Giralang shops re-development demonstrates a process so compromised by political influence and interference that it has undermined public confidence in the planning system; and

(2) establishes a select committee to review the implementation of the ACT Supermarket Competition Policy, including, but not limited to:

(a) the development of the current Supermarket Competition Policy;

(b) the operation of the policy as it interacts with the planning system;

(c) the appropriateness of settings as it applies to ACT Government direct sales, group centres, and local centres;

(d) the impact of the policy on operators and consumers;

(e) impacts on the retail hierarchy;

(f) the process applied at the Giralang shops; and

(g) future applications of planning and competition policies;

(3) the Committee shall report back to the Assembly no later than the last sitting week in March 2012; and

(4) the Committee shall consist of one Member nominated by the Government, one Member nominated by the Opposition and one Member nominated by the Crossbench to be nominated to the Speaker by 4 pm on the day of passage of this motion.

I apologise to members for the delay. I move this amendment today because we have seen in the debate around supermarket policy and the development of the government supermarket policy some inherent contradictions and problems both in the framing of that supermarket policy but also in the application of that supermarket policy.

I flag that one of the reasons I was delayed is that there have been ongoing discussions in relation to some amendments to this motion, and it has been a bit of a work in progress. So I will circulate an amendment to my motion which I will be moving by leave in a moment. It has been a bit of a moving feast, so I apologise to members for that.

In relation to the establishment of this select committee and why it is important, there have been some inherent problems in the framing of this supermarket policy. As the Canberra Liberals stated at the time this policy came out, there are aspects of this

policy which we gave the tick to. We were not against the sentiment in the policy, but we certainly believed a number of aspects of the policy were potentially actually anti-competitive and that in seeking to encourage more competition, in seeking to see more significant players in the market, there was, in our opinion, a blocking out of certain players—an exclusion of local independent supermarket operators from bidding for certain sites. We did not support the logic behind that. We think it was discriminatory against a number of local independent operators. That was one of the aspects of the supermarket policy which we saw as particularly flawed.

I think it has also become apparent as we have seen this debate develop that there have also been problems in the implementation. There are a lot of concerns around how it is actually being implemented. Concerns have been put by local supermarket operators about the impacts on the retail hierarchy. There have been significant concerns about definition issues. Widespread concerns have been raised by the planning authority on the interaction of the supermarket policy with the application of the territory plan, with the assessment of development applications and the conflating of politics and policy.

The views of Neil Savery about the interference of the government in the assessment of the development application of Giralang are very much on the record. In fact, Mr Savery's concerns go far broader than supermarket policy. But this motion is about establishing a select committee to examine these issues. It would examine how this was developed. It would examine how it is being implemented. It would examine the implications of this policy.

Mr Speaker, I am not sure if that amendment to my motion has been circulated.

Mrs Dunne: It is being circulated as you speak.

MR SESELJA: I would love a copy if that is circulated at some point, thank you very much. There have been some discussions, so I seek leave now to move this as a replacement of my original motion.

MR SPEAKER: Mr Seselja, I believe it would be better if you move this as an amendment to your original motion.

Leave granted.

MR SESELJA: I move:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) that ACT consumers are best served by policies that promote supermarket competition; and
>
> (b) that development approval processes should be free from inappropriate political interference and offer certainty to supermarket operators and protection for ACT consumers;

(2) establishes a select committee to review the ACT Supermarket Competition Policy, including, but not limited to:

(a) the operation of the policy as it interacts with the planning system;

(b) the appropriateness of settings as it applies to ACT Government direct sales, group centres and local centres;

(c) the impact of the policy on operators and consumers;

(d) impacts on the retail hierarchy; and

(e) future applications of planning and competition policies;

(3) the decision to exercise the call-in power to approve the Giralang DA are not the subject of the Committee's inquiry while the matter is before the Supreme Court;

(4) the Committee shall report back to the Assembly no later than the last sitting week in April 2012; and

(5) the Committee shall consist of one Member nominated by the Government, one Member nominated by the Opposition and one Member nominated by the Crossbench, to be nominated to the Speaker by 4 p.m. on the day of passage of this motion.".

The motion would now read that the Assembly notes that ACT consumers are best served by policies that promote supermarket competition, and consumers are best served by policies that promote supermarket competition; two, that the Assembly establishes a select committee to review the ACT supermarket competition policy, including, but not limited to the operation of the policy as it interacts with the planning system, the appropriateness of settings as it applies to ACT government direct sales, group centres and local centres, the impact of the policy on operators and consumers, impacts on the retail hierarchy, and future applications of planning and competition policies.

Paragraph (3)—this is an important point because there has been some negotiation around this—is that the Assembly notes the decision to exercise the call-in power to approve the Giralang DA is not the subject of the committee's inquiry while the matter is before the Supreme Court. I just want to make a few points about that particular paragraph. Firstly, from time to time we come up against the issue of sub judice, and we need to understand what sub judice is. Sub judice is not a blanket restriction on speech by the Assembly; it is a protocol whereby the Assembly and parliaments in general limit themselves so as not to unduly interfere with legal proceedings.

There are a number of principles which govern whether or not discussion of a matter or debate of a matter are seen to interfere with judicial proceedings. In this case, as I understand it and we have been informed by the government, there is a Supreme Court challenge to the planning minister's decision to call in the DA at Giralang shops.

In discussions with the government and the Greens, we have agreed to a limited application of the sub judice principle to ensure that the specific matter—ie, the decision to call in the Giralang DA—will not form part of the inquiry. But that should not be taken as some sort of broader limit on the inquiry itself.

When we look at the issue of sub judice, it is important that we note the fact that this is before a Supreme Court justice rather than a jury. The idea that Supreme Court justices are going to be unduly influenced by discussions in a committee I do not think meets the common man test. But we have conceded the point in discussions with the government that, given that specific matter is before the courts at the moment, while that specific matter remains before the courts—the decision to call in Giralang shops—it will not be considered. But it is not possible to look at the supermarket competition policy without looking at the matters at Giralang shops, because it is arguable that the Giralang shops development was part of the genesis of part of the supermarket competition policy and has been a significant point of contention in the application of the supermarket policy. So we need to be clear on that. We have agreed to limit the committee's inquiry somewhat on that very specific matter as it is before the Supreme Court at the moment.

The amendment goes on to state that the committee shall report back to the Assembly no later than the last sitting week in April, and it will be one member from the government, one from the opposition and one from the crossbench.

Mr Speaker, the reason this motion should be supported today is because it is time to look at this policy. There is enough concern from independent operators and from aspects of the broader community to ensure that we see a thriving supermarket sector, but it is not just that. In the end, this is about consumers. This is about ensuring that consumers in the ACT have the maximum amount of choice. But intersecting with that are a lot of principles, sometimes conflicting principles. How much does government get involved in enforcing its policies on to the market? We need to allow the market to thrive but, of course, this is a regulated market and the planning system plays a significant role now. So the government has a role whether it likes it or not. The question is how much intervention is appropriate and how much should the government be allowing these various players to compete.

Our argument has been that some aspects of the supermarket competition policy have been well intentioned and have been reasonable, other aspects clearly have not. Other aspects have been anti-competitive. The ACCC has commented on the anti-competitive nature of some aspects of the supermarket competition policy. We have seen serious questions raised about issues around Giralang shops. There are issues around the floor area, and all of these things should be considered by an inquiry. This is an important inquiry, and I look forward to getting the support of other members so that we can establish this committee today.

MS LE COUTEUR (Molonglo) (10.30): I also have a motion, a fairly similar motion, on the notice paper today. I understand that we are effectively debating these cognately; so I will not be moving it. I would like to point out first that my motion was, in fact, on the notice paper on 24 August. The major difference has been that I have changed from a standing committee to a select committee. I broke up the motion

because it was felt that it was too long and there were some matters that were better dealt with separately.

We had the substantive motion yesterday, which unfortunately was defeated, and the request for a committee today. I am very pleased that the committee will be established. I have had negotiations with the Liberal and Labor parties over the last couple of weeks and it has taken a while to achieve agreement but I am very pleased that this important issue will be looked at by the Assembly.

In my speech yesterday I made a statement that we have not seen any impacts of the supermarket competition policy. I actually was quite specifically talking about John Martin's review, although, having looked through it, I suspect my statement may well have been true regardless of whether I was talking about John Martin or not.

We have seen where the government is thinking about it but in terms of impacts on the ground we have not seen anything yet. The government has said that it is going to release a package of land to provide five new stores at Kingston, Dickson, Casey and Amaroo. But to the best of my knowledge, while that decision has been announced it has not yet actually come to fruition insofar as nobody has yet actually got these new parcels of land.

It may well be, as Mr Seselja said yesterday, that the decision in Giralang was influenced by John Martin's work. But even that, with the Supreme Court action, has yet to come into action. I would also point out that to the best of my knowledge, the last three DAs in Giralang have been remarkably similar; so presumably the influence has not been great.

I think that one of the very important issues that we need to deal with, and one of the reasons this inquiry is so important, is that it is essential that we have a degree of certainty for businesses and residents as to what the supermarket and shopping centre policy is. Businesses deserve certainty because they potentially invest millions of dollars on the basis of what they believe the government policy is. There may well be reason for government policy to change.

The Greens are not saying that government policy should be stuck in one place forever. What the Greens are saying is that if government policy changes, it should change in a clear and transparent fashion, not on the basis of a decision on one DA. That is not a clear and transparent way to change policy for supermarket competition or for the retail hierarchy.

It is also important for the residents of Canberra. You may well make a decision when you decide to live somewhere that you want to live there because it has got shopping centres or you do not want to live there because it is next to a very busy shopping centre. As a plus or a minus, it is still a relevant decision and people should have information to make this decision.

I would also like to say very strongly, given Mr Seselja yesterday stating that the Greens were not supporting small and local businesses, that one of the major reasons we have been pursuing the issue of supermarket competition and wanting to see fair

competition is that the Greens do support small business and local business. We have always done that and that is part of the Greens' DNA.

I think one of the significant issues in terms of how we regulate supermarkets in Canberra is that we largely do this through the planning system. The planning system basically looks at the size of the box that the supermarket is going to live in. That is important but it is also important who runs that supermarket. Ownership does matter as far as retail policy and supermarket policy are concerned. That is something which cannot be dealt with by the planning system as we currently have it in Canberra.

I appreciate that my inquiry will not get up. The major differences between my proposed inquiry and Mr Seselja's is that I wanted to have a lot more emphasis on those issues of ownership, which cannot be dealt with at present by the planning system. I am not at all sure, given our constitution, exactly how they can be dealt with by the ACT government. But this, I think, is an issue that as a community we need to come to grips with.

We are all aware of the situation. In the ACT the duopoly of Coles and Woolworths has 72 per cent of our supermarket market. Woolworths has over 50 per cent of that. On the south side I believe it is over 55 per cent. There is no economic textbook that will tell you this is fair competition. They will all tell you that this is unfair competition, that the players involved have unfair influence. This may or may not be influencing the consumers in the very short run, although, as I quoted yesterday, the evidence in Australia is that where Woolworths and Coles do not have an effective third party supermarket directly next to them, which is very often an ALDI, their prices are higher than otherwise.

There is certainly also evidence to suggest that it is affecting the prices for suppliers. I think that we have all seen the campaigns by Australian farmers saying that the prices they are getting from the major supermarkets are simply not fair. This is one of the reasons behind the rise of the farmers market. I am a very happy EPIC market shopper but I do admit that I live very close and it is really nice and easy. But this is a major concern throughout Australia. It is that, together with the concern for fresh food and less food miles, that is pushing this really growing trend of farmers markets.

In my speech yesterday I talked about petrol stations being owned by the retail duopoly. I said this was recent. I possibly should have been more clear in my timing of that. I mean recent in terms of it being this century. But it has happened, I think, largely between 2000 and 2004. There has only been a limited change in more recent years, although possibly the more relevant change in the more recent years is that we are seeing the 7-11s moving into service stations. This will influence how the smaller supermarkets and the convenience stores work. I still do not think I have seen the final copy of Mr Seselja's amended motion, but I understand—

Mr Seselja: It was circulated.

MS LE COUTEUR: Yes, it does not seem to be—I have lost—

Mr Seselja: I will walk one over for you, Caroline.

MS LE COUTEUR: Thank you, Mr Seselja. I understand that one of the significant changes after negotiation between offices is that we have changed the reporting date. Thank you, Mr Seselja. I do have this motion. I thought you were doing another one which said that you deleted all the stuff above and—

Mr Seselja: Sorry, yes. Yes, it does delete it all. That is all that that one does not have.

MS LE COUTEUR: Yes, okay.

Mr Seselja: What is in front of you is the text of the motion.

MS LE COUTEUR: Right; thanks muchly. I am very pleased that we have a reporting date of April. From the point of view of giving the committee enough time to do its work and then the government enough time to give its response before this Assembly comes to an end due to an election next year, I think April is the most workable date of the possibilities. I think the wording at point 3 is better than it was.

I just have to say in summary that I regret we are not going to look so much at the ownership and the economic issues because these are very important. They are probably in the long run more important than the planning issues but we will look at them to some extent. I am very pleased that this Assembly is finally going to come to grips with supermarket policy. I look forward to a useful debate with community and supermarket operators leading to a better outcome for everyone in Canberra.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (10.39): I thank Mr Seselja and Ms Le Couteur for their contributions this morning. I will state at the outset that through our supermarket competition policy the ACT government has sought to achieve a competitive and diverse supermarket sector. Primarily the focus has been on increased competition designed to benefit the consumer. I think there is agreement across the chamber in relation to that policy goal. Undoubtedly, more operators and more stores increase choice and competition, and this invariably flows on in terms of reduced prices and reduces the weekly grocery bills for Canberrans.

Increased competition has been designed to benefit independent retailers and to give them a leg up into the market, a market that Ms Le Couteur has described as particularly dominated by two major national players. The use of this competition policy has allowed the ACT government to use the levers available to it, mainly land release and sale mechanisms, to facilitate this expansion by independent providers.

But undoubtedly this is not a clear-cut issue. There are many complexities in the supermarket competition policy space. There are big players, there are smaller players, there are new players, and there is an increasing number of subsidiary companies. There are issues with wholesaling and market dominance. There are many things to consider when it comes to supermarket competition. Undoubtedly, this is an important area of government policy. Upon taking charge of this area of government policy through the Economic Development portfolio, I am certainly mindful of the

need to review and update policy in light of a dramatically changing environment at a national level.

The government has been undertaking a review of supermarket competition policy to test its successes, its failings, its appropriateness and its relevance. The work that I have commissioned since becoming economic development minister was aimed at an update of the policy by the end of this calendar year.

In recognition of the interest across the chamber, the government welcomes this and has supported the call to establish a select committee to review supermarket policy. I think it is important to have an Assembly-wide debate on these issues, because it would appear that we all share a goal to deliver better competition outcomes for the community and for market players.

But we support this only if this is the motivation for the inquiry. I have made it very clear, as has the planning minister, that the inquiry should not be a thinly veiled attempt to re-prosecute development application decisions. Let me be clear: the government are supporting this inquiry because we have been assured by the opposition and by the Leader of the Opposition that it is not an attempt to re-prosecute the Giralang DA. I welcome his comments in the debate earlier in relation to this matter.

The Giralang DA is before the Supreme Court and we will not, and cannot, discuss the matter whilst it is before the court. The establishment of the select committee and its inquiry should be about future policy, how supermarket policy will operate in the future. If a select committee is to be established, and it will be this morning, it ought to genuinely consider how the policy can be updated to respond to changing circumstances.

One of the issues that has concerned me has been, I suppose, the question of the extent to which the ACT government can control all of the outcomes in relation to this sector and what is the interaction and the appropriate role of the ACCC. I am not going to comment on ongoing legal matters, but members would be aware that the ACCC is in the process of appealing certain decisions that went against the commission in relation to the Franklins-Metcash situation.

There are a number of significant events that are occurring outside of the ACT that do have significant implications for us. We need to be cognisant of these issues. We need to be cognisant of the consequences of competition policy and the appropriate mechanisms to achieve competition. We have to be cognisant of the role of the ACT government, the federal government and, most importantly, the market in achieving competition.

But we also have to be cognisant, Mr Speaker, that by its very nature competition results in winners and losers. The government supports a genuine inquiry into the issues surrounding supermarket competition. I look forward to the work of the committee. The government will, of course, consider the findings of the committee's report before updating and releasing our supermarket competition policy next year.

We will adjust the time lines for the work that we have already got underway in response to the establishment of the committee. I note Ms Le Couteur's desire to see the report delivered by April next year in order to give the government time to respond in this parliamentary term. I believe that is appropriate.

I have one small amendment that I seek to move that has been circulated to members to Mr Seselja's revised motion. I formally move that amendment to part 3 of his motion:

> Omit paragraph (3), substitute:
>
> "(3) matters relating to the decision to exercise the call-in power to approve the Giralang DA are not subject of the Committee's inquiry while the matter is before the Supreme Court;".

As I stated earlier, the Giralang DA is currently before the Supreme Court. Whilst there is an appeal before the courts, the government's view is that the committee should not be reviewing those elements that relate directly to the decision on the Giralang DA. As such, the amendment that I move seeks to ensure the committee's inquiry does not undertake a review of the matters that are directly relevant to the review by the Supreme Court. It would be inappropriate for a committee of the Assembly to undertake such a review. Therefore, the government's amendment substitutes part 3 to Mr Seselja's amended motion. I commend that amendment to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (10.46): The Canberra Liberals will not be supporting Mr Barr's amendment. I think that I certainly made it very clear in my opening statement that we were happy to concede in discussions with the government that it is reasonable that that decision by Simon Corbell to call in the DA, as it is before the Supreme Court at the moment, be excluded.

This amendment would go, I think, potentially much broader than that. I think it would unreasonably limit the committee's work. As I said in my opening statement, the issue at Giralang and the assessments at Giralang are where a lot of the rubber hits the road when it comes to this supermarket policy. So it would be unreasonable for the committee to be hamstrung in its work by such a broadly worded motion, and that is why we will not be supporting this wording that Mr Barr has suggested.

We see it as reasonable to exclude that narrow question that is being considered by the Supreme Court. We are not bound by that. The Assembly could make a decision to push on regardless, but we believe it is reasonable to exclude that. But going any further than that I think would unreasonably inhibit the committee from doing its work. It needs to be able to look at all of the relevant issues and, of course, relevant issues will include issues around Giralang shops.

What the current wording does is give a narrow exclusion to that consideration so that it does not traverse the particular question that is before the Supreme Court, and that is the decision by Simon Corbell to call it in. For those reasons we will not be supporting the amendment.

MS LE COUTEUR (Molonglo) (10.48): The Greens also will not be supporting the Labor Party's proposed amendment for the same reasons that Mr Seselja has outlined. Basically, almost everything relating to supermarket policy, and planning policy related to it, is touched upon, or could be regarded as touched upon in some way, by the Giralang decision.

So if we say that anything which has any relevance, no matter how big or small to Giralang, is not open for the inquiry to look at, we may as well not have the inquiry. I would like to see us do as good as an inquiry as we can in the circumstances. For that reason, the Greens will not be supporting Mr Barr's amendment.

Mr Barr's amendment to **Mr Seselja's** proposed amendment negatived.

Mr Seselja's amendment agreed to.

MR SESELJA (Molonglo—Leader of the Opposition) (10.50): Just briefly to close, I thank members for their support for this inquiry. I hope that it will be a useful and thorough inquiry that will look at the whole range of issues that have been associated both with the development of this policy but also, particularly, how it is being applied and how it can be improved in the future.

I think it is important that the committee is able to do that work without fear or favour. I think that the wording of the motion that we have agreed to today gives sufficient scope for that to occur. Hopefully at the end of that process, we can get to the bottom of not only what has gone wrong but also to how we can actually improve it into the future. I thank members for their support and I commend the motion to the Assembly.

Motion, as amended, agreed to.

MR SPEAKER: Ms Le Couteur, you now have the option, as part of the cognate debate, to move your motion.

Ms Le Couteur: Mr Speaker, there is no point in moving my motion. I want to pass on it, I guess—whatever the technical term is.

Justice and Community Safety—Standing Committee
Report 7

MRS DUNNE (Ginninderra) (10.51): I present the following report:

> Justice and Community Safety—Standing Committee—Report 7—*A Review of Campaign Financing Laws in the ACT,* dated 22 September 2011, including dissenting comment *(Mr Hargreaves)* and additional comments *(Ms Hunter).*

I move:

> That the report be noted.

I have great pleasure in presenting this report to the Assembly today. I hope it will be the next phase in some serious and fundamental reform in the way we administer campaign financing and the financing of elections in the ACT. The committee believes that this was an important inquiry. Most contributors told the committee that the current framework for campaign financing and the financing of elections was inadequate. The underlying message on the whole was that the current system of donation disclosure and public funding just does not regulate sufficiently all the components of campaign finance.

The committee has taken the view that disclosure and public funding alone belong to an earlier era of campaign finance regulation. Legislation was introduced in 2010 to the federal parliament to go beyond this, but it stalled. In the meantime, two states—New South Wales and Queensland—have gone ahead, putting in place further measures to regulate in the area of campaign financing and electoral financing.

These include caps on donations and electoral expenditure and new further measures to support political parties and candidates with their activities. In this way these jurisdictions have constrained the freedom of political expression to a degree and have balanced this with further funding to allow political parties and political participants to administer their activities and, in some cases, even to develop policy. The Standing Committee on Justice and Community Safety takes the view that these measures are needed in the ACT to support and protect the status of our electoral process. Without them there is a risk from perceptions that it could be compromised by large donations and unequal expenditure across political parties and political candidates.

The ACT has a long and proud history of electoral reform. We have taken a lot of trouble to ensure that the people of the ACT have a fair and equal electoral system, first by adopting the Hare-Clark system and then by entrenching it, including the system of Robson rotation on ballot papers, and then later modifying Robson rotation to ensure increased fairness. The committee generally believes that the current arrangements for campaign financing are not in keeping with the clear intent of these decisions and that the ACT can only achieve a completely fair system by addressing all aspects of the electoral process, including the money that fuels it.

Mr Speaker, you would recall that when this matter was referred to the standing committee, Mr Seselja, on behalf of the Canberra Liberals, moved a motion to establish a select committee initially and then finally it became a reference to the standing committee. In doing so, Mr Seselja spoke about the arms race in campaign fundraising and campaign spending. There was a view, shared by all members of the Legislative Assembly, that we had to do something to curb that arms race before it got out of control in the ACT.

When this matter was referred to the committee, the committee was asked to look specifically at the actions of the federal parliament which, at that time, had published a green paper on campaign financing. The committee believes that New South Wales and Queensland have overtaken the commonwealth in taking up the initiatives in this area and that the federal parliament has lost the initiative. To be at the forefront of electoral reform, the committee believes that the way forward is for the ACT to find

consistency with those other reforming jurisdictions, rather than languishing and waiting for other people to take the first steps.

This report makes a number of recommendations in what is, by any measure, a complex and important area of legislation. We are suggesting a number of innovations which I will highlight today. The committee has made 21 recommendations to the Assembly. The first is that there should be a cap on donations to political parties in each financial year. I need to point out that Mr Hargreaves, to some extent, dissented from this recommendation and has dissenting comments. I will say nothing more about that and leave Mr Hargreaves to address this issue.

Recommendation 2 creates a cap on electoral expenditure for political parties, their candidates and associated entities through a capped period. The committee's recommendation is that there should be a capped period for electoral expenditure beginning on 1 January in any election year and running until the end of polling day. That cap should limited to $60,000 per person nominated by the political party or organisation.

Recommendation 3 goes closely with recommendation 2 and says that that $60,000 cap should be capped at the maximum number of people who can be elected to the Legislative Assembly, therefore ensuring that people do not overfill their ticket with an opportunity to get around the cap. Effectively, the recommendation is that, in current terms, the cap for each political entity actively running candidates would be $1,020,000 for the capped period, which would be 1 January to polling day in any election year. The committee recommends, at recommendation 6, that there should be significant penalties for breaches of the cap.

There was a discussion about how we should deal with this. I think there is a reasonable analogy with the salary cap in football. The committee looked at various models of penalties in this area. In the NRL, if there is an accounting error and someone overshoots the salary cap by a small amount, almost inadvertently, there is a fine. Usually it is not a very big fine. But if you go out and deliberately attempt to circumvent the cap, you lose the premiership; you have your points taken away from you. The committee believes that that is a reasonable analogy. Although it is not in the narrative of the report, it was the sort of discussion that was had in the committee. Inadvertent breaches of the cap should be fined in a modest way, but where there is a clear attempt to circumvent the cap, there should be serious penalties. Also, there should be serious penalties not just for the entity but for the public officers of the entity so there will be a great disincentive to do so.

The committee also recommends that there should be capped expenditure for third parties—people who are not actually fielding candidates but who may have a view about the outcome of the election. The third party expenditure should be capped at $30,000 per third party entity.

Recommendations 9 to 16 deal with issues of disclosure. The committee is putting forward a whole raft of recommendations to improve disclosure in the ACT. They are principally centred on the establishment of an electronic online reporting system so that all participants in the electoral process can notify their donations quickly and they

can be put up so that the community can see where the money is coming from. This is an area of openness which is of most importance to ensure that we have an all-round rigorous electoral system.

Moving on, recommendations 17 and 18 address the issue of public funding. We have addressed the issue of public funding in two ways. There is the conventional approach to public funding, which is that participants in the election, once they reach a threshold, receive reimbursement of their per eligible vote. The committee see no reason to depart from this already established practice in the ACT and elsewhere. But we are concerned about the rate at which we are languishing behind other jurisdictions. We have made recommendations in relation to increasing the per eligible vote amount for public funding and recommend that it be tied to the amount for the Australian Senate. This would mean that, in current terms, by the time we go to the next election, instead of receiving 158c per vote we would receive 179c per vote and by 2016 that amount would rise to 203c per vote.

The committee also make recommendations regarding administrative funding. The New South Wales parliament in its legislation has created administrative funding. The committee generally thought that there was considerable merit in the creation of administrative funding. So we have recommended at recommendation 19 that administrative funding be provided to members who are elected to the Legislative Assembly at a general election based on the Election Funding, Expenditure and Disclosures Act 1981 of New South Wales, part 6, which deals with electoral funding. In New South Wales, for each member of the lower house—only the lower house—there is an allowance that goes to their party organisation of $80,000 per member with a cap of $2 million.

There was some discussion in the committee as to the level of funding in the ACT. Mr Hargreaves thought that we should emulate what was happening in New South Wales and Ms Hunter and I thought that perhaps $80,000 per member may be a little on the high side, given the size of the ACT compared with New South Wales. I think that is a matter that the Assembly should contemplate at some length. The committee makes a very firm recommendation that there is merit in the administrative funding. This is balanced by the fact that there is a live argument about the constitutional constraints in the area of free speech and political participation.

The argument has been put forward by a range of academics that there needs to be a measured approach to limiting free speech. I think that in this report we have tried to get that balance between committing too much money to election campaigning and doing things which would prevent members from seeking election or members in parliament from being owned by outside entities and ensuring that political parties can still operate effectively in the modern environment. I think that the approach which was put forward initially by New South Wales of creating an administrative fund for political parties to some extent goes to balance that.

Recommendation 20 deals with anti-smurfing provisions. It is a sort of catch-all recommendation to ensure that no-one tries to give money to a friend to give it to a friend who then donates it to a political party and hence gets around the donation cap recommended in recommendation 1. Most importantly, the committee recommends

that these provisions should be in place for the 2012 election. This does impose upon the Assembly a very tight time frame. There may be a necessity for interim measures for the 2012 election, but that is a matter that needs to be sorted out by the Assembly as a whole. The strong recommendation of the committee is that the reforms outlined in this report should be operational for the 2012 election.

Mr Speaker, this is a very important advance by the ACT. I take the view that the electorate in the ACT has a very high interest in electoral transparency, which is why we have the electoral system that we do. I think that this framework for campaign financing will set out a new way forward. I commend the report to the Assembly.

MR HARGREAVES (Brindabella) (11.06): This report is nothing much more than a dressed-up attack on the revenue-raising opportunities of one particular party represented in this place. In fact, I think it diminishes the attempts of some people to reform the process because of that particular approach. Off the top of my head, one of the ways in which that is quite clearly demonstrated is that this recommendation—I think it is No 1, in fact—says that we will cap donations. We talk about capping donations for an electoral cycle and we talk about capping expenditure for an electoral period or a campaigning period. Interestingly, we are capping expenditure but we are not capping revenue or income.

It is interesting that the only attack in this report is on donations received by the Labor Party. It does not talk about income generated from rental properties by the Liberal Party. So the actual outcome of that is that the Liberal Party, because it can generate revenue from its rental property, can engage in continuous campaigning for the entirety of the cycle whereas the Labor Party cannot. And the Greens cannot, anyway, because they have not got any money.

Madam Assistant Speaker, I have to tell you that that in itself is not a good reason to bring everybody down to the lowest common denominator. Democracy is not enhanced by bringing people down; it is about encouraging other people to come up and join in. This report does not enhance democracy in this territory; in fact, it diminishes it.

I was a bit disappointed in some of the academic rigour contained in the report. We have some quotes from a number of academics in the report which have been totally ignored. I will give you a couple of examples of that. I refer in particular to Professor Twomey. Professor Toomey was quite clear about the detrimental effects of capping expenditure and, in particular, donations. I invite members to read the passages in the report about that.

They were glossed over because she said, "Okay, you've got to remember that when you're capping donations you've got to apply the Lange test." There is a simple, sweeping statement in the report saying, "The committee thinks that it does." Well, I do not think that it passes the Lange test. It does not pass the Lange test because the capping of donations is only capping one small part of the income. The theory of double-entry bookkeeping has not been applied in this. I may have had a slightly different view had we been attempting to cap income and expenditure in exactly the same time periods; but no. The inconsistency involves no rental income; the inconsistency is the time line. Those inconsistencies diminish this report.

Furthermore, I introduced the views of Professor Joo-Cheong Tham, an associate professor in the Law Faculty at La Trobe University in Victoria, and there is no entry in this report of the views of Professor Tham—none. He supports the view that directly banning donations or significantly reducing donations will have a very severe impact on the freedom of expression of a party association. It is a constitutional issue. He also says that whilst this does not directly ban or direct parties, it generally makes them unviable unless parties are able to secure sufficient public funding.

The view from the Greens is that if you are going to cap donations, replace them with public funding. On its face, you would say, "That's fair enough." Then you look at what is in the report and you see that it says that the formula is whatever the figure is—$80,000 per elected member. Professor Twomey and other academics have said—and I think I am quoting Professor Twomey correctly—the High Court does not like measures which favour incumbents.

Therefore, by definition, if you are going to have a program which gives money only to organisations which have elected members, you are disadvantaging all of the other registered parties in the system. Tell that to the Australian Democrats, the Motorists Party, the Community Alliance Party, as I have indicated in my dissenting report. It is discriminatory. I have no problem with the figures themselves.

The other thing is that we do not make any commentary about what the likely public reaction to this will be. How do you think the public are going to react, Madam Assistant Speaker, when we say to them: "Look, we've knocked off the donations for the Labor Party. We have left, however, the Liberal Party to be able to earn their income from their rental properties. But we're also going to give the Liberal Party over $450,000 per year, forever, by way of support from the public purse." And that is what this report says: "To the Labor Party, we've knocked off their donations but we're going to give them back 500 grand." The public are going to say, "I don't want my money to go to support a political party like the Labor Party, the Liberal Party or the Greens." They are not going to cop it.

The total amount, according to the formula here, is $1,360,000 out of consolidated revenue each and every year going forward, to support the operational parts and the administrative parts of a political party. I would not want to be going out there and saying in my election promise, "This is what we're going to do in a budget," and the government approving that or recommending that.

It also, by paying money out of consolidated revenue, takes away the nature of funding from political parties by transferring it from legitimate business enterprises into the public arena, except for the Liberal Party, who can continue to get their rental property income. This is nothing short, as I say, of an attack on the Labor Party and it needs to be seen like that. It walks like a duck and it quacks like a duck. And guess what? It is a dead duck.

I was very significantly concerned about the way in which this report is based on two experiences interstate. It has quoted New South Wales and Queensland and an experience in the Republic of Ireland. The Republic of Ireland caps expenditure; it

does not cap donations. So we will throw that one away. Then we have got the Queensland experience and the New South Wales one. The New South Wales one is legislation which was introduced in 2010, last year. The Queensland one? 2011, this year.

We have got threaded through this report, "We should be doing things consistent with Australian jurisdictions." Well, two out of nine does not, for me, equal consistency. I am sorry about that. If you are one out or two out you might say: "Yes, let's bring it in. Let's harmonise it." But it is not. It is, in fact, wanting to trail blaze. There is a comment in the report—and you have got to really try hard to find it—which says, "Just because it is only two jurisdictions should not be an impediment for us going forward." On the other hand it says that we need to be consistent. Those two arguments in themselves are inconsistent. If we look at what those two jurisdictions do, they differ in what they do. And what is being proposed here differs from it as well.

Recommendation 4 was an all-out attack on the trade union movement. It may very well be that the Labor Party has a formal association with the trade union movement. That is not the way it is described in here. This is scaremongering. It says:

> … an entity with formal connections with a political party, which empower it to contribute to policy development and/or the selection of candidates …

Let me put it on the record that the union movement does not have any power in the selection of candidates. The formal arrangement of association with the trade union movement actually has an involvement by the union movement in policy development of the Labor Party as a community-based political party. Would somebody like to tell me what is wrong with that and why they should be penalised for that? Because I cannot see it.

Maybe it is because the Liberal Party have not got an associated entity. Maybe it is because they have not got any friends out there who want to be tied so closely to the Liberal Party as to identify themselves with that association. This is about coming up with other methodology to supplant the current system of disclosure.

The Labor Party's income is disclosed openly. Every single member of the Labor Club Group knows that that was the genesis of that community club. They knew it. It is not a for-profit organisation. It is a community-based organisation. But I will bet you, Madam Assistant Speaker, you did not know that the Liberal Party had rental property from which it gained an income, and the average person out in the street does not know that, and under these changes they would be none the wiser. So this does not enhance democracy at all. It does not enhance democracy in any way.

Mrs Dunne interjecting—

MR HARGREAVES: I also note that I heard Mrs Dunne in silence and I would like the same courtesy.

I will make a comment on recommendation 18. That is the proposal put forward by the Greens in the committee about the Electoral Commission conducting research on

options to create electoral participation grants and party development grants. On its face, it is fine. It actually allows for some conversation and discourse in the public arena. But we really need the community to express its view on whether it wants public funds expended on giving grants to single issue, very brief political entitles like the Warm Tomato Party or the Party Party Party, or fly-by-night ones that come and go; they might stick around for two elections and that is it. I would suggest that they might have a view on it.

I do not suggest that this recommendation should not go forward, but I would want to make sure that the Electoral Commission not only conducts its research on how this might happen, on options as to how it might happen, but also canvasses the views of the community on whether they want it to happen at all, before it goes too far down the track.

I mentioned the administrative funding before. I have a feeling that that might be unconstitutional. I actually applauded Ms Hunter's contribution in the committee's deliberations when she was putting the view that if we are draconian over here, we need to be compensatory over there, and I think that is a fair position to take. I do not want her to think for a second that I am dismissing her suggestion. I remember reading Professor Twomey's comment that the High Court takes a dim view of something which will assist incumbents, and I think that is what this system will do. I know that that system will do it.

The figures contained in here, generally speaking, are taken from the New South Wales or Queensland models—the $60,000. And I think we had a discussion on $80,000. But I have to say that I did not contribute with respect to the figure of $7,000. This is where some of the robust nature or the academic aspect did not occur. And it was at the last minute that the figure appeared, as advised to me. I think I said at some point, "Ten grand." It was a throwaway line. I had no thought that that would not be academically researched and checked. But then I find Ms Hunter has actually said, "Well, we can go with the $5,000 as in the New South Wales legislation." I think it was New South Wales; I could be wrong there. Mrs Dunne said, "No; $10,000." And do you know what happened? There was a compromise—somewhere in the middle.

Mrs Dunne interjecting—

MR HARGREAVES: That is academically robust, isn't it? And we do that—

Mrs Dunne interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mrs Dunne, please be quiet.

MR HARGREAVES: I have asked for courtesy and, as usual, I do not get it. Mrs Dunne had this conversation with me at the last minute in the committee. I was given the report to consider on Monday morning. I was given another report to consider later that day. The whole thing, from my perspective, was rushed at the end. We should have sought to take it forward to October.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.22): Firstly I would like to thank fellow committee members, the secretariat staff and particularly

the committee secretary for all their hard work on this inquiry. As members may well imagine, this was a particularly vexed and difficult issue and it required an enormous amount of work from the committee. I think the contributions this morning will show it is an incredibly difficult and complex issue.

Much progress has been made on the issue of campaign finance recently. The committee report essentially recommends that the ACT emulate the sorts of reforms that we are seeing around the country, albeit slightly adapted to the particular circumstances of the ACT.

Mr Hargreaves did mention that the report does go through the legislation that has been enacted in New South Wales and in Queensland. Of course we know that there has been a conversation at the federal level. Unfortunately it appears to have stalled. I do hope that that conversation moves forward and we see some sort of leadership and movement from the commonwealth on these issues.

The committee did receive a range of very interesting submissions and many of them were particularly critical of the current situation. The Greens certainly agree that substantial reforms are needed in this area. We have long been on the public record arguing in favour of public funding and against reliance on corporate donations. Rather than go through the particular recommendations, although I may touch on some, we do of course see this as the start of a much longer conversation or debate within this place and, I hope, a broader conversation with the community, because this report does raise many new ideas and proposals.

I will briefly cover my additional comments, which I have added to the report, which go to the issue of whom donations can be made by. In my view, we should restrict this to natural persons. As electors, we do all have a right to participate in the system and I think everyone finds it wrong when they see large corporations giving money to political parties on the obvious expectation that they will get something in return.

The phrase "democracy for sale" is used frequently, and quite rightly so. There can be no doubt that at the very least there is a reasonable concern that the beneficiary of those donations will act in the interest of the donors rather than the broader public interest. And this perception of bias would not be tolerated in any other governmental context in our community and certainly offends the standard held in relation to members of the judiciary and other delegated decision makers.

There is of course a simple way to remove this problem, by restricting the ability to make political donations to ACT political parties to natural persons enrolled to vote in the ACT. I do note that the New South Wales government has recently tabled a bill to this effect. The Premier, Barry O'Farrell, has very much embraced this view and has tabled legislation only within the last fortnight. We are a progressive jurisdiction and we should have progressive electoral laws that continually push us to be a better democracy that better serves the interests of all Canberrans.

I will just go to a couple of points that were raised. One of them is that Mr Hargreaves raised the issue about favouring incumbents, and I very much did raise in discussions that we did need to be aware of this issue. As Mr Hargreaves has pointed out, Professor Twomey did say that the High Court took a dim view of all of this.

I guess part of recommendation 18, having some research done to look at how development grants and so forth could be made available to emerging political parties within the territory, was a way of ensuring that there is a bit of a level playing field out there, that we are not stifling democracy, that we are encouraging different groups to emerge. And that very much goes to the heart of what that was about.

Obviously it would have been quite good to see a recommendation that pushed that further, but I understand that really it is a new idea, and research should be conducted so that we can have a good look at whether that will address the issue of the incumbency but also whether it is the way that we could foster a greater democracy and assist emerging parties who will no doubt come out of the woodwork. Some of them might be single-issue parties. My own party started from having pretty much a single issue. It is now a very broad-based party with a range of policies. And so we do need to ensure that we are not stifling the development and the evolution of democracy across Australia.

As I said earlier, there were a number of people who were critical of the current situation and did raise issues around the fact that there were people in our community who did not agree with the way that things were at the moment, where large corporations could give very large amounts of money to political parties. Really the perception out there is that it is a way for the big end of town to have a greater say and that the average person and those groups who do not have that sort of cash could not get a foot in the door and would not have their issues heard. Issues were raised about the perceptions that were out there in the community.

This is a theme that is just not here in the ACT. This is a theme that has run through the commonwealth discussions. There also have been discussions in both the Queensland and New South Wales parliaments.

Obviously with a major report like this, we are not going to get everything absolutely right but I think that this has been a good effort to get these issues out into the public for the public to discuss it.

Mr Hargreaves has raised the issue of public funding. It is a view and, as I have said, it is a long-held Greens' view that we should not have corporate donations. We are happy with donations from natural persons but not from corporations. But if you do cut off that source of revenue in order to ensure that parties can engage with their members to ensure that you do not again somehow stifle the activity and democracy, public funding needs to be introduced. And that is what has happened in New South Wales.

There was a lot of discussion in the committee about what that would look like, and how much. At the end of the day, the recommendation has said: "Have a look at what New South Wales has in place. This is really the starting point of our discussion here." And it may be that there are some people saying: "In the ACT we would not have the exact amount of money because we are a city-state. We do not have large geographic distances, very spread out electorates and so forth." I think it was important for the committee to provide a starting point for that discussion.

As I said, there will be very different views from parties about what is contained in this report. I am sure that there will be some very robust debates and discussions. What I do hope, though, is that this report is going to really get some excitement or some interest—probably "interest" is a better word—out there in the community to engage with this debate, engage with this discussion. It is an important one.

We do need to change the way our electoral funding happens at the moment, as far as donations and so forth are concerned. It is an issue that many people see needs to be addressed and we certainly do not want to end up with a situation where it is only those parties who are connected to large corporations, to the big end of town, who will have the spending power, and we get into some sort of arms-type race over spending power which sees that democracy is not served and that the interests and issues that are dear to the heart of many people who live in our community do not get attention because they are simply outspent by those who have those connections with corporations and so forth.

I commend this report to the Assembly. I look forward to the debates and the discussions we will have in the future. And, as I said, I very much hope that this becomes a broader community discussion.

MR HARGREAVES (Brindabella): Madam Assistant Speaker, I would seek the indulgence of the Assembly to be allowed to speak again to say thank you to the people who actually compiled the report.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): I suspect the word you mean is "leave".

MR HARGREAVES: It is.

Leave granted.

MR HARGREAVES: I thank members. I was remiss in not saying a very heartfelt thank you to the committee members. Whilst we disagreed, and we disagreed quite significantly on these issues, I do believe that we conducted the discussions cordially, civilly and I thought it was quite a good process that we went through, even though we departed significantly from the conclusion at the end of the day.

I want to put on record my thanks to Dr Brian Lloyd for all the work that he did. It is not easy compiling a report when you have quite significant departures in views and where people are relying on an academic, if you like, for justification all over the place. To get to the stage where he was able to produce this report, I thought, was a fairly good effort and I wanted to thank him.

MRS DUNNE (Ginninderra) (11.33), in reply: Just briefly, to conclude the debate, I too would like to take this opportunity to thank members for the constructive approach to this and to particularly express my thanks to Dr Lloyd for his forbearance and his thoroughness in this report. It has been difficult. The report has gone through a number of iterations and changes in format to get it as good as we can. I suppose we

could have continued to work on it for some time as well, but the committee is mindful that it has been before us for a long time.

We had aimed to get this report to the Assembly in August but time got away from us because members had a range of other commitments. Ms Hunter had some time at the CPA conference and there was a period when, over the July break, when I think all of us took some leave or other, which is a sensible thing to do at that time.

Mr Barr: Half your luck; a bit of jet-setting?

MRS DUNNE: Some of us did, yes. Some of us only went as far as Brisbane, yes, to conferences.

Members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members of the government, please be quiet.

MRS DUNNE: There were some issues that came and went in the inquiry. And we did, very early in the piece, have a discussion about whether donations should be limited to natural persons. I think that Mr Hargreaves and I put forward arguments why that may not be such a great idea. And as we were putting the finishing touches to the report, Mr O'Farrell introduced legislation in the last couple of weeks. I was driving home, listening to that, thinking, "I hope Ms Hunter doesn't hear this because it means we will have to go back and revisit these arguments." There has been a lot of goodhearted banter about the Barry O'Farrell-Meredith Hunter unity ticket, an unlikely unity ticket, but Ms Hunter did not seem to resile from that.

I think that this has been a good process, but I want to re-emphasise recommendation 21. Recommendation 21 is that this is operational by the 2012 election. That puts a lot of pressure on all members of this Assembly to get their act together. The Canberra Liberals will work cooperatively with all members of the Legislative Assembly to ensure that the major recommendations are operational for the 2012 election.

I commend this report to the Assembly. If we go down the path recommended by the committee, the Legislative Assembly will be doing good work on behalf of the people of the ACT in creating transparency and openness in our electoral system, which will nicely complement the great electoral voting system and counting system that we have in the ACT. And it will require a fair amount of give and take by all parties, both in the negotiation and in moving forward in a new environment with capped donations and capped expenditure. But I think that the outcome will be that the people of the ACT will be better off in the long run.

Question resolved in the affirmative.

Health, Community and Social Services—Standing Committee
Statement by chair

MR DOSZPOT (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Health, Community and Social

Services. At a private meeting on 31 August 2011, the committee resolved to conduct an inquiry into the provision of social housing in the ACT. Social housing is provided by the government through Housing ACT to low income households and those people who are unable to find appropriate accommodation in the private rental market. The committee is concerned at the increasing demand for social housing in the ACT, fuelled by housing affordability and a competitive private rental market that makes it difficult for many individuals and families living on low incomes, including many of our most vulnerable community members, to access suitable accommodation.

The recent ACT Ombudsman's report *Assessment of an application for priority housing*, June 2011, into the priority waiting list for social housing highlighted procedural shortcomings within Housing ACT that impacted on people's access to timely, appropriate housing.

The committee has adopted the following terms of reference:

> To inquire into and report on the provision of social housing through ACT Housing, with particular reference to:
>
> 1. The findings of the 2011 ACT Ombudsman's Report in relation to the ACT Housing priority housing waiting list, *Assessment of an Application for Priority Housing*, June 2011;
> 2. The demand for social housing, including an examination of the current waiting lists and eligibility criteria for priority and high needs housing;
> 3. The management of waiting lists, innovative strategies to reduce waiting lists and the development of the Social Housing Register (the new centralised waiting list for social housing in the ACT);
> 4. The current range, availability and suitability of social housing stock, including new models of social housing (such as the intentional village model designed for people with a disability and sustainable housing models) and any financial implications;
> 5. The management and maintenance of social housing stock including the development of an asset management plan;
> 6. The needs of social housing managers and all social housing tenants, including but not limited to:
>   - current tenants;
>   - prospective tenants including those on waiting lists;
>   - people socially and geographically affected by social housing allocation; and
> 7. Any other related matter.

Economy—cost of living
Statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations), by leave: I thank members for the opportunity to outline progress today on developing the triple bottom line assessment approach and methodology for the ACT government.

On 22 June 2011 the Assembly called upon the government to report on the detail of relevant methodologies, tools and assessment frameworks that will be used for triple

bottom line assessment of major policy proposals and how poverty impact analysis, a component of triple bottom line assessment, had been progressed.

I am pleased to report that the government have made significant progress in developing our assessment frameworks. We have developed a core reference document and body of knowledge that was released for public comment in June 2011. This document, *Triple bottom line assessment for the ACT government*, is available on the Chief Minister and Cabinet Directorate website. I table the following document:

> Triple Bottom Line Assessment for the ACT Government—Discussion paper, dated June 2011.

This document was developed in consultation with the integrated sustainability analysis team at the University of Sydney. It outlines the national and international context of the use of triple bottom line approaches and proposes an assessment framework for the ACT government.

The discussion paper was the subject of public consultation until 26 August 2011. To date the government has received one public submission on this, from the ACT Council of Social Service, and has granted an extension to another party to make their submission.

As part of our strategy for implementing triple bottom line assessment, the government has agreed to pilot the application of the new framework across government over the coming months.

In addition, the government, in collaboration with the former Community Inclusion Board, has developed a poverty impact analysis tool based upon better international practice. This poverty impact analysis approach is now incorporated into our triple bottom line assessment framework. This ensures that poverty impact analysis will be applied in the context of other social impact aspects of triple bottom line analysis and provides for a coordinated and streamlined application of TBL policy assessment.

The government is committed to developing a triple bottom line assessment framework that can be effectively and efficiently applied across government and delivers the best results in terms of social, economic and environmental analysis.

Based on public comments and an evaluation of the current triple bottom line assessment pilot, the framework will be refined and embedded into the ongoing policy assessment and development of this.

The government are committed to the further development and application of triple bottom line assessment in the public service. It is notable that we have pursued a challenging assessment approach to applying triple bottom line so we are at the forefront of applying this framework in a policy development setting.

The discussion paper is evidence of the significant progress the government has made in establishing an integrated triple bottom line assessment framework. Subject to final feedback, and we are awaiting an additional submission, this publication will be the

core reference document for applying triple bottom line to the policy development process in the future.

Health, Community and Social Services—Standing Committee
Report 6—government response

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs), by leave: I want to make a statement relating to unmet need and recommendation 4 of report 6 of the Standing Committee on Health, Community and Social Services entitled *Report on annual and financial reports 2009-2010*.

In the 2011-12 budget, the ACT government provided an additional $10.3 million over four years to address unmet need. On 5 May 2011, the Standing Committee on Health, Community and Social Services tabled its *Report on annual and financial reports 2009-2010*. Recommendation 4 of the report requested the government to provide further details on work being conducted to address unmet need for people with a disability.

On 18 August I responded to recommendation 173 of the Select Committee on Estimates 2011-2012 report in relation to community access hours and what the government is doing more broadly to access the issue of unmet need. If I may, for the benefit of members, I will just recap some of that commentary.

In the most recent budget, the ACT government provided an additional 29,000 hours of community access services for people with a disability. This commitment is about increasing the opportunities for people with a disability to use and strengthen their ability to enjoy social independence and to participate in the community.

On 21 June this year, the estimates committee asked for additional information. I was able to provide feedback on that. The 29,000 additional hours of community access is based on service modelling. The respective components that make up that 29,000 hours are 14,000 hours of support for 2012 school leavers, based on each school leaver receiving an allocation of 12 hours per week for community access; a further 2,000 hours for community access for school leavers with exceptional needs; 9,000 hours for a new after-hours school care and holiday program, which will commence next year; and an additional 4,000 hours associated with increased commonwealth funding and ACT commitments under the disability assistance package.

The additional 29,000 hours will bring the 2011-12 target to 233,000 hours of community access service, with a total growth of 140 per cent since 2003. This significant investment in community access services will address unmet need among many young families who require ongoing support in their caring role and will provide their children with meaningful participation in activities that enhance their skill and development and grow their independence.

Those elements that I provided in August also included the fact that the Productivity Commission acknowledged that all jurisdictions face greater demand than can be met

under the current arrangements. The commission has recommended that the government be responsible for the administration and funding of a national disability insurance scheme. I think all in this place have discussed that and have agreed that this is certainly a very positive way forward. On 10 August, we know, that productivity report was released.

Back in August I went on to say that we acknowledge that more is to be done in responding to unmet need but that it is worth noting that the program budget has increased by 101.4 per cent since 2002. The funding is allocated. The current budget is $10.3 million over four years—the most recent budget. The funding is allocated to respond to the needs of people whose formal supports have broken down, to school leavers who need assistance to engage in meaningful activities during the day, and to support the after school hours and vacation needs of children and young people with disability.

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

We also made mention that the framework outlined in *Future directions: towards challenge 2014* guides work around disability in the ACT, and that unmet need takes many forms and can be addressed in many ways.

Disability ACT will continue to work actively with people who have a disability, and their families and carers, to identify goals and strengths and to help them reach these. Disability ACT will continue its program of ongoing planning and assessment with the families of individuals once they have been allocated funding, in order to better tailor services to the changing needs of a person with a disability. As well, Disability ACT is working across government and with service providers to ensure that there is a holistic and accountable approach in the way that services and programs are developed and accessed by people with a disability.

I thank members for allowing me to recap what was made mention of in August in response to the select committee's report. As is noted, the matter of unmet need for disability services is ongoing and is an issue with which all jurisdictions are grappling. The ACT government has recognised the need for more assistance and has increased the disability program budget by 101.4 per cent since 2002. Since then, accommodation places have risen by 64 per cent, community support places by 158 per cent, community access hours by 140 per cent and flexible respite hours by 117 per cent.

Disability ACT continues to participate in work which is occurring under the national disability agreement reform agenda, specifically measuring demand. This work should deliver a more accurate picture of the current level of demand for services and more refined estimates of potential demand and enhanced capacity to monitor demand for services. The ACT participates in this project as one of the eight reform priorities under the national disability agreement. Finally, the ACT government continues to make disability services a priority, to genuinely respond to unmet need for people with a disability here in the ACT.

Security Industry Amendment Bill 2011

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

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.50): The Canberra Liberals will be supporting this bill which is part of a suite of changes that implement COAG agreed reforms to the private security industry. But in supporting this bill let me make it clear that we continue to object to the requirement that an applicant employee must get information about workplace rights and responsibilities from a union. I will address this issue in a little more detail later.

This bill seeks to do several things. Firstly, it enables criminal intelligence to be obtained as part of the consideration of licence applications. It introduces mandatory fingerprints for applicants; I note that the bill requires subsequent destruction of the image and any copies not given to the applicant. The bill enables the regulator to consider unverified backgrounds, particularly related to periods of residence overseas. It introduces exclusionary offences, including spent convictions, and I note that there are some consequential amendments to the Spent Convictions Act 2000. The bill confers powers on the Commissioner for Fair Trading to cancel or suspend a licence after meeting certain conditions. It extends the term of licences from the current one year to three years.

The amendments brought in this bill engage several areas of the Human Rights Act. The explanatory statement addresses these matters rather scantily, arguing:

> Security licensees are often involved with vulnerable people and employed in positions of trust with the duty of ensuring the security of individuals and public places.

And it concludes that any limitations on human rights are considered reasonable. The bill carries limitations on the potential extent to which human rights are engaged and provides a range of checks and balances, including ACAT reviews and appeals, to mitigate any such engagement. That said, the scrutiny of bills committee described the explanatory statement as inadequate, asserting:

> The failure to offer a proper justification—

that is, for the incompatibility of the bill with the Human Rights Act—

> will indeed make the statute more vulnerable to a finding of incompatibility by a court.

The committee recommended that a new explanatory statement be prepared.

The committee also called on the minister to explain two matters. Firstly, it was interested to know how it is intended that a court "convey" that it "proposes" to find that certain information is not criminal intelligence. And secondly, the committee

asked the attorney how it is that compelling a court not to give reasons, other than in the public interest, for maintaining the confidentiality of information is incompatible with the essential functions of a court.

The attorney responded to these matters, explaining the background and providing case law precedents. Importantly, the attorney intends to table a revised explanatory statement. I thank him for making an advance copy available. The revised explanatory statement goes to some length to address the extent to which the bill engages the Human Rights Act. I wonder why the original statement did not do that. But further, it is regrettable that the scrutiny of bills committee has not had the opportunity to consider the revised explanatory statement prior to debate today.

As mentioned earlier, I note that the bill preserves the existing requirement that an applicant obtain information about workplace rights and responsibilities from an employee organisation. We objected to that provision when it was introduced last year. Our objection to this provision continues.

There are two issues of concern here, and they are the same as we expressed last year.

Firstly, this requirement amounts to compulsory unionism. The questions are quite simple. What union would give workplace information to a non-member? Is it not the case that an applicant employee seeking information from a union is effectively a captive audience for the union? What is to stop the union from applying some encouragement to the captive audience—the applicant employee—also to sign up as a member either before or at the same time as providing the workplace information? I noted last year that the scrutiny of bills committee had concerns about this aspect. The committee asked whether this requirement for a person to obtain information from a union amounted to a breach of privacy and whether it amounted to "arbitrary interference" by the government. The attorney failed to address those concerns last year and he failed to address them in this bill.

Secondly, the commonwealth's Fair Work Act 2009 already requires employers to provide employees with a fair work statement outlining their rights and obligations. Section 124 of that act requires employers to give new employees a fair work information statement that is prepared by the Fair Work Ombudsman and allows further information to be prescribed by regulation. The statement prepared by the ombudsman includes a wide range of information, which I outlined in detail last year so I will not repeat it here today. Suffice it to say that this information largely duplicates the information that would be required to be given by the union under this bill.

I note that the attorney is required to review the operation of this aspect of the legislation after its first year of operation and report to the Assembly in 2013. With this timetable in place, the Canberra Liberals will allow this provision to stand, but ACT Labor now should consider itself on notice. Should it be in government at that time, which I certainly doubt, the Canberra Liberals will be scrutinising that review and the associated report very closely indeed.

The national peak body for the security industry, the Australian Security Industry Association Ltd, supports the bill. In a letter the association sent to me, it considers that the bill is "an important step in the right direction".

Finally, I note from the attorney's presentation speech that the government allocated $402,000 in the 2011-12 budget to fund the new scheme, including the purchase of fingerprinting machinery and engaging staff to administer the scheme.

This bill, much like the Unit Titles (Management) Bill we will be debating later today, came from a background of attempted secrecy, a lack of consultation and ACT Labor's generally bulldozer approach to getting its regulations through. Had due and proper process been followed in the first place, properly engaging stakeholders instead of trying to get things through the back door, we might have had a better result a year ago. This government continues to be a slow learner. That said, given the industry support for this bill, we will be supporting it at this stage.

MR RATTENBURY (Molonglo) (11.58): The Greens will be supporting this bill. The bill focuses on the information that can be taken into account in deciding whether to grant a licence to work in the private security industry. That decision to grant a licence is an important one because, once issued, a licence authorises the applicant to go out and work in positions of trust in the industry. Some of the licensed activities include guarding cash in transit with a firearm, guarding property with a dog, and installing security equipment such as money safes and security windows.

Obviously, with these matters in mind, it is important to ensure that security workers undertaking these kinds of activities are trustworthy and reliable people. As the legislation currently stands, the Commissioner for Fair Trading is required to determine whether it is in the public interest to grant the licence, and in making that determination the commissioner is provided with a criminal history of the applicant.

For some licence types the commissioner is also empowered to inquire into close personal associates of the applicant and the financial or other influence they may hold over the applicant. This is a broad-ranging power which reflects the importance that is placed on ensuring that people in the security industry are unable to be influenced by criminal associates. Put simply, the existing legislation allows the commissioner to ensure that the guard is not acting as a so-called "cleanskin", which is someone without a criminal history who is working on the instruction of a criminal organisation.

What the bill today will do is extend the range of information that the commissioner can take into account in ensuring that the applicant is an appropriate person to become licensed. The bill will allow the Chief Police Officer to provide the commissioner with criminal intelligence if police believe it is relevant to the application.

The Greens believe this is a sensible additional piece of information that is relevant to the public interest test. To put it another way, it could potentially not be in the public interest for the police to be prevented from forwarding on information about close personal associates that shows that the applicant is closely aligned with a criminal organisation.

This change has the support of both employer and employee organisations. The Australian Security Industry Association supports the bill, as does United Voice, formerly the Liquor, Hospitality and Miscellaneous Union. I think that demonstrates that these changes are well founded. I think it also shows that ensuring the industry has probity and is well respected is in the interests of all in the industry. It is an example of where good regulation is in the interest of business because it value adds to the business rather than simply producing red tape for the sake of red tape.

I would like to put on the record one issue for the future that was raised with the Greens by United Voice. It relates to the fee that will be paid for a licence application. Currently only a one-year licence can be granted, which causes licensees to reapply every year. This bill changes that to allow the commissioner to grant three-year licences. This is fully supported by the union because it enhances security for the licensees. It allows them to plan more than one year in advance.

A point raised by the union is whether the fee will be three times as much or whether given the efficiencies gained a reduced fee will be able to be granted. The fees will be determined by a disallowable instrument, and the Greens are certainly hopeful that when the three-year fee is determined it will reflect the efficiencies. It certainly makes sense from an efficiency side of things and would make a practical difference to the workers who need a licence to be allowed to work. We will be looking closely at the next fee determination and the level of fees contained in it.

In conclusion, the Greens support the bill. It has the support of the two key stakeholders and represents reform that is in the interests of the industry and the people who rely on it for protection.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.02): The private security industry increasingly plays a critical role in the safety of our community, ensuring the safety of community members as well as protecting public and private property.

Barely a day would go by when we do not encounter a security guard in the course of our working day, our leisure time and conducting our personal business, especially where money or access to public buildings is involved. Security guards are employed in positions of trust and often work with vulnerable people on a regular basis. It is therefore imperative that the community are confident that the people who work in the security industry can meet certain standards of probity and skill.

Recognising the importance of a well-qualified and trustworthy private security industry, in 2008 the Council of Australian Governments agreed to adopt a nationally consistent approach to regulation of the private security industry. COAG agreed on a three-stage reform agenda with the first stage focusing on the probity, competence and skills of the guarding, or manpower, sector of the industry and mobility of security industry licences across jurisdictions.

The amendments contained in the Security Industry Amendment Bill 2011 complete the first stage of the nationally agreed reforms into the ACT. These amendments to

the Security Industry Act 2003 build on previous amendments passed in this Assembly on 7 December 2010 incorporating uniform licensable activities and training requirements into the Security Industry Act 2003.

Previous amendments enacted provisions for the three new licensing categories requiring particular skills: guarding with a dog, guarding with a firearm, and licensing for monitoring centre operators. They also provided for a temporary visitor licence scheme to facilitate interstate mobility of security industry workers, thereby improving the industry's capacity to provide services across jurisdictions; for example, for larger events.

This round of reforms is focused primarily on ensuring and maintaining the integrity of the security industry workforce. In response to comments made by the Standing Committee on Justice and Community Safety performing the duties of a scrutiny of bills and subordinate legislation committee, I take the opportunity to table a revised explanatory statement for this bill. The revised explanatory statement in particular addresses more fully the human rights issues associated with this bill.

The first significant change is that the bill authorises the disclosure of criminal intelligence information to the Commissioner for Fair Trading. The use of criminal intelligence and the restricted access to this information potentially raise issues of procedural fairness and engage the right to privacy under the Human Rights Act 2004. To ensure that such information is used appropriately, the bill specifically incorporates protections for the use and disclosure of criminal intelligence for the purpose of deciding a person's eligibility for a security licence.

The bill clearly defines the circumstances in which that information may be provided. The Chief Police Officer must only release such information to the commissioner where he or she believes on reasonable grounds that the information is relevant to the making of a decision by the commissioner about whether to issue a licence to the applicant or whether to apply to the ACAT for an occupational discipline order in relation to the licensee.

Where an applicant is refused a licence on the basis of criminal intelligence and the applicant seeks a review of the decision, or where the commissioner seeks occupational discipline based on criminal intelligence, proposed part 2A provides that the commissioner or the Chief Police Officer must apply to the ACAT for a determination about whether the information is criminal intelligence.

Protection is afforded by the provision that enables assessment of the nature of the information provided as criminal intelligence by an independent judicial body. Criminal intelligence is narrowly defined as information relating to actual or suspected criminal activity the disclosure of which could reasonably be expected to prejudice a criminal investigation or enable the discovery of a confidential source of information relevant to law enforcement, or endanger anyone's life or physical safety.

The final element of the protections for use of criminal intelligence is that where the ACAT decides information is not criminal intelligence the information must either be disclosed to the applicant or withdrawn, meaning it cannot be used as part of the decision-making process.

The ability for the commissioner to consider criminal intelligence is necessary to ensure the probity of individuals working in the security industry. By limiting the scope of information that can be provided and including independent judicial safeguards, any limitation on human rights and rights to procedural fairness is kept to the minimum required to ensure the integrity of the industry.

The confidentiality mechanisms also protect against inappropriate disclosure of criminal intelligence which could have serious consequences in terms of effective law enforcement and the personal safety of individuals. To ensure the suitability of licensees this bill provides that the commissioner may not issue licences to people who have been convicted or found guilty of certain offences.

These exclusionary offences, as agreed by COAG, are serious offences such as assault, firearms offences and offences involving terrorism. Proposed sections 21(1A) and 21(1B) provide that the commissioner must not issue a licence if the applicant has been convicted in the previous 10 years or found guilty in the previous five years of one of the offences identified in the bill.

Enforcement of this requirement requires the commissioner to have access to information about spent convictions, engaging the right to privacy and raising issues of discrimination. However, given the seriousness and nature of the offences listed, I believe that this limitation on rights is entirely justifiable within the context of this industry.

There is a minimum penalty level for convictions that are considered for the new suitability criteria set out in proposed new section 21(1B) The effect of this is that for offences involving assault, violence against a person, dishonest theft, possession, storage or use of a firearm or other weapon, or offences involving a controlled drug, plant or precursor other than possession set out in clause 10 of the bill, a mandatory exclusion period only applies if there is a penalty imposed of imprisonment, a fine of $500 or more, or both. Where no conviction is recorded there is no mandatory exclusion period in relation to these specified categories of offences.

A key element of the agreed national reforms is consistent criteria for identification checks. These reforms specify evidence of the applicant's identity in accordance with standards that are already familiar in our community, that of the 100-point check. Additionally, applicants for a security licence will be required to submit an image of their fingerprints to ACT Policing for the purpose of verifying their identity. Again this measure engages the right to privacy and again the government has included measures to minimise any limitation on this right.

To protect the privacy of applicants the bill provides that the commissioner and the Chief Police Officer must destroy any copy of the fingerprints that is not returned to the applicant. Further, the applicant must be advised in writing that this has occurred, thereby assuring them that no further use can be made of the fingerprints.

The amendments proposed in this bill confer on the commissioner the power to request a copy of the applicant's criminal history from a foreign country if the

applicant has in the past five years lived outside Australia. However, this is only one factor that is considered by the commissioner in the course of making his or her decision, and the decision is reviewable by the ACAT.

If the applicant is unable to provide identification information the commissioner may consider other information or documentation to establish the applicant's probity, thereby ensuring that any discrimination is avoided. These information-gathering powers are necessary to allow the commissioner to examine an applicant's suitability to hold a licence, similarly to the ability of the commissioner to check the criminal history of all other applicants.

In deciding whether it is in the public interest to issue a licence to an applicant, the bill also empowers the commissioner to consider any other offence committed by the applicant that the commissioner believes on reasonable grounds affects the person's suitability to hold a licence.

The final reform included in this bill is the power for the commissioner to cancel or immediately suspend a licence. This power goes to the very core of maintaining the probity of the workforce by enabling the commissioner to respond promptly to any adverse event relating to a licensee's integrity.

The basis on which the commissioner can do this is directly linked to the suitability criteria set out in the Security Industry Act 2003 and in these amendments. Cancellation powers only relate to offences that automatically preclude a person from holding a licence and only apply to current licensees if the conviction or finding of guilt occurred after the commencement of the amendments.

The suspension power only applies if the commissioner is taking or intends to take occupational discipline proceedings against a licensee and the commissioner believes on reasonable grounds that the licence should be suspended immediately in the interests of public safety. Both of these new decisions to cancel or suspend are reviewable decisions which can be appealed to ACAT, maintaining judicial protection for licensees.

It is not only the public that will benefit from these reforms. There are also benefits for the industry. These reforms will provide a uniform and consistent national approach to the security industry. Feedback from the industry is that this will assist the industry to address inherent risks associated with varying licensing regimes across jurisdictions and disparate training and skill requirements.

A uniform national approach will enable the industry to minimise compliance costs and enable efficiencies that come from working across a number of regulatory schemes. It will also facilitate the mobilisation of resources across jurisdictions to cope with larger events—an important benefit for the ACT given the size of the territory and our proximity to New South Wales.

Another benefit of nationally harmonised industry regulation is to support the goal of preventing organised crime. Standards implemented cross-jurisdictionally reduce the ability of people with links to organised crime to participate in the private security

industry and prevent them for shopping for jurisdictions with lesser standards of probity and professionalism. These reforms will allow the commissioner to issue licences for up to three years, providing certainty for licensees and minimising the administrative burden on licensees and the regulator alike.

The implementation of these reforms was carefully considered in the context of the Human Rights Act, and these amendments achieve the policy goals of the reform while maintaining proportionality with protecting individuals' human rights.

In the 2011-12 budget the government committed an additional $402,000 for the implementation of these reforms. This will cover expenditure on additional staff necessary for enhanced probity checking and purchase of a live scan fingerprinting machine. Provision has been made for the recurrent additional costs for both the regulator and the police to administer the scheme.

Throughout this process there has been ongoing communication and consultation with the security industry. In early 2009 the Office of Regulatory Services wrote to the approved security industry associations about the COAG reforms and invited them to meet to discuss the proposed reforms. A meeting was held on 26 February 2009 with the security industry associations at which all stages of the COAG project were discussed. The full list of proposed COAG reforms has been widely publicised.

Since 2009 the Office of Regulatory Services has provided a number of briefings to the Australian Security Industry Association, which represents the majority of security businesses in the ACT, on issues pertinent to the security industry, including discussion on the COAG reforms at each meeting.

On 29 March 2011 the office wrote to all licensed members of the security industry to provide advice on the first stage of the reforms and to advise that further reforms were being progressed, including strengthening of probity checks and eligibility requirements for new and existing licensees. The office again wrote to all approved security industry associations in May 2011 to inform about the reforms already in place and the further reforms being progressed. Representatives of all industry associations were invited to the meeting on Monday, 6 June to discuss reforms that commenced in June 2011 and proposed additional reforms contained in this bill. The Office of Regulatory Services subsequently met with ASIAL, who were not able to attend the meeting of 6 June.

Articles on the first stage of the security reforms were included in the ORS electronic newsletter in December 2010 and April and June 2011. Information about the current bill has been included in the August industry newsletter and no major issues have been raised to date with the government about these reforms. Indeed, in March 2010 the minister received a letter from ASIAL around encouraging the territory to "prioritise the finalisation and implementation of the harmonised legislation for the guarding sector of the private security industry".

The Office of Regulatory Services advises that a number of industry associations have sent copies of the bill to their members, and a copy of the bill is posted on the industry association website. Once the reforms have been passed by the Assembly, the Office

of Regulatory Services will publicise the new requirements, including writing to all licensed members of the security industry, displaying posters about the reforms at the ORS shopfront and including further information in their newsletters.

This bill provides the final step in implementing the first stage of the national reforms to the private security industry in the ACT. It provides the foundation for ensuring a competent and sustainable guarding sector of the security industry, a sector in which Canberrans can have confidence. The bill provides the necessary safeguards to do this in a way that I believe protects the rights and interests of all concerned.

I thank other members for their contribution to the debate and the officers who have prepared this legislation to this point. I commend the Security Industry Amendment Bill to the Assembly. *(Quorum formed.)*

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Detail stage

Clauses 1 to 3.

Clauses 1 to 3 agreed to.

Clause 4.

MR COE (Ginninderra) (12.19): I move amendment No 1 circulated in my name *[see schedule 1 at page 4409]*.

The definition of the shortest practicable route is not included in the current bill and it is useful for subsequent amendments. For that reason I have moved the amendment.

MS BRESNAN (Brindabella) (12.19): I will speak to the substance of this amendment when Mr Coe moves an amendment in the next section. We will be supporting this particular amendment and the substance of it. As I said, I will talk to that when we next address it.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.20): I come quite late to this debate. The government will be supporting Mr Coe's first amendment. I am advised that the beginning and end points of the length of road that will be used to calculate the shortest practicable distance between the two detection points will be physically marked on the road to assist in camera calibration. It should therefore be possible to accommodate this amendment in the regulations by reference to those road markings.

Amendment agreed to.

Clause 4, as amended, agreed to.

Clauses 5 to 14, by leave, taken together and agreed to.

Proposed new clause 14A.

MR COE (Ginninderra) (12.21): I move amendment No 2 circulated in my name which inserts a new clause 14A *[see schedule 1 at page 4409]*.

The crux of this amendment is the insertion of signs in the speed detection zone to minimise the risk of the point-to-point speed cameras being entrapment measures. The new signs will hopefully warn motorists that they should indeed be slowing down. I understand that there is an amendment to be put forward by the government. I am yet to really find out much about this.

I received a letter from the government as late as 6 o'clock last night in which they said they are going to be moving an amendment. I might have it in front of me; I have not had a chance to look at it. I would perhaps have been willing to withdraw this amendment had I had an opportunity to chat with the minister about it. Hopefully the minister's amendment will address the concerns which he raised in his letter to me.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (12.22): I move amendment No 1, which amends Mr Coe's amendment, circulated in my name *[see schedule 2 at page 4411]*.

The government has no objection to the first part of Mr Coe's amendment, which would insert a new section 23B, but we do have concerns with the proposed insertion of a new section 23C as it was drafted in the amendment. I understand the minister has confirmed to Mr Coe—and I am sure Mr Coe will correct me if I am wrong—that the government has no in-principle objection to providing signage for traffic cameras before each point-to-point to camera and at the appropriate midpoint between. I understand that the minister's view is that this is consistent with current policy for fixed camera signage and ensures that there is a sign in the approach to a fixed camera warning motorists that such a camera is ahead.

Mr Corbell advises that the government had always intended to implement the same arrangements for point-to-point cameras and that signs will be placed in the immediate approach to point-to-point cameras, as well as the approximate midpoint between the cameras. However, Mr Corbell has advised Mr Coe that entrenching signage requirements in the legislation gives rise to concerns for the potential for this to be used as the basis for legal challenges to the validity of infringement notices. Road signs are frequently vandalised or otherwise damaged or removed and it is necessary to clarify that the absence of a sign or damage that obscured a sign does not affect the validity of any proceeding in relation to an offence involving an image from a camera.

MR COE (Ginninderra) (12.24): The Canberra Liberals will be supporting this amendment on the condition that the government does indeed fulfil what it has said it will do in terms of having signage at the midpoint in addition to the start and end.

MS BRESNAN (Brindabella) (12.24): I will firstly speak to Mr Coe's amendment. The Greens will be supporting this amendment, which requires signs to be placed before and during the point-to-point speed camera zones. I believe, as the Chief Minister has alluded to, that there is a guideline already, but we do support an amendment that places it in the principal act. In my opinion, these signs will contribute to people slowing down, and this can only contribute to the road safety outcomes which are intended with this legislation. I think that signs are a good idea, particularly given the privacy concerns we have already discussed. They will at least make it clear to drivers that they are about to enter an area where their photo will taken.

The Greens will also support the government's amendment to Mr Coe's amendment. I think it is sensible to state, as it does, that failure to comply with this section does not affect the validity of any proceeding in relation to an offence—just to make sure that when the speed cameras find people have offended, people are not allowed to use the signs as a reason or not having to comply with the particular speed notice. I also concur with what Mr Coe said—that we need to make sure these signs are introduced. It does seem, as we have support from all parties, that that will happen. Adding the government's amendment provides some assurances for the overall purpose of the act. The Greens will be supporting both amendments.

Ms Gallagher's amendment agreed to.

Mr Coe's amendment, as amended, agreed to.

Proposed new clause 14A, as amended, agreed to.

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 12.27 to 2 pm.

Questions without notice

Energy—feed-in tariff

MR SESELJA: My question is to the Minister for the Environment and Sustainable Development—and we welcome him back to the chamber—and it relates to the cut-off date of 31 May to enable the feed-in tariff to be paid at the premium rate. Minister, a memo from your directorate states that, on 7 June 2011, ACT schools were "without any formal contracts being (for the most part) in place or negotiations commenced". On 8 September, a report in the *Canberra Times* stated:

> 80 government schools had not completed their contracts for the initial scheme, which closed abruptly on May 31.

On 9 September, you stated that "contracts had been signed", that "there was no improper conduct" and schools would all be eligible for the higher rate. Minister, the only way to clarify this apparent contradiction is to provide evidence of when contracts were signed. Will you provide the Assembly, by close of business today, with a complete list of the dates on which each school's contract was signed?

MR CORBELL: I have seen those contracts and they were entered into well in advance of the closure of the feed-in tariff scheme. The contracts are issued by the Education and Training Directorate. You would have to ask the Minister for Education and Training.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, can you explain how contracts could be in place when the memo states that, as at June 7, formal contracts were not, for the most part, in place?

MR CORBELL: As Mr Seselja notes, the memo was a draft memo. It was not provided to me. The memo was based on incomplete and inaccurate information and remained as a draft with no further action.

MR SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, can you explain how contracts could be place when the memo states that as of June 7 formal contracts were not for the most part in place?

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

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, can you explain how contracts could be in place when a memo states that as at 7 June negotiations had not, for the most part, even commenced?

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

Schools—Catholic

MS HUNTER: My question is to the minister for economic development and is in regard to the proposal for a secondary Catholic facility in Gungahlin. Minister, when did the government inform the Catholic Education Office that the initial site allocated for a secondary facility at Throsby adjacent to Mulligans Flat nature reserve was not suitable, and what reasons were provided to the Catholic Education Office for this?

MR BARR: I will have to take that question on notice. I do not have the exact date that that information was provided. I am not entirely sure that it was provided in the way that Ms Hunter has phrased it, so I will take that on notice and provide further information.

MR SPEAKER: Ms Hunter, a supplementary.

MS HUNTER: Minister, when was the new proposed site on Horse Park Drive identified for the purposes of the secondary Catholic school, and what information was provided to the Catholic Education Office about when the site would be available for construction to commence?

MR BARR: I will take that question on notice. I do not have the dates in front of me, but I am sure they will be easily obtainable.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what undertaking has the government made to the Catholic Education Office in regard to a further alternative site in Gungahlin should the environmental assessments indicate that development on the Throsby site will present insurmountable problems?

MR BARR: The government has committed to work with the Catholic Education Office for the establishment of a Catholic high school in Gungahlin. As Minister for Education and Training, I have approved the Catholic Education Office, by way of registration, to operate such a school and we will work with them to see that come to fruition.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, has the government discussed with the Catholic Education Office any criteria that would need to apply to an alternative site in Gungahlin?

MR BARR: Yes, Mr Speaker.

Territory and Municipal Services Directorate—fire management unit

MR SMYTH: My question is to the Minister for Territory and Municipal Services. Minister, on 28 June 2011, I asked you a question without notice on a proposal to restructure the fire management unit within your directorate. You noted, in part, that the role of the manager of this unit had changed substantially.

On 29 June 2011, the Assembly agreed to a motion which asked you to report on various matters related to the structure and operations of the fire management unit within TAMS. Minister, what is the status of your report in response to the Assembly's motion of 29 June asking for certain information about the fire management unit?

MR CORBELL: I thank Mr Smyth for the question. My recollection of the Assembly's resolution is that it required me to report prior to any action being taken

in relation to the restructure of the fire management unit. No restructure of the fire management unit has yet occurred, and I intend to report to the Assembly before any such action is taken.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Yes, Mr Speaker. Minister, when will you report in response to this motion and table it in the Assembly?

MR CORBELL: Proposals in relation to the restructure of the parks and conservation service more generally, including the fire management elements of the parks service, is ongoing with staff of the service. Once that consultation is complete, I will be in a position to make a decision about future steps and prepare a report for the Assembly accordingly.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, how has the role of the manager of the fire management unit changed since June this year?

MR CORBELL: I will take the question on notice.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what is the status of the current, or is it now former, manager of the fire management unit?

MR CORBELL: No staffing changes have been made since the Assembly's resolution.

Schools—Catholic

MS LE COUTEUR: My question is to the Minister for Economic Development and is in regard to environmental assessments for the proposed Gungahlin Catholic secondary facility on Horse Park Drive. Why has the government not yet referred the Horse Park Drive site for an assessment under the commonwealth EPBC Act, and when will the referral be made?

MR BARR: My understanding is the referral has been made.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: What is the expected time frame for the completion of the EPBC assessments and any other ACT environmental impact assessment for the Horse Park Drive site, and how will these time frames impact on the school's expectation that construction will commence in 2012?

MR BARR: Obviously these are processes that are in the purview of the commonwealth government, but the Catholic Education Office have now made alternative arrangements in relation to year 7 for their new secondary school to operate from the Mother Theresa campus with a view to an opening a year later.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Given that the Catholic Education Office has been in negotiations with the government since 2004 to find an appropriate site for a secondary facility, why has it taken so long to undertake the environmental assessments required?

MR BARR: It has not.

MR SESELJA: A supplementary.

MR SPEAKER: Mr Seselja.

MR SESELJA: Minister, how would the Greens' stated policy that Throsby should be a development no-go zone impact on the potential development of the Throsby Catholic high school?

Ms Le Couteur: On a point of order, Mr Speaker, I do not believe that is the Greens' stated policy.

Members interjecting—

MR SPEAKER: Order, members!

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, thank you! Mr Barr, you are free to answer the question.

MR BARR: Thank you, Mr Speaker. I thank the Leader of the Opposition for the friendliest question he has asked me, ever, in this place. It would be clear that the stated position, as I understand it, of some within the Greens party in relation to no development at all in Throsby would clearly impact upon the ability of the Catholic Education Office to provide for a secondary school in Gungahlin—certainly, along any time line that would meet the anticipated demand for such a facility. So the government does not agree with that particular position and is progressing work in accordance with both commonwealth and ACT legislation, in order to see a high school for the Catholic Education Office in Throsby.

Canberra Institute of Technology—alleged bullying

MR DOSZPOT: My question is to the Minister for Education and Training. Minister, in your response on Tuesday to a question about allegations of bullying at the Canberra Institute of Technology you said that you do not have investigative

responsibilities in this matter. Does that limitation on responsibilities also extend to correspondence directed to you on such matters?

MR BARR: No, Mr Speaker.

MR SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Minister, why have you not replied to correspondence sent to you from an employee, and dating back to September 2010 and earlier? Is this simply wilful blindness on your part?

MR BARR: No.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, are you confident this matter is under control and that the staff in all your schools and colleges should feel confident that they work in a supportive and respectful workplace?

MR BARR: Yes, and I think Mr Seselja is conflating an issue with the Canberra Institute of Technology with schools and colleges.

Asylum seekers

MR HARGREAVES: My question is to the Minister for Community Services. What benefits will the recently announced ACT services access card provide to asylum seekers in the ACT?

MS BURCH: I thank Mr Hargreaves for his question and his continued interest in working with our fabulous multicultural community in Canberra. The ACT Labor government has a very proud record of promoting and celebrating multicultural diversity in this city. The ACT multicultural community is indeed a diverse one and it does include some of the most vulnerable people in our community.

The government funds a range of programs and supports in place to assist the refugee community, in partnership with the commonwealth and community service providers. In my regular discussions with service providers and advocates for refugees it came to my attention some time ago that there were at times difficulties for asylum seekers and other humanitarian entrants in the ACT to access territory services. The ACT Labor government has had a longstanding commitment and policy to provide the same services available to refugees to asylum seekers, where appropriate. However, it was the case that in isolated instances frontline staff from territory agencies may have been unfamiliar with this policy and this has resulted at times in unnecessary delays in access to services.

I am pleased to say that the government has worked with our community partners to develop a solution. Earlier this month I launched the ACT services access card for use by asylum seekers to gain smoother access to a range of services. This initiative heralds an integrated approach to the provision of government services for asylum

seekers. The card has been developed in consultation with stakeholders, particularly the representatives of community service groups that serve on the ACT Refugee, Asylum Seeker and Humanitarian Coordination Committee. The card will alleviate the need for these asylum seekers to retell their stories at service delivery points across the ACT administration. The service access card is about significantly improving access to services that people are currently entitled to under the ACT government policy. These include transport, education, health care and legal assistance. I am confident that the service access card will make everyday living just that little bit easier for those who are claiming protection visa status.

We have created this card because we know that unfortunately, due to lack of understanding around their rights, some asylum seekers have had trouble accessing the services they are entitled to. The card will remove any doubts and the holders will be able to use it for a range of services, as I have said, around transport, education and access to health care.

I am in no doubt that the ACT government will always ensure that asylum seekers choosing to live in the ACT pending the outcome of their asylum claims will be treated the same way as other Canberrans and encourage them to have this as a place to call their home. This card is just one way in which we can make that happen.

MR SPEAKER: A supplementary question, Mr Hargreaves.

MR HARGREAVES: Thank you for that, minister. Could you tell us, please, what kind of services the card will facilitate access to?

MS BURCH: As I briefly mentioned in my earlier answer, the card entitles the cardholder to ACT government transport, education, legal services and healthcare services. The cardholders will have access to concession rates on ACTION buses. Eligible persons with a disability will have access to the taxi subsidy scheme and eligible Oaks Estate residents will have access to concession rates for Deane's Buslines.

In education, the cardholders are entitled to English classes at the Canberra Institute of Technology and the children of cardholders will be entitled to free education in government schools. Cardholders are entitled to important legal services such as will preparation and enduring power of attorney through the ACT Public Trustee.

In health, the cardholders are entitled to ambulance services, community health services, public health services and public dental services. To be clear, ACT Health's policy for asylum seekers, which indeed pre-dates the creation of the access card, has been, and continues to be, that Medicare ineligible asylum seekers are to be provided with full medical care, including pathology, diagnostics, pharmaceutical and outpatient services in our public hospitals. Patients who are seeking these services are not to be billed but the policy does not apply to ineligible persons who have a contract with a VMO.

DR BOURKE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Minister, what has been the feedback from stakeholders on the access card?

MS BURCH: I thank Dr Bourke for his question. The feedback from the community on this initiative has been extremely positive. As I have outlined earlier, this is something that the service providers asked for when they were consulted on the development of the card. Such was the support for the initiative that it received national coverage. The Refugee Council of Australia, based in Sydney, praised the ACT government for introducing the access card, with the council's chief executive, Paul Power, issuing a media statement which said:

> The … Card sets a great example in how to make asylum seekers welcome. The Refugee Council of Australia encourages other States and Territories to follow the ACT Government's lead …

The Canberra Multicultural Community Forum also welcomed the initiative, issuing a media release which said:

> Anything we can do to assist their transition to a free society will be welcome. The Access Card is certainly a major step in that direction.

The Canberra Refugee Support president, Geoff McPherson, who was one of the strongest advocates, was reported in the *Canberra Times* as saying:

> Moving in this direction is exactly what we want to see happen, because it is the most disadvantaged in our community who need a helping hand. It is quite refreshing to see the ACT Government is moving to extend that level of support to people who are very vulnerable.

I refer to these comments of asylum seeker Felix Machiridza, who was at the launch:

> Giving this card, detailing all kinds of services that will make their lives easier, restores their dignity, restores their confidence, and it also gives them leeway to contribute positively to the Australian community.

DR BOURKE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Dr Bourke.

DR BOURKE: Minister, as well as the access card, how else has the ACT government sought to facilitate access to territory services by asylum seekers?

MS BURCH: Of course, the card itself will not work if front-line staff across the ACT government do not recognise what the cardholder is entitled to, which is why the government, through the Office of Multicultural Affairs, has developed a multi-pronged implementation strategy. The launch of the cards has coincided with the launch of a web page on the Community Services Directorate, which provides a list of all services the cardholders are entitled to as well as the links to additional resources and information. This website will be updated as other agencies develop more formal information on their websites which that can be linked to.

Thirdly, there will be an information campaign aimed at the government providers to inform them of the card. So far government directorates have responded positively to the implementation of the card and are actively examining ways to provide additional services to asylum seekers. Front-line staff will have access to fact sheets about the various administration aspects of the card and a Q&A sheet, as well as guidance on how to provide customer service to asylum seekers. Information will also be developed and displayed at each of the service provision points across the ACT government indicating that the card can be used to gain access to services.

An important aspect of the implementation of the card involves the provision of quality information about the card to Canberra Connect, and this will involve comprehensive information so Canberra Connect can respond to public inquiries in an efficient manner. To find out more about the services for asylum seekers, ACT clients and family members are able to go through our website or through the ACT concessions portal where all the information is available. As I have said, as it updates it will be updated on the website.

Alexander Maconochie Centre—capacity

MR HANSON: My question is to the Attorney-General. Attorney-General, in August this year, in the government response to the Assembly motion concerning prisoner capacity at the AMC, you state that according to ACT Treasury projections made in 2002, the AMC population was predicted to be 230 in 2010-11. However, in your answer to a question on notice, No 1665, asked by Mr Seselja in 2007, you stated that ACT Treasury projections of prisoner populations were 254 in 2011. This represents a discrepancy in your answers regarding Treasury advice of 24 prisoners between 2007 and 2011. Minister why is it that your answer has changed between 2007 and 2011 despite using Treasury modelling dating from 2002?

MR CORBELL: Because there were a variety of projections produced by ACT Treasury at that time. The answer to one question was an answer to a different question from the question that has been raised by Mr Hanson.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Attorney, did you present incorrect Treasury figures to the Assembly in August 2011, or did you present incorrect Treasury figures to Mr Seselja in 2007?

MR CORBELL: Neither, Mr Speaker; they are different answers to different questions.

MR SESELJA: A supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, did ACT Treasury conduct updated modelling on prisoner populations after 2002? If so, did you use old modelling to provide numbers in the government response to the Assembly motion in August this year?

MR CORBELL: In relation to the second part of the question, no. In relation to the first part of the question, I would refer Mr Seselja to the Treasurer.

MR SESELJA: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Attorney-General, will you table the Treasury modelling of 2002 which you relied on and any subsequent Treasury modelling of ACT prisoner populations in the Assembly?

MR CORBELL: I understand it has already been made publicly available, but I will take the question on notice.

Jack Sullivan—death

MS BRESNAN: My question is to the Minister for Community Services and is about the death of Jack Sullivan, aged 18, on 18 February 2008. Minister, we have tried previously to ask questions concerning what the ACT government knew about the respite centre it had funded Jack to attend, but the government has been reluctant to answer questions because the matter is before the New South Wales Coroner. Minister, given that it has been 3½ years since Jack died and the matter seems likely to remain before the coroner for some time yet, when will the ACT government be willing to discuss Jack's death and arrangements with the respite provider that it had?

MS BURCH: We do have a case, as was stated in Ms Bresnan's question, that is before the coroner. I know that there have been discussions with Jack's family on a range of matters. Without knowing exactly what you are seeking to find, I will just leave it at that.

MR SPEAKER: Ms Bresnan, a supplementary question.

MS BRESNAN: Minister, in the lead-up to Jack's death, did the ACT government have concerns about the respite service he was using?

MS BURCH: These matters are still progressing through the Coroner's Court. I will just leave it at that.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, did the government allow funding to be used to pay for Jack to use that respite service in New South Wales?

MS BURCH: It is not appropriate to answer questions that are still within the court system.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what policies and procedures has the government changed as a result of Jack's death and can you please table them in the Assembly today?

MS BURCH: In relation to matters around Jack Sullivan, we will wait till the end of that, but Disability ACT has an ongoing quality assurance and review policy of all of its policies and procedures. It is my understanding that all of those are available on the Disability website.

Children and young people—care

MRS DUNNE: My question is to the Minister for Community Services. Yesterday Mr Seselja and I asked you to table all briefs and other advice that you received from you directorate in relation to the directorate's breach of the Children and Young People Act. You refused without giving explanation. Minister why are you not prepared to table all briefs and other advice that you received from the directorate in relation to this matter?

MS BURCH: I think I was somewhat verballed in that question. There is an inquiry in order to determine a breach and compliance on a matter of placements for out-of-home care purposes. But as far as providing and tabling the briefs is concerned, as I said yesterday, I will not be tabling the briefs. These materials are provided to the minister in line with my responsibilities as the minister. I think most reasonable people would expect that this information is provided from the directorate in confidence to the minister.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, will you make this material available to the Public Advocate during her inquiry? If not, why not?

MS BURCH: The Public Advocate will have information on whatever documentation she requires.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, why did it take you nearly two months to refer this issue to the Public Advocate?

MS BURCH: As I have said, I started asking questions when the department raised a number of matters with me around staffing pressures within care and protection and the pressures on the foster carers. They made comment that some unapproved agency

staff were used, and I have been asking questions since then. I will draw to attention that it was within a matter of weeks, by I think 9 or 10 August, that all children were in approved circumstances, and I have continued to ask questions. I met with the provider a week ago on Friday and it was within a matter of days after that that I finalised my decision to refer the matter to the Public Advocate through the director-general.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, why aren't you prepared to table the briefings that you received in the Assembly other than that you are afraid that they will embarrass you?

MS BURCH: I am not afraid that they will embarrass me, but I refer Mr Smyth to my answer to Mrs Dunne's question.

Energy—feed-in tariff

MR COE: My question is to the Minister for the Environment and Sustainable Development and is in relation to the contracts with ACT schools that enable them to access the higher rate of the solar feed-in tariff. Minister, an email from the Executive Director, Corporate, of the Environment and Sustainable Development Directorate of June 1 states that the requirements to be eligible are: "One, contracts must have been entered into before midnight of 31 May 2011; two, a deposit under that contract must have been paid; three, a statutory declaration to that effect can be provided and lodged along with the grid connection application."

Minister, will you guarantee the Assembly that these requirements were met by all ACT schools who will access the higher tariff rate? If yes, will you table those contracts? If not, why not?

MR CORBELL: I am advised that all those requirements were met. No special arrangements were entered into to allow schools to access the feed-in tariff at the original rate. They met the criteria in the same way that everyone else who had a contract met the criteria. In relation to the contracts themselves, I refer Mr Coe to my previous answer on that question.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, were any variations to the above conditions used to allow ACT schools to access the higher tariff rate?

MR CORBELL: No.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, were variations to the stated conditions offered to any other users to allow them to access the higher tariff rate?

MR CORBELL: Not that I am aware of.

Transport—passenger information system

DR BOURKE: My question is to the minister for transport. Why has the government decided to introduce a real-time passenger information system in Canberra and at what stage is the planning for the system?

MR CORBELL: I thank Dr Bourke for the question. The government has, as members would be aware, announced that it will invest $12 million in this financial year to allow for the design and subsequent implementation of a real-time passenger information system for Canberra. We are making this investment because we want to improve public transport for all Canberrans. We know that the delivery of real-time information will allow public transport patrons to get reliable data on the departure and arrival time of their service and be able to plan their journeys with greater certainty and reliability.

The implementation of the system will provide instant timetable information for ACTION bus services in real time. It will mean that patrons will be able to accurately ascertain how far away their next bus service is, whether it is running on time or late—or, indeed, early—and plan their journeys accordingly. From 2012-13 the system will monitor the location of all ACTION buses during operation, allowing for real-time arrival and departure information to be provided.

The current status of this project is that the government has engaged consultants KEMA to manage the implementation of the system. The first phase of the project involves the detailed design and specifications. In August this year, a series of focus groups were held to capture comments and views from across the community about the community's views and expectations of this new technology. The focus groups included bus users and non-users, bus drivers and members of the community with specific needs, for example people with sight impairment. In addition, feedback was sought through a community survey, with over 400 responses received. This feedback has given us an extra insight into the community's needs and expectations when it comes to the real-time information system, and these views and the information will be taken into account in the design of the system.

To ensure that the community is kept informed on the progress of implementation, information is being made available at each stage of the project. Regular updates are being posted on the "Transport for Canberra" website, with information also available from Canberra Connect. As the project progresses, a comprehensive communication strategy will be rolled out across a wide range of media.

Similarly to the introduction of the MyWay system, a travelling road show will visit key locations to reach the wider community and inform them about what the system is going to deliver.

What is important about this system is that the greater confidence that commuters have in their departure and arrival times the more likely they are to choose public

transport and the more likely they are to use public transport because they can plan their journeys with certainty.

This project is just another way in which the Labor government is taking practical and concrete steps to deliver a better public transport system for all Canberrans. As I have said before, a better public transport system benefits all Canberrans. It benefits motorists as well as the people who choose to use public transport. The more people use public transport, the less congestion on our roads; the more efficient our road network, the more efficient our public transport system overall.

MR SPEAKER: Dr Bourke, a supplementary.

DR BOURKE: Minister, how will the real-time information be made available to bus users and will the system include options other than visual display boards, such as apps for mobile phones?

MR CORBELL: I thank Dr Bourke for the supplementary. The project is looking at a wide range of applications for the real-time data that will be secured from buses as part of this project. It is planned that we will have the traditional overhead displays, similar to those provided in airports or indeed at train stations around the country, installed at all interchanges and other major stops. Information contained on these displays will list things such as arrival times, whether the bus that is coming is wheelchair accessible and, importantly, whether the bus is fitted with a bike rack so that, again, patrons can plan their journeys and know what services are available to them in terms of the relevant bus that is servicing their route.

But we will also be looking at other applications for this data. The project includes exploration of the provision of this data obviously via the internet, as well as through mobile phone applications, SMS or text messaging systems, and also through information available from Canberra Connect.

We also expect that suburban bus stop signs will be updated and will provide the bus stop number so that passengers can identify their location and receive up-to-date arrival times. In fact, whilst this sounds like a fairly obvious step to take, it is not something that has been attempted to date in ensuring that each bus stop in Canberra has its own unique number identifier. By providing a unique number identifier for each bus stop in Canberra, we can make sure that people can identify where they are in relation to the route service and can therefore identify how far away that route service is from them, how long it will take to reach them and whether or not it is running on time.

The government intends to make the bus arrival data available to the community through open source arrangements, and this will enable both individuals and organisations the opportunity to use this data in their own way.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, you said:

> … the provision of real time information was a further demonstration that the Government was fulfilling its election commitment to implement the sustainable transport plan.

That was a media release on the 2005-06 budget. How do we know that we are not going to have to wait for another five years before it is actually delivered?

MR CORBELL: The delivery of real-time information, as members would be aware, was delayed because of problems with the ticketing system. The ticketing system in 2005-06 needed to be updated first, prior to real-time being rolled out. The fact is that this project is a concrete demonstration of the government's commitment to improving public transport in the city. It is simply part of a package that is worth over $100 million, which includes a major upgrade of our bus fleet and major improvements in public transport infrastructure, such as the new Belconnen interchange arrangements, upgrades to dedicated right-of-way through City West and improvements in the ticketing system.

This government is making major investments in public transport. It has been the only government in Canberra prepared to set out a detailed public transport strategy for the city. It has been the only government in the history of self-government prepared to make major investments in public transport, and we will continue to do so because investments in public transport are all about making it easier to move around the city. It is all about making sure that we have an efficient transport infrastructure. It is all about making sure that when the bus runs on time, everybody wins.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, when will the system be rolled out?

MR CORBELL: The request for tender for the supply, installation and ongoing maintenance of the system is expected at the end of this calendar year. Installation of the system is expected to commence by mid-2012, with the system becoming fully operational by 2013.

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

Mr Brendan Smyth
Motion of censure

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (2.39), by leave: I move:

> That this Assembly censures Mr Smyth for his misleading comments in his media release "Gallagher to be examined for improper conduct" and subsequent public comments relating to the establishment, by this Assembly, of a Select Committee on Privileges on 20 September 2011.

Mr Seselja: Mr Speaker, I seek your ruling on this. As you would be aware, I received a letter from you in relation to this matter asking for my comment, and presumably that was sent to other members of the privileges committee asking for their comment, in relation to this very matter that we are being asked to debate today. So I am just seeking your ruling on whether or not it is appropriate to be having this debate ahead of the response that has been sought from the privileges committee that has been set up into the very conduct that Mr Barr is alleging in his motion.

Mr Corbell: On the point of order, Mr Speaker, my understanding of the motion moved by Mr Barr is that it relates to the details of a media statement issued by Mr Smyth earlier this week, subsequent to the establishment of that committee. Further, I understand that the nature of that media release is not subject to that committee inquiry.

MR SPEAKER: On the point of order, my advice and my view, Mr Seselja, is that it is possible to have these two matters take place concurrently. I think it is important, given that there is a privileges committee running, that in the course of the debate members are mindful of that committee process. It has been set up and will shortly commence. Mr Barr, the question is that the motion be agreed to.

MR BARR: Thank you, Mr Speaker. I state from the outset that a motion such as this is not something that the government would move lightly, and we certainly do not this afternoon. But in the circumstances it is the only appropriate means by which Mr Smyth can be held accountable and to be made to answer for his behaviour.

From the moment back in August that Mr Smyth mounted his high horse over the matter of the appointment of the Auditor-General, his public statements on the subject have become increasingly shrill and increasingly careless of the truth, culminating in Tuesday of this week in a media release that was nothing short of disgraceful—a contempt of this Assembly, an attempt to improperly influence the outcome of a committee inquiry and a serious and defamatory attack upon the Chief Minister. Mr Smyth's behaviour shows his contempt for the very processes that he himself sought to establish. His actions show that he is out of control, cannot be trusted and needs to be told so by this Assembly in no uncertain terms.

Mr Speaker, everyone in this place, with the evident exception of Mr Smyth, understands the importance of due process. The government do not believe that the establishment of a select committee to inquire into the circumstances of the appointment of the Auditor-General was necessary or warranted. But we understand politics, and we also understand the absolute right of the Assembly to undertake such an inquiry—

Mrs Dunne: A point of order, Mr Speaker.

MR BARR: and to satisfy themselves—

MR SPEAKER: Thank you, Mr Barr. Stop the clocks. Mrs Dunne?

Mrs Dunne: Could I ask you to rule on the comments made by Mr Barr about whether or not the establishment of the committee was warranted and whether that is a reflection on the vote of the Assembly.

MR SPEAKER: Mrs Dunne, I am aware of the point you are making. To be honest, I think the context of Mr Barr's comments was an acknowledgement of what had happened, as opposed to a reflection. But I remind you, Mr Barr, not to dwell on the previous vote.

MR BARR: Thank you, Mr Speaker. As I was going to say, we understand the absolute right of the Assembly to undertake such an inquiry and to satisfy itself either that the allegations made by Mr Smyth have substance or that they are baseless. As I say, we do not believe that the allegations made by Mr Smyth have merit but we do respect the right of the Assembly to inquire into a serious allegation made by one of its members. But it would appear, Mr Speaker, that Mr Smyth does not—

Mr Seselja interjecting—

MR SPEAKER: Mr Seselja!

MR BARR: respect that right. No sooner had the Assembly established the committee than he was out there in the media, improperly attempting to influence the very deliberations of that committee—

Mrs Dunne: A point of order, Mr Speaker.

MR BARR: and falsely and knowingly telling the people of Canberra—

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

Mrs Dunne: Mr Barr has just said that Mr Smyth acted improperly. I am not sure that that is entirely parliamentary.

Mr Corbell: On the point of order, Mr Speaker, this is a censure motion. The whole point of it is to accuse a member of some improper behaviour. In this case the argument is that he has misled the community and has been false in a number of his statements. That is the whole point of the censure. We are criticising Mr Smyth through a substantive motion. That is the point of them.

MR SPEAKER: There is no point of order. Whilst a member is not to use unparliamentary words in this form of debate, Mr Corbell's point is correct in this context.

MR BARR: As I was saying, Mr Smyth does not respect the right of the Assembly. And no sooner had it established the select committee than he was out there seeking to improperly influence the very deliberations of that committee, and falsely and knowingly telling the people of Canberra that a finding had been made against the Chief Minister, that the jury was in and that guilt had been proven. This behaviour is so audacious and so foolhardy that we can assume only one of two things.

Members interjecting—

MR SPEAKER: Members!

MR BARR: The first is that Mr Smyth suffers from such a complete lack of self-awareness that he cannot see how improper his actions have been. Secondly, he is in fact fully aware of the inappropriateness of his actions but he simply does not care; that he holds in contempt both the right—

Members interjecting—

MR SPEAKER: Order!

MR BARR: of the Assembly's committee to reach its own findings and the right of the Chief Minister to be free of his grubby and unsubstantiated attacks.

Mr Seselja: A point of order, Mr Speaker.

MR BARR: Mr Speaker, given Mr Smyth's—

MR SPEAKER: Mr Barr, one moment, thank you. Yes, Mr Seselja.

Mr Seselja: We understand Mr Barr is angry; they have had a bad week. But using the term "grubby" is unparliamentary and he should be called to account. It is not in the motion. It is not a substantive motion and he cannot use unparliamentary language just because it is a censure motion.

MR BARR: Mr Speaker, I will withdraw the word "grubby".

MR SPEAKER: Thank you. And before you continue, Mr Barr, members, I am going to expect this debate to proceed without interjection. I have short shrift for it today and I may not issue warnings. I do not have to issue warnings; it is a courtesy of the chair. I expect this debate to proceed in a manner that is fairly tidy. Mr Barr, you have the floor.

MR BARR: Thank you, Mr Speaker. So the Chief Minister has the right to be free of unsubstantiated attacks from the Deputy Leader of the Opposition. But given his form in this place over many years, not least his known propensity to descend into tactics such as push polling in order to smear and sully the reputations of his political opponents, no-one in this place—

Mrs Dunne: On a point of order, Mr Speaker, again, this is a slur on Mr Smyth which does not relate to the motion, and Mr Barr needs to withdraw it. You need to bring him to book or we are not going to be able to get through this in any sort of civilised way at all. Mr Barr needs to be very careful with his words. There is latitude, as you have rightly said in response to my point of order, about what he can talk about, but he cannot be unparliamentary and he cannot slur Mr Smyth as he just did in relation to push polling.

MR SPEAKER: Mrs Dunne, I always strive to be consistent in my rulings. Having now sat through a number of dissent motions, no confidence motions and censure debates in this chamber, I think that Mr Barr's comments at this point are well within the boundaries that have been set by members in this place in the course of those debates. Mr Barr, you have the floor.

MR BARR: Thank you, Mr Speaker. So given the Deputy Leader of the Opposition's reputation for seeking to smear his political opponents, one is tempted to believe that he is aware of his actions in this instance and that he simply does not care. But either way, he must be called to account today. He must be made to see that there are principles that are more important than his desire to wound or defame his political opponents—principles like decency, like a respect for the facts and the truth, and like fairness.

The Deputy Leader of the Opposition is very fond of extracting a line or a phrase from a document and then coming into this place and shrilly claiming that it means X or Y when, in fact, a full reading of the document would show something completely different. And contrary to his repeated and public assertions, the Chief Minister has not been found to have acted improperly. She has simply been accused by Mr Smyth of doing so. But the whole point of a select committee is to examine his allegations.

If there was no need for this process, perhaps we could simply tune in to "Trial by 2CC", with his honour Brendan Smyth QC at the stand. But in the Assembly on Tuesday of this week, Mr Speaker, you made it clear that your role in determining whether or not to establish a select committee was not to judge whether there had been a breach of privilege by the Chief Minister but simply to judge whether the accusation put forward by Mr Smyth merited precedence. You found that it did and, accordingly, the Assembly established a select committee. I have obviously reiterated the government's position in relation to that, but it is important to note that this is a very different thing from finding anything amiss in the actions of the Chief Minister.

The Deputy Leader of the Opposition has brought today's censure motion upon himself. He has done so because he has taken affront at something and then, because of the size of his own ego, he has inflated it out of all importance, imagining motives where no such motives existed, imagining skulduggery, puffing himself up as some sort of champion of process, even though he then goes out and subverts that very process.

Unlike the members of the opposition, the members of the government regard a censure motion as a motion of weight and significance. We do not move this motion against Mr Smyth lightly or take pleasure in doing so. But we simply believe that he must be made to know that his behaviour is not of the standard expected of MLAs.

MR SMYTH (Brindabella) (2.51): That was quite amazing. There is a motion censuring me for what I said in a press release on Tuesday, yet not once did the minister quote from the press release. Not once did he point out a single fact to back up his argument. If the press release is so offensive, would you not have quoted the offensive portions from the press release? Of course you would.

That is why he did not, because he cannot, because there is nothing in this press release that is inconsistent with what I said in the chamber when I moved the motion, when I had my opening address and when I closed the debate. He did not take a single line or quote from the supposedly offensive press release, the press release that referred to the Chief Minister being referred to a privileges committee.

It is a very serious matter. You can see the politics and you have to ask: "What political genius in the Labor Party thought this up? Who over there said, 'Let us censure Mr Smyth so that we can put the Chief Minister and the privileges committee back on the front page so that people can again question what has the Chief Minister been up to'"? What genius, what strategist, thought this little baby up?

There is no substance to the motion for censure here today. What did I say in the debate that is inconsistent with the motion moved? I am the father of the motion. I am not going to apologise for moving the motion, which the majority of the Assembly supported. And what did the motion say? A committee be established to examine whether there was improper interference with the free exercise of the committee, improper interference by the Chief Minister.

One can assume from what Mr Barr is saying that improper interference with a committee is not improper conduct and, therefore, must be proper conduct. That is what he is saying. Improper interference now equates to proper actions by the Chief Minister, whereas what I said in the press release was "Gallagher to be examined". I did not say she would be found guilty. I did not say she was guilty of it. I said "Gallagher to be examined for improper conduct". I will quote from my press release, which he could not, which he would not, which he did not. He either did not prepare or he did not think about it. He does not have the case.

Members interjecting—

Dr Bourke: Point of order, Mr Speaker.

MR SMYTH: That is the problem with this motion today.

MR SPEAKER: Mr Smyth, one moment, thank you. Stop the clocks, thank you. Dr Bourke.

Dr Bourke: Mr Speaker, you have already warned the members present regarding interjections. How long are you going to keep warning or are you going to do something about it?

MR SPEAKER: Yes, Dr Bourke. I think we will take points of order in a slightly different form in the future. I think that there is a recognised difference between members interjecting over their own members and against other members, and at this point I see no point of order. Mr Smyth, you have the floor.

MR SMYTH: Thank you, Mr Speaker. What political giant thought this up? What mental giant thought this little stunt up? I am amazed that the government would want

to highlight the fact that the Chief Minister is in fact to appear before a privileges committee on a very serious charge.

What did I say in the debate? I will go through some of the lines:

> That is contemptuous of the process and it is contemptuous of the committee …

If you are in contempt of the committee, that is improper conduct. We asked the Chief Minister did she approach the chair. The Chief Minister in the first debate initially denied it. She and Mr Seselja had a little head to head over here, with the Chief Minister saying: "No, I did not. I did not. I did not do it. I did not approach him." But when we asked her a question, she confirmed that she had. That might be improper conduct.

I said it had serious ramifications. Yes, it might be improper conduct. I said it had raised the questions that you asked, Mr Speaker. The response from the committee said that yes, it had raised the question of substantial interference with the committee. Substantial interference can only be improper conduct. And we went on to say that it had caused or was likely to cause substantial interference with the work of the Assembly committee system. Interference with the committee system of any kind, let alone substantial interference, is improper conduct. I went on to say:

> So the majority of the committee believed we had been interfered with in the processes—

by the actions of the Chief Minister. That is improper conduct. If there is interference, it must be improper conduct. I went on to say:

> But the important thing here is that the committee found there was influence and it had caused us trouble with our process.

That is improper interference. That is improper conduct. I then went on to say:

> Because remember, members, if we set a precedent today, that precedent is incredibly hard to undo.

That would be a very poor outcome. I then went on to say, as the father of the motion, what I thought the committee would do. I had hoped the committee would come up with a better process. I said:

> What I am asking you to do today is to send this matter to a committee for a committee to determine and make recommendations back to this place so that we get this right for the future, so that this does not happen again, so that committees are not interfered with by the executive and, indeed, so that committees are not interfered with by the Chief Minister, who should set the example.

That sort of interference is improper conduct. I referred to the "attempt to subvert the process of the committee to appoint the new Auditor-General on which the committee has now found there was interference". That sort of interference, if it is found to be true, is improper conduct.

Let me keep going. I can quote. Mr Barr could not quote from my press release, because there is nothing in the press release to quote from or Mr Barr is already eyeing that top job. He will set up a straw man so that this whole issue is back in the media again so that the question, the very serious issue of the Chief Minister fronting a privileges committee, is back in the media. It is curious that Mr Barr is moving this motion.

But I went on to say:

> But I think the point is that the committee found that there was interference, and that is something that is not to be tolerated.

Why is it not to be tolerated? Because it is improper conduct. I then went on to say:

> I would simply say that if we do not take a stand today, what you will do is leave the door open for the corruption of the committee process into the future. And that, members, is unacceptable.

Not only is it unacceptable, that sort of corruption, it is improper conduct. I said:

> Members, as a consequence, I have now moved this morning to establish a select committee to inquire as to whether the Chief Minister has committed a breach of privilege through interfering in the committee process

Again, what I talked about was improper conduct. It is in the motion that I moved. I will quote from the motion. Mr Barr cannot quote from my press release. He did not quote a single grab reported in the media, whether it be in the *Canberra Times*, on the radio stations or on the TV. Why? Because he is wrong and he knows it.

The Chief Minister opened her defence on Tuesday by saying that this was just politics". It was not. The Assembly decided that there was a case to answer and that it should go to the privileges committee.

This is just politics and I am not sure whether it is internal Labor Party politics, trying to raise the profile of the issue so that the Chief Minister is even further embarrassed by her colleague sitting on her right or whether it is a sham or a flimsy attempt to embarrass me. I have to tell you, I am not embarrassed. I am not embarrassed at all. I will stand up for the committee system, even though those opposite do not.

When you bring censure motions, the whole point is you make a case. It is not just verbiage. Mr Barr is very good at verbiage and is very good at spin, but he is not very good on substance. He did not have a single fact, except his own opinion, to put to this case today—not a single fact, not a single quote, not one word did he quote from my press release. Did he quote a series of words, a phrase, a whole sentence, a whole paragraph? No, he did not. Why did he not? Because none of it suits his case. And this is the sham of the Deputy Chief Minister.

Deputy leaders are meant to support the Chief Minister or the leader, whoever it is in the case, and I want members to cast their minds back to Tuesday morning when we

had this debate. Who was missing in action in supporting his leader? What chair was empty throughout the entire debate until we got to the question being put? Mr Barr, the Deputy Chief Minister. He is always absent when the Chief Minister is in trouble. She is always left on her own.

Simon Corbell, give him his due, comes down and stands up for his leader. That might be a factional thing. But who is always missing? Mr Barr. Who is the man who does not stand up for his leader? Mr Barr. And who is the man who will bring further interest in the media today by raising this whole issue again? Mr Barr.

So you do have to question what is going on here. It is interesting that they are attempting to censure me, but there is no case made. There are no facts quoted. There are no clips from, let us see, the FM stations, the ABC, 2CC. There are no quotes taken from the *Canberra Times*. There are no quotes taken from the ABC news. There are no quotes taken from WIN news to support this case.

There is nothing in the case that is made here. It is flimsy. And it is a lot like Mr Barr himself in his approach to politics. He stands up and he says something. He just expects to be believed. But he actually has to have facts in these matters.

I know that the Greens believe this because they believe that these issues should only be brought forward on substantial issues with substantial cases made. We will see whether the Greens still believe that.

The problem here is that you have to ask: as it is, what is it that I have done, according to this motion? It reads:

> That this Assembly censures Mr Smyth for his misleading comments in his media release "Gallagher to be examined for improper conduct" and subsequent public comments relating to the establishment, by this Assembly, of a Select Committee on Privileges on 20 September 2011.

There has been nothing quoted from the media release. There has been no reference made to subsequent public comments relating to the establishment of the committee. Had I made misleading statements, I am sure the minister would have endeavoured to have quoted them. But he has not—not a single phrase, not a single sentence, not a single paragraph quoted. Why? Because he cannot. Perhaps his staff are running around now, checking everything that has been said so that he can grab something and quote it out of place.

The problem when you launch the case—and I have the right to respond to that case—is that you actually have to make the case. You have to put the evidence on the table. You have to say, "Here clearly are the reasons why this person deserves to be censured and here is my evidence to back it up."

Apart from the verbiage that we get so often from this minister, there was no case made. There was no quotation. And you would seriously have to question why we are going through this today. You have to ask: why has the minister again in this place brought up the issue of Gallagher to be examined for improper conduct? Perhaps it is

more to embarrass his leader, perhaps it is that they are very bad at politics, perhaps they have been poorly advised by some mental giant upstairs who thought this was politically astute or perhaps they have had such a bad week they thought they would go on the attack. This was the mentality of the British generals in 1916 at the Somme: "Over the top, whatever the cost. Over the top, we'll get them." But you have got to have a case or you fail. You have to have evidence or you fail. You must present facts or you fail. And it must be true or you fail.

Nothing I have said in my press release is inconsistent with what I said in the debate. It is interesting that after other privilege committees have been established, members have put out press releases but none of them was held in contempt of the committee. And from what Mr Seselja has said, apparently I am also possibly the subject of a reference to a privileges committee at some time. Bring it on. I look forward to that as well. I would love my day in the committee, as well you know, Mr Speaker. Bring this on.

But the problem here is, of course, that there is no case to answer. The problem here is whether the motion gets up or not, people will know this for what it is. It is a sham. Many members over the years have put out press releases—

Mr Hanson interjecting—

MR SPEAKER: Order! One moment, Mr Smyth. Mr Hanson, I can hear you making those comments to Ms Le Couteur across the chamber. They are entirely inappropriate. You will have a chance to speak in a moment, if you wish. In the meantime, we will maintain a civil sense of order in the house. Mr Smyth.

MR SMYTH: Members, there was one from Mrs Dunne about testing the water by establishing a privileges committee. There was a statement from a member after a privileges committee had been established. I have got somebody checking it.

We talk about civility. I think the rule was we got two hours warning of these censure motions. I had this tabled here in front of me 45 minutes before this started. Again, I wonder whether the rules apply to the Liberal Party or whether it is just rules for coalition colleagues.

But the problem here is that in the past the process has been very much that when a privileges committee is set up, the person that moves the motion puts out a press release. I will check whether Mr Wood put one out in 2001 when a privileges committee was established into one of Mr Humphries' staffers. I have a recollection that it was.

But let us not let the facts get in the way here. This is actually politics. This is a Deputy Chief Minister who was either got into trouble for not supporting his leader on Tuesday or who is now attempting to support his leader. I think the line "methinks he doth protest too much" comes into this.

I just go back to the truth of this. When you have a censure motion, there should be a case. When you have the case, if you have a case, you should populate it with facts. If

you have facts, you should prove them through use of evidence. None of that has been presented. I have not been given the opportunity to answer a case, because there is no case. I have not been given the opportunity to rebut facts, because no facts have been presented. I have not been given the opportunity to rebut the evidence, because no evidence has been presented. And if one of those opposite wants to endeavour to do it, I will seek leave to answer the case. The Deputy Chief Minister of the ACT has not made that case here today. There is no case. There should be no censure.

MR HARGREAVES (Brindabella) (3.06): I think it was Paul Keating who said of John Hewson, "I'm going to do you, son, and I'm going to do you slowly." I was reminded of that when I saw the rabbit in the headlights just now. Getting shrill does not actually have any substance to it.

I want to give a bit of perspective to this and quote from a few things which are on the public record—they were tabled in this place by your good self, Mr Speaker. One is a sentence from Mr Smyth's letter to you seeking that you give precedence to the matter of the establishment of a privileges committee:

> My fundamental concern about the way in which this matter has been handled has been the extra-ordinary and undue pressure which has been placed on the PAC in considering the appointment of the new ACT Auditor-General.

One of the extraordinary and undue pressures was the issue of a press release indicating a preference, indicating an outcome. I argue that the presence of Mr Smyth's press release is exactly the same. You cannot accuse one member of an action and seek to have an investigation into that matter and then go and commit the sin you believe has been perpetrated already.

I would then like to quote, Mr Speaker, the advice you asked of the committee in determining that matter of precedence. You wanted to know whether the matters raised by Mr Smyth had caused or were likely to cause substantial interference in the work of the committee system. The committee's response to you, Mr Speaker, said:

> … the majority of the Committee was of the view that the matter raised by Mr Smyth had caused interference with its work … was unable to determine whether the interference was substantial …

It also went on to say:

> …the public announcement of the proposed nominee prior to the Committee considering and reporting on the nomination, had the potential, if regarded as a precedent—

and I argue that the emergence instantly of another media release along similar lines would be the exercising of that precedent—

> and repeated, to cause substantial interference with the scrutiny and oversight role parliamentary committees …

The majority of the committee has said to you in its advice that, if this practice is to continue, it is likely to cause substantial interference. That was its advice to you. I am

assuming that it was that advice particularly that prompted you to establish the select committee into privileges.

You need to know a couple of things here, Mr Speaker. I said that was the advice of the majority of the committee. I rose in this place to indicate that I was the minority voice in that committee. Therefore, the two key members of the committee who put that argument were the chair and Mr Smyth. So Mr Smyth was substantial in that advice to you.

Furthermore—and I raised this in the committee—I found it somewhat strange that a member of a committee, in an action outside that committee, wrote to the Speaker seeking precedence to be awarded, and then went back into that committee and took part in the decision about and construction of the response from the committee to the Speaker about that. That member, in fact, was acting in contempt of proper process, and I raised that in the committee. The most vocal person in that committee was Mr Smyth. He quite clearly has two rules—one for himself and one for the rest of us.

Mr Smyth challenged this side of the house to quote from his press release. Well, I will do two things: one is to quote from it—and I will do that in a minute—and the other is to say that the Leader of the Opposition is complicit in this. This press release was issued into the ether with Zed Seselja's—

Mr Seselja: Do you want to move a censure of me, too, John?

MR HARGREAVES: We will give it some serious consideration.

Mr Seselja: Bring it on.

MR HARGREAVES: Bring it on? I am quaking. I am dreadfully frightened.

Members interjecting—

MR SPEAKER: Order, members! Others will have a chance in a moment.

MR HARGREAVES: Mr Seselja cannot have it both ways. It was his letterhead—

Mr Seselja: On a point of order, Mr Speaker, Mr Hargreaves is making an allegation that there is some sort of complicity. This motion has no substance, but it contains nothing against me, so he should withdraw that. We can get onto him and deal with him in a minute, but he cannot just make whatever allegations he feels like because it is a censure motion.

MR SPEAKER: Yes, the point of order is upheld. The censure motion is not against Mr Seselja, so let us stick to the issues around Mr Smyth.

MR HARGREAVES: Thank you very much, Mr Speaker, I readily accept your ruling. I will quote from the media release from Mr Smyth published on the internet, and I will quote the first line after the title:

> Katy Gallagher's interference in the appointment of the new Auditor-General will be examined by a Select Committee …

I will say that little bit again:

> Katy Gallagher's interference …

In other words, it is proven. It is done. It is over. It is only a question of whether she dies by electric chair or hanging. Furthermore, he goes on in this press release to say:

> So clear was the improper behaviour, that the multi-party Public Accounts Committee found there was interference that, if left unchecked, could create serious interference in the future.

In other words, if people feel free to put out a media release pre-empting the result of a committee consideration, that will cause serious interference in the future. By your own petard you hoist yourself.

Members interjecting—

MR HARGREAVES: Mr Speaker, I do not know how many times I have to put up with interjections from those opposite, please.

Now, he also says:

> Katy Gallagher behaved in a way—

past tense—

> that indicated this government believes that normal rules and procedures don't apply to them.

He has said what has happened. A parliamentary committee has been established to determine whether that is so or not. Not so for Mr Smyth. He has determined already that that is so. Then he says:

> That's why this Assembly must stand up to an ACT government who believes they are above scrutiny and beyond reproach.

That is putting pressure on the privileges committee to make sure that they have the strength to do something Mr Smyth has determined should be done. Then he says:

> I look forward to the select committee examining the interference in this process and—

get this—

> putting in place stronger rules to prevent similar interference in the future.

He is telling the committee what it has to do. Mr Speaker, by his own petard he hoists himself. He challenged this side of the house to quote from his press release. It is done. Furthermore, Mr Speaker, with his own words to you to establish the privileges committee in the first place—that high moral ground—he hangs himself.

Furthermore, and probably finally, in his defence of himself Mr Smyth said it is not okay for the executive to put out a media release to influence a committee. It is not appropriate for the Chief Minister to do it. He neglected to say that it is not proper for a non-executive member to put out a press release to interfere with a committee. Perhaps he is saying there is one rule for the executive and the Chief Minister and one rule for himself. I argue that, if that is the case, it is despicable and this censure motion should succeed.

MR SESELJA (Molonglo—Leader of the Opposition) (3.15): You can tell the Labor Party has had a bad week when they resort to these kinds of desperate measures. Let us be clear about it—that is what this is about. The Labor Party have had a shocker and they want to come in here and pull these kinds of stunts with no evidence. Mr Barr delivered a speech making one of the most serious allegations you can make in the Assembly—that is, to censure someone for misleading comments. You are effectively calling someone a liar without any evidence.

How can we have a situation where a government expect to be taken seriously when they come and use the Assembly's time making a serious case of misleading without actually pointing to what Mr Smyth said? Mr Barr could not point to what he actually said. He did not quote from the press release. He could not point to the apparent offending comments either in the press release or in the subsequent statements. It was left to Mr Hargreaves to make a case, and I will get to him in a minute.

But they have had a bad week, Mr Speaker, and that must be the motivation for this. We have got the serious issue of a privileges committee being established into the activities of the Chief Minister. And isn't she stinging about it? Doesn't it sting? So this is the tit for tat: "If you're going to set up a privileges committee, we're going to bring a motion of censure against you." And with no evidence—not a shred of evidence.

We have seen an inquiry into potentially breaching the law in care and protection. It has been a bad week. We have had a minister ejected for his disgraceful behaviour in defending the indefensible with the right to wag. So, today, in response to all of that, we have a censure with no substance moved by this government. How is Mr Smyth to defend a charge that has not even been laid out? How is he to defend a charge that he has misled when Mr Barr cannot point to the misleading comments?

Mr Hargreaves: I did.

MR SESELJA: I will get to you in a second, Mr Hargreaves. I will get to the case that you made on behalf of the Chief Minister in just a minute, because it was a revealing case.

But Mr Barr brought this motion forward and he comes to this Assembly with virtually no notice and he calls Mr Smyth a liar. He calls Mr Smyth a liar, and he cannot back it up with a shred of evidence. Instead he throws out a bunch of slurs about Mr Smyth—unfounded allegations. We should actually be turning it around and censuring Mr Barr for his unfounded statements in the Assembly today. We could go on forever.

The government cannot be expected to be taken seriously on a serious issue like this. Imagine if the opposition came with a censure motion and said, "The Chief Minister has misled," and we did not actually point out what she had said. When we move censure motions, we back them up. We point out the contradiction—"They said one thing, but this thing is true." They could not point to one thing that he said that is misleading. It was left to Mr Hargreaves to come in and say, "Well, because he put out a press release, he's therefore guilty."

Mr Hargreaves: Yes.

MR SESELJA: There it is. Mr Hargreaves says, "Yes; he put out a press release." I do not know if he has thought about the logic here, but Mr Hargreaves has made the case that, if Mr Smyth is censured, Ms Gallagher is guilty. That is the case that he has put forward for us today in defending his Chief Minister.

Who would you prefer to have defending you? Andrew Barr or John Hargreaves? Do you want the Deputy Chief Minister, who does not come down when his Chief Minister is under pressure but who draws more attention to the fact that there is a serious claim to be answered by the Chief Minister? Or do you want Mr Hargreaves at the back declaring that the Chief Minister is guilty? He declares her guilty by his own words. If he is going to vote for his motion that Mr Smyth is guilty because he put out a press release, by the same logic he is concluding that the Chief Minister is guilty. How ridiculous. Are we seriously going to waste the Assembly's time on these kinds of unfounded motions?

Let us actually look at what was said by the committee. Again, Mr Barr, in his six-minute case with no substance, could not point to what Mr Smyth said. He threw out some slurs, but actually kept saying, "It's because Mr Smyth has made an allegation against Ms Gallagher." Actually, that is not quite true. What has happened is the majority of a committee of this Assembly was of the view that the matter raised by Mr Smyth had caused interference with its work. It went on to say that, if it was regarded as a precedent and repeated, such action could cause substantial interference.

It is not Mr Smyth on his own bringing this case against Ms Gallagher. Let us get the facts right. Who brought this case? Mr Smyth brought it to the attention of the Speaker, as is his responsibility. The Speaker wrote to the committee. Mr Smyth does not control the committee; he is but one member of that committee. That committee came back and said, "Actually, yes, interference; interference in our operations." Then what happened? Mr Speaker brought it back to this Assembly and said that because this committee had concluded there had been interference in its work, the matter warranted precedence. That is no insignificant issue in and of itself. The Assembly

then said: "Well, the Speaker has said it warrants precedence. We now have a decision to make. Is this a serious enough matter to send off to a privileges committee?" And the Assembly concluded, yes, it is a serious enough matter to send off to a privileges committee.

What is actually the problem here, Mr Speaker? Is it the words of Mr Smyth which Mr Barr could not even quote in his case, or is it that this government does not like the fact that the Assembly is now examining, through a privileges committee, the conduct of the Chief Minister? Is it the fact that a committee of this Assembly concluded that they had been interfered with by the actions of the Chief Minister? Is it the fact that the Assembly then flicked it off to a committee? Of course it is. That is what this is about. It has nothing to do with the words in Mr Smyth's press release. Mr Smyth pointed to the fact that the committee had made these judgments and that the Assembly had warranted them serious enough to take off to a committee.

Mr Speaker, this motion should be treated as the joke that it is. We have got a Deputy Chief Minister who comes in here and cannot make the case. He claims that Mr Smyth is misleading, but he cannot point to one word he says. Mr Hargreaves declares the Chief Minister guilty in his defence, and it is all designed to try and obscure the fact that not only has the government had a bad week but that that bad week started with a committee of this Assembly claiming interference in its work by the Chief Minister. This Assembly then concluded that that allegation was serious enough to send off to a privileges committee, something which is very rarely done in this place.

I ask members to consider the complete lack of a case. I ask members to consider the facts. I ask members to consider that what has occurred is serious. Mr Smyth's comments are completely appropriate and reflect simply what the Assembly had decided to do. The fact that the Chief Minister is sensitive about it and the Labor Party is sensitive about it does not warrant a censure of Mr Smyth. This has absolutely no foundation and it should be rejected out of hand.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.24): The Greens will be supporting the motion this afternoon. We had a motion in this place that determined that a matter should be considered by a committee of the Assembly. No finding has been made by this Assembly. The importance of due process in this place cannot be underestimated. We cannot on the one hand argue for the importance of due process and the importance of the resolutions of the place to ensure that the community can have confidence in what happens in here and on the other allow a member to disregard that. To raise allegations—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, I have made my views absolutely clear. You are very close.

MS HUNTER: To raise allegations is one thing. To then assert that the Assembly has found that they are correct is not appropriate and is not the standard of conduct that we expect in this place. It is not appropriate to put out a media release making

assertions about the actions of the Assembly. The gravity of the issue is made much greater by the fact that it is action through a privilege committee, which is the most serious course of action that can be taken against a member of this place.

The Assembly took the very serious action of sending the matter to the privileges committee because of the importance that we place on our process. For Mr Smyth to take the course of action that he did is directly contradictory to the resolutions of this place and the historical importance that all Westminster parliaments place on the privileges process. He repeatedly asserted in his speech that there was improper conduct. And, more than that, he is asserting that it was substantial or significant.

Given that the subject of the privilege motion was the impact of a press release, a parliamentary process for Mr Smyth to engage in the very same conduct that the Assembly found should be considered by a privilege committee was highly inappropriate—to such an extent that this motion should be supported. We do have to have particular concern about our conduct at all times, and the Assembly must defend its process. The press release does assert misconduct. It is implicit in the words and context of the statement by Mr Smyth. It was an assertion of misconduct that is not acceptable and not consistent with our standing orders or the accepted practice of this house.

In his speech, again Mr Smyth asserted that there was improper conduct. There are assertions in the press release. Mr Smyth is asserting that the Chief Minister placed extraordinary pressure on the committee. He goes on to talk about behaving in a way that breached the rules. That is what the committee will be considering; it was highly inappropriate to put it in a media release making an assertion about the subject of the inquiry. He then goes on in that press release to talk about how serious the breach is. Again, this was highly inappropriate.

Mr Seselja has just said in his speech that a privileges committee has been established to examine the matter. And that is the point.

Members interjecting—

MR SPEAKER: Mr Smyth! Mr Doszpot!

MS HUNTER: Mr Smyth put out a press release stating that the Chief Minister has been involved in improper conduct, before allowing the committee to examine the matter. It talks about a "pattern of behaviour", as I said before, and placing extraordinary pressure on the committee. As I say, what Mr Smyth said should not be put out there while these matters are before the committee. Mr Smyth has exaggerated the findings of the PAC and has disregarded the privileges committee's role in looking into these matters.

The Greens have gone to great lengths to ensure that we have clear standards about conduct. In this place, we do have high standards and expectations. We have gone to some length to articulate the standard. I am sure that all of us have those standards and expectations.

We have considered the issues and this motion. We think that the content of Mr Smyth's statement was highly inappropriate in the context of what is happening in this place; in the context of the establishment, just days ago, of a privileges committee and inquiry; and in the context of the clear standard of conduct that this Assembly had resolved it was concerned about. This means the impact on the committee and, I would add, the public perception that he has unfairly created through putting out this press release after this place had resolved to set up a privileges committee to look into these matters.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations) (3.30): I will just speak briefly to the motion. The government has brought forward this motion today simply to bring Mr Smyth into line and to allow the process that has been established by this Assembly to occur without continued, persistent and repeated interruptions. I believe very strongly, based on—

Mr Doszpot interjecting—

MR SPEAKER: Mr Doszpot, you are warned. Ms Gallagher, one moment, thank you.

Mr Doszpot interjecting—

MR SPEAKER: Mr Doszpot, I have made my views clear. You are now warned for interjecting.

MS GALLAGHER: Thank you. I certainly believe that without this motion coming before the Assembly today, Mr Smyth would continue on his merry way throughout the course of the privileges inquiry to continue to perpetuate the idea that the committee has already made certain findings.

I note that Mr Seselja and Mr Smyth seemed to spend the majority of their defence reflecting on matters not pertaining to the matter at hand. But if you go to the motion passed by this Assembly on Tuesday, moved by Mr Smyth and presumably written by Mr Smyth—

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth!

MS GALLAGHER: It says:

> … pursuant to standing order 276, a Select Committee on Privileges be established to examine whether—

"whether" being the most important word here—

> there was improper interference …

Then we go to the comments that Mr Smyth put out in his media statement: "Gallagher to be examined for improper conduct"—that is, that I have already been found to have been behaving in an improper way. The opening sentence says:

> Katy Gallagher's interference …

So presumably it is already decided.

Mr Hanson: That is what the committee found.

Mr Smyth: That is what the committee found.

MS GALLAGHER: That is what Mr Smyth is saying in this media release, when the committee has been established to determine whether there has been improper interference. I accept that Mr Smyth probably got a bit excited on Tuesday and got a bit ahead of himself, but he then repeated these claims on the radio the following day. In his media statement, he also makes this claim:

> Katy Gallagher chose her … appointment and announced her conclusion in the media …

That is incorrect. That is not what my media release said. I did not announce the conclusion of the process in the media release.

Then Mr Smyth goes on to presumably send a very clear message to members of the privileges inquiry:

> That's why this Assembly must stand up to an ACT government who believes they are above scrutiny and beyond reproach.

Who was that message to other than the committee that has been established to determine something that Mr Smyth has already determined? Mr Smyth then goes on 2CC the next morning and again puts out into the community the view that I have already been found guilty of interference by this committee. I have not, and I will argue my case.

Mr Smyth interjecting—

MS GALLAGHER: Mr Smyth, you are perhaps the most slippery member of this Assembly. You know what you were doing. You know—

Mrs Dunne: Point of order, Mr Speaker. Those are unparliamentary words.

MR SPEAKER: Order! Ms Gallagher, one moment. Stop the clock, thank you. Mrs Dunne has the floor for a point of order.

Mrs Dunne: To say that a member of this place is a slippery member of this place is using unparliamentary words; they should be withdrawn.

Ms Hunter interjecting—

MR SPEAKER: Chief Minister, I ask you to withdraw the—

MS GALLAGHER: I will withdraw. I honestly did not believe that "slippery" was unparliamentary, but my colleagues tell me it is. So most certainly I do withdraw.

Mr Seselja: Point of order, Mr Speaker.

MR SPEAKER: Order! Stop the clocks, thank you.

Mr Seselja: One of the Greens—I believe it was Ms Hunter—said that actually Mr Smyth is slimy. I ask that that be withdrawn.

Ms Hunter: No, I did not. I said "slippery"—maybe slimy, but I did not think slippery.

Members interjecting—

MR SPEAKER: Order! Ms Hunter, could you withdraw the comment.

Ms Hunter: Certainly, Mr Speaker.

MR SPEAKER: Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. On 2CC, he was again perpetuating the line that I have already been found guilty of interference in the appointment—in Mr Smyth's own words, "interference in the appointment of one of the most important statutory positions in the territory"—when just the day before Mr Smyth's own motion posed that question to the Assembly.

That is the problem with this, Mr Smyth. I am not sensitive about the privileges committee. I look forward to having the opportunity to talk with members of the privileges committee about what occurred throughout the appointment of the new Auditor-General. I stand ready for that. But in that process I do want to be accorded the right to have a fair process. At the moment we have one member of the opposition out there with a predetermined view—and we accept that—peddling the view that the committee of the Assembly, established with this question in front of them, has already come to this conclusion. That is the problem, Mr Smyth. You got too far ahead of yourself and you need to be brought back.

All we are asking through this motion—and we are censuring you for your behaviour—is that you restrain yourself and allow a fair process to occur. That is simply what this motion does today. Without it, I have no doubt that you, and perhaps your colleagues, over the next six to eight weeks that this committee will be doing its work, would continue to go out and perpetuate these highly defamatory comments.

MR HANSON (Molonglo) (3.36): What a patronising speech from the Chief Minister, indicating like some patronising schoolmarm that she is on the moral high ground here. She is trying to pretend that this is anything other than an entirely concocted,

politically motivated attack on the basis of an extraordinarily bad week that the Labor Party has had in this place. That is what it is. When Katy Gallagher stands up here trying to patronise the members of the Assembly, the members of the opposition, let us remember exactly she is are doing that. It is because of the politics involved in this place.

What we are seeing here is the default position of the Labor and the Greens. It has nothing to do with the evidence. We saw that conclusively from Mr Barr's appalling speech. If you are moving a motion of censure or a motion of no confidence in this place, you have got to take it seriously, you have got to have the evidence and you have got to have your case. Mr Barr had none. It was seven minutes of going through the motions, and barely that, to try and make the case.

It has been a bad week for the Greens and Labor. That is what has led them to this point. Probably the highlight was Mr Corbell being ejected from the chamber. And we saw the split last night with the arguments occurring within the Greens, in this place, in front of everybody. We had Meredith Hunter, as her default position on the voices, voting one way because it is the default position for Meredith and for Amanda to support the Labor Party. Then, after Caroline Le Couteur came down here and defended the chair, they changed their position between the two. What we are seeing here again is that split in the Greens, where we have the committee, chaired by Caroline Le Couteur, saying something—

MR SPEAKER: Mr Hanson, let us stick to the formal titles, thanks. "Ms Le Couteur" will be fine, thank you. I think it is the form of the place. Let us stick to that.

MR HANSON: Certainly. Ms Le Couteur, as the chair of the committee, has written to the Speaker and made certain comments which make it very clear:

> … the majority of the Committee was of the view that the matter raised by Mr Smyth had caused interference with its work …

She said:

> … if regarded as a precedent and repeated, to cause substantial interference with the scrutiny and oversight …

All Mr Smyth has done is essentially extrapolate that into his press release. He has said nothing that Ms Le Couteur has not said—that has been agreed to by the majority of this place.

I wonder what the conversations have been between Ms Le Couteur and the rest of the Greens on this matter. I would be very surprised if she is comfortable that essentially what she has said in the committee and what she has written to the Speaker is somehow voted on by her colleagues in this place, but when Mr Smyth puts it in a press release all of a sudden it is a matter for censure. This is simple tit for tat.

Let us have a look at the Greens' form in this place, if you do not believe me, Mr Speaker. On 12 separate occasions when the Canberra Liberals have sought to move a vote of no confidence or a censure in this place on a member of the

government, the default position of the Greens is to say, "No, we do not support it." But on the one occasion that the government moves a vote of no confidence or a censure on a member of the opposition, they are jumping to get a chance. We have got Katy Gallagher calling Mr Smyth slippery and Ms Hunter giggling away with Ms Bresnan, saying, "Slippery and slimy; slippery and slimy"—enjoying this moment when they can censure a member of the Liberals.

This is nothing about the substance of the case. This is simply the pleasure, the perverse pleasure, that the Greens are taking in retribution for the fact that they have had an extraordinarily bad week. They have got a chasm between two sitting on one side and Ms Le Couteur over there, who is the only reasonable member of the Greens in this place—who does not, as a default position, simply follow the Labor Party.

When you look at the motions that have been moved by the Liberals, many of them involving misleading behaviour that has been shown conclusively—in fact, the evidence presented in each of those censure motions—

Members interjecting—

MR SPEAKER: Order, members! One moment, Mr Hanson. Stop the clocks. There is a lot of discussion in the chamber. I am having a little trouble hearing Mr Hanson. Just keep the noise down, thank you. Mr Hanson, you have the floor.

MR HANSON: I will not go back through the previous Assemblies, but just in this Assembly there have been 12 motions. One was moved by Mr Seselja on the Minister for Planning. No; that was not supported by the Greens. There was Mr Doszpot against the Minister for Education and Training—a proposed censure. Oh, no; that was downgraded. There was Mr Seselja against the Attorney-General, a censure motion not supported by the Greens. There was Mr Hanson on 4 May 2010 against the Attorney-General—not supported. It could have been any number of things. There was Mr Hanson against the Minister for Health. No; not supported by the Greens. There was Mr Seselja against the Minister for Health. That was a vote of no confidence—not supported by the Greens. There was Mr Coe against the minister for disability, housing and community services on 26 August 2010—a proposed censure, not supported by the Greens. There was Mr Hanson, on 16 February—a proposed censure, not supported by the Greens. On 9 March this year there was a proposed censure not supported by the Greens. April this year—not supported by the Greens. August this year—not supported by the Greens. That was one against the Speaker.

They say, "It is not substantial." I will just go to some of these. Let us have a look at this one—6 April 2011. We have seen—

Mr Hargreaves: On a point of order.

MR HANSON: Could you stop the clocks, please?

MR SPEAKER: Yes.

Mr Hargreaves: Mr Hanson has made the point about the success or otherwise of those opposite and now he has gone on and on and on about it. Would you please bring him back to the substantive motion?

MR HANSON: On the—

MR SPEAKER: One moment—on the point of order, Mr Hanson?

MR HANSON: On the point of order, certainly. What I am trying to point to here is the motive of people in this place for having moved or supported this point of order and to make the point that it is not based on substance, it is not based on evidence, it is not based on argument; this is a politically motivated attack. I am trying to point to that point in my speech.

Mr Corbell: On the point of order—

MR SPEAKER: Yes, thank you, Mr Hanson. Mr Corbell on the point of order.

Mr Corbell: On the point of order, Mr Hanson is doing more than that. Mr Hanson is reflecting on previous debates and seeking to re-prosecute previous debates. It is one thing to highlight how members have voted in the past; it is another to make assertions about substantive matters in those debates, which is exactly what he is doing. The Assembly has already concluded its views on those matters, and if Mr Hanson is upset by that that is really just his hard luck.

Mr Seselja: Mr Speaker, on the point of order.

MR SPEAKER: Yes, Mr Seselja.

Mr Seselja: It is quite legitimate when there is a very serious motion, a censure motion, before the Assembly for a member, in making the case as to why a censure should or should not be supported, to point to other censure motions and whether they have been supported. There is a precedent in these things and there is nothing wrong with a member referring to the way the Assembly has looked at other things, in order to make the case as to why this censure should not be supported.

MR SPEAKER: Thank you. There is no point of order at this stage, although, Mr Hanson, I was actually just seeking advice from the Clerk when Mr Hargreaves intervened. I did fear you were about to start re-prosecuting some of those matters, so I would ask you to avoid that possibility.

MR HANSON: Yes, and I certainly will not. I am not talking about the substance of cases. What I am talking about is the number of cases and the detail that has been provided in those cases, without going to the substance of the matter. For example, one of the matters, and I will not go into the detail of it, was a motion of censure that I moved and it was five pages long on the notice paper—five pages of detail, of evidence, of argument, making the case. I will just make the point that the Greens try to assert in this place that the previous Liberal motions have not had any substance, or

have not had a case put forward. Compare what has been put forward by the Canberra Liberals on numerous occasions, including that one on 6 April where there were five pages of evidence on the notice paper, with what has been presented today by Mr Barr, who could not even point to a single instance, to anything, that Mr Smyth had done, other than some rhetoric.

So the point I am making is that this is not a censure that is derived from any substantive wrongdoing by Mr Smyth. This is simply political opportunism by the Labor Party and supported by the Greens—and I am not sure it has been supported by all the Greens. As I said, I think there would have to be a wedge in there somewhere because I simply cannot believe that Ms Le Couteur would have supported this motion, knowing, as she does, the detail of what has occurred and knowing that what Mr Smyth has done is simply in a press release say nothing more, nothing further, than she has already said publicly that is the subject of a committee that has been voted on in this place and has been agreed to by the majority of the members in this place.

I am not sure that, whichever way this vote goes, Mr Smyth is going to be too disappointed, because when you review the *Hansard* and you listen to the debate I think that the argument put forward by Mr Smyth and Mr Seselja stands up. It has actually exposed a number of things. It has exposed the ineptitude of Mr Barr, who either deliberately did not make the case or, if he was trying to make the case—if that was his best effort—questions have to be raised about his ability or his willingness to protect and defend his Chief Minister. I think it has again exposed the closeness, the association—almost a marriage—between Labor and the Greens.

Whenever we move a motion again against a member of the government—and I am sure there will be a motion of censure or no confidence that we will move again, based on this government's performance—the Greens now will not be able to look the media in the eye when they say, "We don't support these random motions of no confidence that come from the Liberals," because now it has got to be 12 to one. When I say 12, there are actually only 11 that are recorded in the sheet that I was given by the Clerk's office, because for one of them the Greens would not even grant leave. There was a motion of censure that I moved on 7 December 2010 against Mr Corbell, and the Greens did not even grant leave for that. So it is extraordinary to have a position where the Greens will vote 11 times against a motion of censure or a vote of no confidence and on another occasion will not even grant leave.

But for the Labor Party, with the flimsiest of case, on a single occasion, the Greens are leaping into it and are giggling away on the back benches there, saying, "Slippery and slimy," and thinking that that is all a big joke. So I think you can see that this is nothing about the substance. This is nothing about the issue. This is about the politics and this is about the Greens saying, "We will do anything—anything—to protect the Labor Party at the expense of the Canberra Liberals." With friends like that, who needs enemies? Any time we are talking about Ms Gallagher and the privileges committee because she interfered in the appointment of the Auditor-General, bring it on.

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) (3.48): This is a clear case of misleading conduct, and that is the whole purpose of the censure today. Mr Smyth was misleading. He went out into the community and deliberately sought to perpetuate a claim which he knew to be false. That is what he did. And what was the falsehood? The falsehood was the claim that the Chief Minister had acted improperly. The falsehood was the claim that she had acted in a seriously improper manner and that that matter had been proven.

The fact is that it has not been proven. The fact is that it is up to a committee of this place to determine whether or not there have been any improper actions on the part of the Chief Minister. We know what the Chief Minister's view is on these matters; she has put that clearly on the record and it will be for the committee to determine those matters.

What Mr Smyth did was to decide that he was judge, jury and executioner. He decided that he knew what had happened and he decided that he was going to go out and compromise the conduct of that Assembly inquiry by making the assertion that the Chief Minister had already been concluded to have acted improperly. Let us look at what he says in the media statement:

> So clear was the improper behaviour—

No suggestion that this is a matter to be investigated; no suggestion that this is a question to be tested. He said:

> So clear was the improper behaviour—

And he went on to say:

> … if left unchecked, could create further serious interference in the future.

There it is: he decided that the interference was serious and he decided that the behaviour was improper—when these are questions for the Assembly's privileges committee to determine. But, no, Mr Smyth does not care about that, because he is simply interested in smearing the reputation of the Chief Minister, for his own base political purposes. He has to be held to account for that. You cannot walk out of this place, knowing how this place operates, knowing what questions are currently before an Assembly committee, and assert something beyond the facts. And that is what he did. He knowingly and deliberately went out into the community and asserted, in a misleading fashion, an attributed behaviour to the Chief Minister which is in dispute and which is a matter for a committee of this place to determine.

We have to respect the processes of this Assembly. We have to allow the processes of the committee to be conducted appropriately.

Mr Seselja: On a point of order—

MR SPEAKER: One moment, Mr Corbell. The clocks, thank you. Mr Seselja.

Mr Seselja: The minister just claimed that Mr Smyth made his comments knowingly and deliberately. That is implying that it was a lie. That is not actually what this motion says. Unless he wants to amend the words of the motion to claim that it was deliberate, he should otherwise issue a withdrawal. He cannot make wild allegations. He has to stick to the substance of his censure motion. He should be called to account and called back to order. He cannot just go and expand the censure motion now. If they want to use those kinds of words, they should add them to the motion.

MR CORBELL: The censure motion—

MR SPEAKER: On the point of order?

MR CORBELL: Yes, on the point of order, the censure motion is to censure Mr Smyth for his misleading comments, and we assert that he was deliberately misleading—

Mr Seselja: No, you don't. That's not what it says in the—

MR CORBELL: That is what the motion says.

Mr Seselja: No, it doesn't. Have you read it?

MR SPEAKER: Order! One moment.

Mr Seselja: I think you just misled, Simon.

MR CORBELL: No, I did not.

MR SPEAKER: Yes, there is no point of order, Mr Seselja.

MR CORBELL: That is right.

MR SPEAKER: I think it has been a wide-ranging discussion and this is not outside the bounds of what we have heard so far.

MR CORBELL: Thank you, Mr Speaker. You can see how sensitive they are on this issue—because Mr Smyth has been caught out.

Mr Smyth interjecting—

MR SPEAKER: One moment, Mr Corbell. Stop the clocks, thank you. Mr Smyth, I have had to ask you a number of times. You are now warned for interjecting.

MR CORBELL: Thank you, Mr Speaker. You can see how sensitive they are on this—because he has been caught out. He has been caught out being far too many steps ahead of the process in this place. We must as an Assembly have regard to the processes of this place. Mr Smyth is usually the first person to stand up in this place and talk about convention and custom and practice and pull out his big, thick *House of*

Representatives Practice and lecture us in detail. But of course, when it comes to taking some base political advantage, all of those things go out the window.

That is exactly what occurred when Mr Smyth issued his media statement on 20 September. He did not say that there were questions about interference or improper conduct to be considered. He said they had occurred. He said that matter had already been concluded and it was simply a matter of now determining what the punishment should be.

Well, he was wrong. He knowingly and deliberately went out into the community and sought to make claims that he knew were false, and he should be censured for that.

MRS DUNNE (Ginninderra) (3.54): Let us have a look at the press release that Mr Barr could not bring himself to quote from. Mr Smyth says:

> Katy Gallagher's interference in the appointment of the new Auditor-General will be examined by a Select Committee of the Legislative Assembly …

Let us now look at what Ms Le Couteur said to you, Mr Speaker, in addressing the issue:

> The majority of the committee was of the view—

Members interjecting—

MR SPEAKER: Order, members!

MRS DUNNE: Listen:

> The majority of the Committee was of the view that the matter raised by Mr Smyth had caused interference with its work.

Mr Smyth said nothing more out there than he said in here, and he has demonstrated that over and over again. What has been clearly established is that the Chief Minister's actions caused concern to Mr Smyth. As his job required him to do, he raised it with the Speaker. The Speaker did his job: he raised it with the committee. The majority of the committee found that the issues raised by Mr Smyth had caused interference with its work and went on to say it regarded it as a precedent and that if repeated it would cause substantial interference with the scrutiny and oversight role of parliamentary committees.

These are very serious matters. As a result you, Mr Speaker, found precedence and as a result of that a majority of members in this place found that there should be a privileges inquiry into that matter.

By going out and putting out a press release—the offence is to put out a press release—Mr Smyth told the public what we had done in here.

Mr Corbell: No, he went further than that.

MRS DUNNE: You can contend that and you can interject if you like, but if you read the plain words, the plain words are almost an exact replica of the things that were said in the letter from Ms Le Couteur to you, Mr Speaker, which was endorsed by a majority of members in this place by establishing a privileges committee. And that is what this is about. This government has been squirming all week. This government, under the leadership of Katy Gallagher, who was going to be Ms Openness and Accountability, stumbled at the first hurdle.

Mr Hargreaves: A point of order, Mr Speaker.

MR SPEAKER: Yes.

Mr Hargreaves: With the clock.

MR SPEAKER: Yes, stop the clocks, thank you.

Mr Hargreaves: You have asked us in the past not to make those asides, those disparaging asides. Mrs Dunne has just said "Ms Openness". That is a disparaging aside, Mr Speaker, and I would ask you to ask Mrs Dunne to desist from that, please.

Mr Seselja: On the point of order, Mr Speaker, I find it remarkable, but you have ruled already in this debate that making unfounded allegations about Mr Smyth by Mr Barr are in the bounds. And Mrs Dunne has just quoted Ms Gallagher's words about herself. I fail to see how that could possibly be ruled out of order.

Ms Gallagher: Mr Speaker, on the point of order, I think you have made rulings in this place about using member's appropriate names when referring to them, and "Ms Openness", or however Mrs Dunne referred to me, is not my appropriate title in this place.

MR SPEAKER: There is no point of order at this stage. I think the nature of the debate today has been such that Mrs Dunne sits within the bounds of it at the moment.

MRS DUNNE: Just to make things perfectly clear, I am quite happy to withdraw and say that Ms Gallagher has set herself up in this place as the doyenne of accountability and openness, and she stumbled at the first hurdle. At the first opportunity she had to make a statutory appointment, probably one of the most important statutory appointments you can make in the territory, she got it wrong. And she got it so wrong that a majority of the committee who were supposed to sign off on this felt that she had interfered with it and that, if it was not addressed, it could create a precedent of great seriousness. "If regarded as a precedent and repeated," the committee said, "it would cause substantial interference with the scrutiny and oversight role that parliamentary committees have on behalf of the Legislative Assembly with regard to the process of statutory appointments."

So the doyenne of openness and accountability failed to such an extent that the committee said that this was an unfortunate precedent and it needed to be addressed. Mr Smyth did nothing more than go out into the community and say what he had said

in here—what had been endorsed in here by a majority of members. And why we are here today is because this government is floundering around.

Let us look down the row. The Chief Minister on Tuesday was dispatched to a privileges committee. Last week Minister Burch, the Minister for Community Services, had to institute an inquiry into her department because of breaches of the law. Mr Corbell got himself thrown out last night for extraordinarily bad behaviour. Mr Hargreaves has just been cranky all week. And on top of that, a whole lot of things—

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

MR SPEAKER: Stop the clocks, thank you.

Mr Hargreaves: that has got to be not only laughable but also an insult to me. I get cranky in this place but this week wasn't it. How can you call somebody like me, a sweet old man like me, cranky?

MR SPEAKER: I believe that, under the standing orders, if Mr Hargreaves has taken offence he is entitled to ask that it be withdrawn.

MRS DUNNE: I withdraw.

MR SPEAKER: Thank you, Mrs Dunne.

MRS DUNNE: Even though it does appear to be a self-fulfilling prophecy.

MR SPEAKER: Let us proceed with the discussion.

MRS DUNNE: What we have in addition to this is that the government are in a situation where a whole lot of things that they do not want to happen have been forced upon them. There is an inquiry into their failed supermarket policy. They are just a whole lot of unhappy campers—

Mr Corbell: On a point of order, Mr Speaker, I accept that there is some latitude in this debate but it does not lend itself to a full-blown critique of everything that Mrs Dunne thinks is wrong with the government. She has to remain relevant in some way to the issue before the chair, which is whether Mr Smyth's behaviour warrants censure or not.

Mr Seselja: On the point of order, Mr Speaker, you have already ruled that this is wide ranging. It is always wide ranging. Mr Barr was allowed to make ridiculous assertions about Mr Smyth's behaviour that had nothing to do with this debate and we are quite entitled to go to the dodgy motivations of this government in bringing this censure here today. A censure is a serious thing. They should be able to take whatever comes back at them if they are going to throw unfounded allegations across the chamber.

MR SPEAKER: On the point of order, Mrs Dunne, I accept there is some room for you to go to the motivations of why the government might be remiss but let us not dissect each of those in great detail, thank you.

MRS DUNNE: Okay, thank you, Mr Speaker. Just to conclude the point: the government have been casting around for something with which to hit back at the opposition. I must say I was surprised that they would go after Mr Smyth. I was surprised but I thought that they had been casting around, and they have been casting around because they have had such a very bad display. Of course, it shows that they have been casting around when you see the thinness, the complete gossamer, of the case—actually you could not call it a case—put up by Mr Barr.

He spoke for about 6½ or seven minutes. He had nothing to say. He has moved a motion about misleading comments but in the process did not quote one misleading comment. Mr Hargreaves and Ms Gallagher have quoted from the press release. They have also said that there were comments made in the media but they cannot come in here and demonstrate in one place where anything that Mr Smyth may have said in the media was not backed up by things that were said in here and endorsed by members of this place.

The thing that you have to remember, Mr Speaker, is that the motion that was moved by Mr Smyth as a result of his writing to you and your finding precedence was endorsed by the majority of members in this place. With respect to Mr Smyth going out and speaking about that, that is his right as the father of the motion. He is entitled to speak about that. And he did not say anything that was not endorsed in this place.

Mr Hanson was right: when we touch on the performance of the Greens in this, there was a discussion when Mr Barr's motion was put out about how the Greens were going to approach this. If you look at their track record you would think that they would not support this motion. They were not given notice. The subject of this was not given appropriate notice. They have required appropriate notice in the past. They have required that they be substantial matters. They require it to be serious. There has been one occasion in this Assembly when something close to a censure has passed, and that was when there was a clear breach by the Attorney-General. And that was not a censure. It was a very interesting case.

What we have actually seen is a double standard from the Greens. Everything that they have required from the Canberra Liberals, if we have moved a censure of members opposite, has just been thrown out the window. The issues about notice, about substance—Mr Barr could not make a case. But it is quite clear that Ms Hunter had made up her mind before any of this had been put forward. I think it is because the Greens, and Ms Hunter in particular, probably would have been very uncomfortable on Tuesday having to vote for a privileges committee in the circumstances. I think it must have been a very hard call to support Ms Le Couteur over the Chief Minister last Tuesday, and this is an opportunity to get back in the good books.

MS LE COUTEUR (Molonglo) (4.06): I will rise very briefly. Mr Hanson said that Mr Smyth had only said what I had said publicly. I would like to point out that I have

made no public statements on this matter. I have, as chair of PAC, signed some correspondence on this matter, some of which went to the Speaker, and I believe as such has been publicised in this arena. But I have made no public statements on this subject.

MR SMYTH (Brindabella) (4.06): Mr Speaker—

MR SPEAKER: Mr Smyth, you have already spoken.

MR SMYTH: It has been the practice in this place in the past for the person who is accused to seek leave in order to answer the case that has been made, and I would seek leave to speak again.

Leave granted.

MR SMYTH: Thank you, members. Mr Speaker, I always look forward to these sorts of debates, because it is important that we have robust debates about the behaviour of members. As I said when Mr Barr made his initial speech, I was looking forward to other members at least reading the press release and trying to use the words to make the case. I saw that Mr Corbell handed Mr Barr the press release so I expected Mr Barr would try and quote from the press release. Mr Hargreaves attempted to but, in the main, all Mr Hargreaves did was make the case that what I had done was correct. That is what we expect from Mr Hargreaves and we often thank Mr Hargreaves for it.

It was not until Ms Gallagher spoke in the third speech from those opposite that we finally got some of the quotes that I predicted. I suspect that there are two bits of confusion here. One of them is over the English language and the use of tense—past, present, future tense—and the other is which committee we are referring to. Mr Hargreaves made the comparison between my press release and Ms Gallagher's press release. Ms Gallagher's press release is headed up "New Auditor-General for ACT". Any reasonable reading of that means that there is a new Auditor-General for the ACT—not that it is proposed or not that it might happen, but that there will be. If you read the header on my press release it says "Gallagher to be examined". It uses the future tense: "She will be examined", so there is no decision made in that. If you do not understand the English language, go back to school. It reads "Gallagher to be examined for improper conduct".

Now, where do I get improper conduct from? The motion talks about improper interference with the free exercise of an Assembly committee. Where do I get improper interference with the free exercise of an Assembly committee? I get it from the letter written by the chair on behalf of the public accounts committee where it says in paragraph (a):

> … the majority of the Committee was of the view that the matter raised by Mr Smyth had caused interference with its work …

And paragraph (b):

> … if regarded as a precedent and repeated, to cause substantial interference with the scrutiny and oversight role parliamentary committees have on behalf of the Assembly with regard to the process of statutory appointments.

I can understand you would be upset at being called to account. It is upsetting when you get something wrong and you are held to account, but that does not make what I have said wrong. In fact, what I have said is entirely correct: "Gallagher to be examined for improper conduct". Again, I do not understand which mental political giant upstairs thought this one out and thought that, by bringing this back on the agenda, it was going to help the Chief Minister in some way. But, boy, you guys need to look at your tactics. If it came out of Mr Barr's office, Ms Gallagher, I would be really worried.

We then had Mr Corbell saying, "Mr Smyth is wrong and he knows he's wrong." Mr Corbell would know because Mr Corbell has got form. Mr Corbell has got the worst record of any minister in this place for censure. Mr Corbell was found in contempt of the Assembly after the estimates committee in the health debate when there was a cheat sheet issued to staff so that they could avoid the questions of the opposition.

There was a motion passed that the Assembly expressed its grave concern at the Minister for Health being found in contempt of the Assembly. Then, of course, there was "The Assembly censures Mr Corbell for his refusal to negotiate with the owners of the site at the corner of Nettlefold Street and Coulter Drive as directed by the Assembly." My personal favourite—and he knows about wilful misleading—is this: "The Assembly censures the Minister for Health and the Minister for Planning, Mr Corbell, for persistently and wilfully misleading the Assembly on a number of issues." Mr Corbell understands this because he did it all the time and was found and held to account by the Assembly on various occasions. Being chastised by a man with that record really does not hold much weight, as far as I am concerned.

It is interesting because at least Mr Corbell did what Mr Barr should have done, and I see a pattern here. We have got a left colleague standing up for the left Chief Minister and we have got a right colleague not even tabling a document, not quoting a word, a phrase, a sentence, or a paragraph. He did not even quote the header from my press release. Perhaps it is a left-right split over there; I do not know. Mr Corbell said: "It was misleading. He knew it to be false." I am not sure which bit is false—"Gallagher to be examined for improper conduct". "To be examined" is future tense. He said I had pre-decided that there was interference. The interference, the bit he quotes from, was actually the decision of the public accounts committee. I will quote from what the public accounts committee said. It is a letter on Assembly letterhead; it has got "Legislative Assembly for the Australian Capital Territory—Standing Committee on Public Accounts". The committee chair, Ms Le Couteur, wrote and said—and I will read it again:

> … the majority of the Committee was of the view that the matter raised by Mr Smyth had caused interference with its work …

In the next paragraph it says:

> … if regarded as a precedent and repeated, to cause substantial interference with the scrutiny and oversight role parliamentary committees have on behalf of the Assembly …

If you are mixing up your committees and you are not getting your tense right, it is no wonder you would be offended. You need to read the letter properly. You need to take the quotes properly. It is interesting, Mr Speaker, that I followed the process to the letter of the standing orders and the companion. I had concerns, I did the right thing and I resigned over those concerns. I wrote to you. You wrote to the committee. The committee wrote back to you. You granted precedence and offered me the opportunity to move the motion, which I did. What did the motion say? It said:

> … pursuant to standing order 276, a Select Committee on Privilege be established to examine whether there was improper interference …

Improper interference, improper behaviour, improper conduct—I think they are all quite interchangeable. I will not read my speech again, although it is tempting to read it all again. It is important that people know what we are looking at.

There is no substance to this motion, Mr Speaker. I will not be bullied. There is enough bullying going on through the ACT public service where ministers do not stand up for their public servants and they cover up and hide. I will not be bullied. We are bullying now everything from obstetrics wards and the ambulance service to the CIT—so many different places. So many different concerns are being raised and we are wasting our time on a motion when the minister did not deliver a single fact.

Ms Hunter was the same. She did not quote an entire phrase, sentence or paragraph from the press release. It is interesting that Ms Hunter actually seemed better prepared than I did. She had a typed speech, it appeared, to get stuck into this little beauty. The first I heard of this, Mr Speaker, was when this turned up on my bench here at about a minute past 2 o'clock. Obviously others had far more notice of this than I did. It says: "Censure motion: that the Assembly censures Mr Smyth for his misleading comments in his media release 'Gallagher to be examined'"—"to be examined", future tense, to be examined in the future, "and subsequent public comments". No-one has yet quoted a single one of the public comments. The mover of the motion could not quote a single line from the press release to support his case because there is none. They will get up and assert it now that the folly of this has been pointed out, but these are serious matters.

When I moved the motion to establish the privileges committee on Tuesday it was without any lobbying and it was without any negotiations, because that is the process we follow in these committees. The Speaker makes a decision and the Speaker informs the member. In this case you did inform me, and I am grateful for that. You then informed the Assembly and you made the offer to me. If people do not like that process then perhaps we need to look at the process, but that is how it worked and that is what was followed.

The Assembly decided that there would be an examination. Indeed, what are the things that they are looking at? They are improper interference, the announcement by the Chief Minister and approaches made by the chair. That is it; it is all there. That is what is in the press release. That is what I have stated consistently. I have followed the process outlined by the chapter concerning privilege. I have adhered to what the

standing orders say about committee behaviour. I have put out a press release saying that the Chief Minister is to be examined.

This is a serious matter. For the Chief Minister to be referred to the privileges committee is a very serious matter and it should not be taken lightly. What I did was simply say that that was going to occur. I hope out of the committee some things will come that will make the process better. Maybe I will get into trouble for making that statement. Perhaps that is unduly influencing the committee. But when you establish these committees it is always to make sure—and I said in my speech that poor process and poor governance were followed—that things are not repeated in future. That is the purpose of the committee. The Chief Minister will be examined, as I said in my press release.

This motion, Mr Speaker, is a joke. It actually belittles the Assembly. No case was made. There was no evidence. There were no facts. There was no case. We are now cobbling a case here as we go along. Mr Hargreaves put in his two-bob's worth, but I think that was more for our side than their side. Ms Gallagher got up and said a few things. But the member himself who moved the motion is yet to make a case. If he makes the case in his closing speech, which of course should be a summation, that will be interesting. But if there is new material delivered or a new case is made then of course I have been denied natural justice—and won't that be interesting?

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.16), in reply: I thank members for their contribution this afternoon. The Assembly has obviously needed to consider a serious matter this afternoon. I acknowledge that this, as I said at the beginning, is not something that the government seeks to bring on on a regular basis, perhaps unlike those opposite. I must observe with some sense of humour, Mr Speaker, that to be lectured by those opposite on how to approach a censure motion, given their track record in this place, is somewhat amusing. I will take my chances with my approach, Mr Speaker. It is not about how loud you are or how long you speak, Mr Speaker—

Mr Seselja interjecting—

MR BARR: It is not a reflection of how many interjections you make, Mr Speaker.

MR SPEAKER: Mr Seselja!

MR BARR: Thank you. It is not a reflection of how funny you think you are when you get up and strut like Abbott, Mr Speaker. It has got nothing to do with that. This case is very clear. Members have all seen Mr Smyth's press release and his commentary in the public arena. A number of members have quoted in detail from Mr Smyth's media release. It is publicly available on Mr Seselja's website. If it appeases—

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, I remind you.

MR BARR: If it appeases those opposite, I am happy for it to be tabled, Mr Speaker. I am happy for it to be tabled. I table the following paper:

> *Gallagher to be examined for improper conduct*—Copy of media release by Mr Smyth on 20 September 2011.

Mr Hanson interjecting—

MR SPEAKER: Thank you, members. Order! Mr Barr has the floor.

MR BARR: Well, thank you, Mr Hanson, for your wonderful advice. You have been so successful in prosecuting censure motions in this place that you would be the first person that I would seek advice from in relation to these matters.

Now, Mr Speaker, it is clear that Mr Smyth has had a rush of blood. He has had a rush of blood and has put out a press release. It is inappropriate—as Mr Smyth is wont to tell everyone else in this place on a regular basis—and the will of the Assembly this afternoon, it appears, Mr Speaker, is that Mr Smyth be censured for his actions. That is appropriate. It is the appropriate response from the Assembly to what is clearly inappropriate conduct from Mr Smyth, who is seeking to obtain base political advantage from what should be the highest level of inquiry.

He has sought to pre-empt that through his media release and his public comments. He knows that. He was dissembling and speaking faster. It is when the voice gets a bit higher and he starts quoting at a rapid rate of knots from about a million documents in front of him that you know he is in a bit of trouble. The eyes start blinking furiously. Those are all of the characteristics, Mr Speaker, that we see. It is very clear from the content of Mr Smyth's media release, which we have all seen and which I have tabled—

Opposition members interjecting—

MR SPEAKER: One moment, thank you, Mr Barr. Stop the clocks. Members, I have asked a number of times for the interjections to stop. Mr Hanson, you are now on a warning.

Mr Hargreaves: Is that the second one in two days?

MR SPEAKER: No, it is not. Mr Barr, you have the floor.

MR BARR: It is clear from the sensitivity of those opposite that Mr Smyth has been caught out here. He knows it. Everyone in this place knows it and every independent observer knows it. That is why, Mr Speaker, it is appropriate that the Assembly censure the Deputy Leader of the Opposition today. His behaviour is inappropriate and deserves censure.

Question put:

> That **Mr Barr's** motion be agreed to.

The Assembly voted—

Ayes 10		Noes 5	
Mr Barr	Ms Gallagher	Mr Doszpot	Mr Smyth
Dr Bourke	Mr Hargreaves	Mrs Dunne	
Ms Bresnan	Ms Hunter	Mr Hanson	
Ms Burch	Ms Le Couteur	Mr Seselja	
Mr Corbell	Mr Rattenbury		

Question so resolved in the affirmative.

Supplementary answer to question without notice
Children and young people—care

MS BURCH: Earlier in the week I was asked by Mr Coe for information about property and maintenance around the property and for that to be clarified through Housing ACT records. For the member's interest, I am quite happy to table the maintenance records for that property. I table the following paper:

> ACT Housing Property Maintenance Schedule.

Papers

Mr Barr presented the following papers:

> Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2010-2011—Statement of reasons—Economic Development Directorate, Volume 2.
>
> Exhibition Park in Canberra—Redevelopment of the petrol station site adjacent to EPIC and on progress with the development of low cost accommodation on the Exhibition Park site—ACT Government report to the Legislative Assembly.

Ms Gallagher presented the following paper:

> Estimates 2011-2012—Select Committee—Report—Appropriation Bill 2011-2012—Government response—Recommendations 104 and 108—Update on health-related recommendations.

Review of liquor licensing fees—final report
Paper

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.24): For the information of members I present the following paper:

> Review of Liquor Licensing Fees—Final report, dated September 2011, prepared by the Justice and Community Safety Directorate.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Law Reform Advisory Council—report
Papers

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.25): For the information of members I present the following papers:

> Law Reform Advisory Council Report: A Report on Suspended Sentences in the ACT—
>
> Report 1, dated 31 October 2010.
>
> Government response, dated September 2011.

I move:

> That the Assembly takes note of the papers.

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

Paper

Mr Corbell presented the following paper:

> Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2010-2011—Statement of reasons—ACT Public Cemeteries Authority.

Aboriginal and Torres Strait Islander Elected Body—report
Papers 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 papers:

> ACT Aboriginal and Torres Strait Islander Elected Body—Towards True Reconciliation—
>
> Second Report to the ACT Government 2011.
>
> Government response.

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

Leave granted.

MS BURCH: I am pleased to table the second Aboriginal and Torres Strait Islander Elected Body report to the ACT government, as well as the government's response to the report.

The inaugural process in 2009 resulted in 29 recommendations, which I am pleased to say were all agreed and responded to by the ACT government. Notable examples of the government actions to implement these elected body recommendations included:

- the implementation of a process to improve the collection and management of Aboriginal and Torres Strait Islander data, which resulted in a whole of government data monitoring scoping project;

- the implementation of a whole of government Aboriginal and Torres Strait Islander employment strategy;

- better information and promotion of ACT government services to Aboriginal and Torres Strait Islander people with the development of the ACT government's Aboriginal and Torres Strait Islander service delivery framework;

- improved support for school-aged students during the transition to high school and beyond and to maintain literacy and numeracy achievements; and

- recurrent funding for an Aboriginal and Torres Strait Islander liaison officer at the Women's Legal Centre.

In December 2010 the then chief executives of the government agencies were called to present evidence to the elected body in support of their directorates' spending and decision making in a second estimates style hearing process. From this, the elected body produced a detailed report setting out 30 recommendations. It should be noted that the elected body provided an interim report in late 2010 with 16 recommendations. The elected body's second report to government was presented to my predecessor as Minister for Aboriginal and Torres Strait Islander Affairs, Mr Jon Stanhope.

I thank the elected body for their hard work in producing their second report and for suggestions on the ways to improve life outcomes in a number of areas for the Aboriginal and Torres Strait Islander community. The elected body recommendations reflect Aboriginal and Torres Strait Islander perspectives on access, quality and performance of the services delivered by the government.

The 2011 report contained 30 recommendations for improvements to life outcomes for the Aboriginal and Torres Strait Islander community, broadly covering increased support for the elected body to undertake its role and greater involvement in policy formulation; better support for Aboriginal and Torres Strait Islander people wishing to make a career in the ACT public service; increased services, programs and facilities for the Aboriginal and Torres Strait Islander community; and increased business opportunities for Aboriginal and Torres Strait Islander people.

One of the key recommendations the elected body made to the government was to consider ways to overcome Aboriginal and Torres Strait Islander disadvantage—a focus on increased budget allocation, and policy attention to the areas of education, health, law and justice, and housing.

The ACT government and its directorates are working closely with the elected body to further address the needs of the Aboriginal and Torres Strait Islander community, particularly in areas identified by the elected body as needing more attention. As part of the annual budget process the need to provide additional resources will be considered along with other priorities.

Whilst I acknowledge the considerable policy work that is being undertaken by ACT government directorates in many areas identified by the elected body's recommendations, I also acknowledge that there is still a way to go before we close the gap in life outcomes between Aboriginal and Torres Strait Islander people and non-Indigenous Canberrans. It is timely that the tabling of this elected body report comes close behind the release in August of the Productivity Commission's fifth biennial *Overcoming Indigenous disadvantage: key indicators 2011* report.

In acknowledging that the *Overcoming Indigenous disadvantage* report clearly demonstrates that there is still much to do in the ACT to close the gap in life outcomes between Indigenous and non-Indigenous people—for example, in the statutory care or justice systems—the *Overcoming Indigenous disadvantage* report also demonstrates that the ACT is building a strong foundation for progress and even taking the lead nationally on significant indicators for Aboriginal and Torres Strait Islander wellbeing such as housing and home ownership, school retention rates and employment.

For example, *Overcoming Indigenous disadvantage* reports 36.7 per cent of Aboriginal and Torres Strait Islander year 12 retention rates, the highest proportion of any state or jurisdiction. In 2009 the apparent retention rate for Aboriginal and Torres Strait Islander students from years 10 to 12 was 75 per cent, again the highest proportion nationally. In health, *Overcoming Indigenous disadvantage* finds that the percentage of daily smokers among Aboriginal and Torres Strait Islander people 18 or over was 30 per cent, which is the lowest percentage of all jurisdictions.

Economically, the *Overcoming Indigenous disadvantage* employment and income indicators were very promising for the Aboriginal and Torres Strait Islander population of the ACT. The ACT exceeds all other jurisdictions, with 72 per cent of the Indigenous working-age population employed in 2008. Between 2002 and 2008 the median household income for Indigenous households increased from 71 per cent of non-Indigenous households to 83 per cent of non-Indigenous households.

Significantly, *Overcoming Indigenous disadvantage* recognises that the ACT Aboriginal and Torres Strait Islander Elected Body itself is a model of best practice for community engagement and consultation.

I am confident that as we continue to engage with the elected body, and through it to listen and respond to the community's concerns and recommendations, we can achieve more progress across a range of areas.

With the elected body's second report, the government has agreed, or agreed in principle, to 24 of the 30 recommendations while noting five other recommendations. The government does not agree with the elected body in relation to one of its recommendations, and that is a linguistic program used to assist Aboriginal and Torres Strait Islander children in rural communities in New South Wales to be replicated in the ACT. Therapy ACT and the Education and Training Directorate do not believe the New South Wales model is suitable for Canberra and that we provide effective intervention programs aimed at supporting speech and language development.

I will be asking the government directorates to focus on recommendations and findings of the second report, together with recommendations arising from the elected body's first report to government and on the outcomes from its scheduled hearings in the coming months.

I am pleased to table the elected body's second report and our response, which honours this government's commitment to fully engage and respond to the circumstances of Aboriginal and Torres Strait Islander people The government is committed to ensuring that all ACT directorates fully and effectively support the newly elected Aboriginal and Torres Strait Islander Elected Body to ensure that their community and their peoples are involved in decision making at the highest level. Delivery on the commitments outlined in this report will be a point of reference for the incoming elected body and for me as Minister for Aboriginal and Torres Strait Islander Affairs.

We are all committed to equitable and quality service delivery across government and through our partnerships with the Aboriginal and Torres Strait Islander community. I am confident that the new elected body will continue to work tirelessly to guide us to improve the outcomes for the Aboriginal and Torres Strait Islander community living in Canberra.

ACT Supermarket Competition Policy—Select Committee Membership

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received notification in writing of the following nominations for membership of the Select Committee on Supermarket Competition Policy: Dr Bourke, Ms Le Couteur and Mr Seselja.

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

> That the Members so nominated be appointed as members of the Select Committee on ACT Supermarket Competition Policy.

Housing—low income households
Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received letters from Dr Bourke, Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson,

Mr Hargreaves, Ms Hunter, Ms Le Couteur, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Ms Bresnan be submitted to the Assembly, namely:

> Low income households in housing stress.

MS BRESNAN (Brindabella) (4.35): Last Monday Australia saw a new campaign established through the Australians for Affordable Housing coalition. The group is made up of over 60 housing, welfare and community sector organisations to address the issue of adequate affordable housing for people on low incomes.

In Australia more than 150,000 people in private rentals are paying more than half of their income in housing costs, even after receiving rent assistance. And in the last five years rents have risen at twice the rate of inflation.

The housing coalition has found the ACT to have the worst rates of housing stress for low income households in the nation. Fifty-three per cent of low income residents receive rent assistance because they pay more than 30 per cent of their income in rent. This rate is the highest in the nation, and higher than the national average of 42 per cent of low income households. As Shelter ACT has said, there is "no room in the boom". As Canberra's economy improves, prices rise and people on low incomes are impacted.

In regard to homeownership, the median house price in Canberra was 3.4 times the annual average income in 2001. Now it is 6.2 times the annual average income. The housing coalition notes that over the last decade house prices nationally have risen by 147 per cent but incomes have only risen by 57 per cent. House prices have risen faster than incomes for all household quintiles, apart from the top 20 per cent of income earners. And despite falls in interest rates, households are paying more in interest repayments that they were in the 1980s.

Difficulty in entering the housing market is a generational problem. Over the last 20 years the rates of homeownership for households under 35 years of age have declined steadily, and it may be that fewer households of this generation will have the financial security of homeownership into their retirement. Much of Australia's social welfare spending, particularly in retirement, relies on homeownership to secure a decent standard of living.

A report issued by the housing coalition states:

> There is no single cause of Australia's housing affordability crisis. Rather, it is the result of a range of problems in the home ownership, private rental and public housing markets, all of which need to be tackled in a comprehensive and coordinated way.
>
> The Australian tax system has a significant adverse impact on housing affordability in Australia. Tax breaks such as negative gearing and capital gains tax exemptions encourage investors to make speculative investments in the housing market. They also subsidise investors to compete with first home buyers. This activity pushes up house prices.

> The combination of negative gearing tax breaks and capital gains tax exemptions has led to a situation where housing investors went from claiming a collective income of $700 million in 1998-99 to a collective loss of $6.5 billion in 2008-09.

The affordable housing coalition is also concerned about the limited availability of public housing and that it has not kept pace with population growth. The housing coalition believes we now have less low cost rental housing available in comparison to the past—and the shortage nationally is about 493,000 low cost rental properties. The report issued by the housing coalition states:

> Solutions highlighted by industry commentators to increase first home owner grants, cut stamp duty and release land don't address the fundamental underlying problems in our housing market. These solutions help people who make money from selling houses, they don't improve the situation for those who live in them. At best they'll provide a quick fix that doesn't last long; at worst they drive up house prices even further.

In the *Canberra Times* on Tuesday, Ms Toohey, spokesperson for the affordable housing coalition, said:

> The ACT housing system is failing too many people and successive government policy settings have contributed to this failure.

Since the Australians for Affordable Housing coalition was launched on Monday and their reports have been made public, I asked the ACT Minister for Economic Development if he supported the housing coalition's findings about housing stress. The impression we have received from his responses in the chamber is that he does not agree that the ACT has the worst rates of housing stress for low income households in the nation. When the Greens asked on what basis he had come to this position, he said he relied on measures of housing affordability that came from organisations such as the Real Estate Institute. Herein lies the problem, because the Real Estate Institute focuses on measures of mean and average prices, rents and income.

Last week, for example, it was reported that, based on the Real Estate Institute figures, Canberra had the most affordable rent in the nation, as only 16.7 per cent of income was required in the June quarter to meet rent payments, well below the national average of 24.8 per cent. That is good for people in Canberra who have benefited from economic growth or have a strong and steady income. According to the statistics, if you are on the median income, you can afford housing in the nation's capital. But if a person or a household earns a below-average income, Canberra can be a difficult place to live. I am surprised that the minister responsible for the affordable housing strategy was unwilling to accept this finding.

If the government are unwilling to accept the evidence, it seems unlikely that they will deliver a revised affordable housing strategy early next year that will effectively target the problems Canberra is facing.

The Greens recognise the housing stress that many low income families are under, which is why we set targets and programs associated with affordable housing into the

parliamentary agreement. Under appendix 2, item 6.3, the Greens requested that the ACT government adopt a goal of 10 per cent public housing stock and in the short term fund an additional $10 million in additional public housing stock.

Public housing is recognised as being the most secure form of affordable housing that the government can invest in. The government has responded with help from the commonwealth stimulus package by increasing the number of public housing properties in the ACT from around 11,500 to 12,000. The Greens do recognise that very significant figure.

In the last budget the Greens made a budget bid for the $10 million. The government provided $9.4 million in order to provide around 32 dwellings. The development will be in the form of an intentional community which will include three young men with disabilities, an extremely worthy project, and something that the mothers of those young men have worked to achieve. I do congratulate the government on recognising that project.

Keeping the public housing stock up at around 12,000 will require the investment of $5 million a year, which the government has stated is already built into Housing ACT budgets. Data from the Australian Institute for Health and Welfare has shown that demand for public housing is going to grow by 30 per cent by 2021.

The Greens want to see the overdue public housing asset management strategy. The government has promised that the strategy will be made public by the end of the year. We need a clear strategy on how the ACT is going to meet demand into the future, particularly when the federal stimulus funding ends.

With regard to the redevelopment of the Bega, Allawah and Currong flats, the government has said it will be decreasing the number of public housing units at that site and moving some tenants to the outer suburbs, but of course only those who want to move. The Greens are concerned by the cut in public housing unit numbers on that site. We appreciate that some current tenants will want to move, but we do need to consider future tenants and what their needs will be. The Greens believe future public housing tenants should have just as much chance as previous ones to live close to Civic, with its services and amenities.

I appreciate the concerns the government has raised about what public housing blocks can turn into if there are a number of vulnerable tenants located on the one site. There are, however, many developments, particularly in some parts of the UK and also in Melbourne, which have been highly successful as they have provided tenants with energy-efficient multi-unit sites that tenants are proud to live in. There is also a mix of tenants in these blocks and they have been successful in terms of what they have achieved, so we should not be disregarding those sorts of developments. And if social development and improved on-site management are added, there is a greater chance that the community will be successful. K2 in Melbourne is an example of a successful project.

The government has also recently announced that it will redevelop the Northbourne flats site, and it is fair to say that the Greens do hold some concerns about this. It

would seem that the two sites—that is, Northbourne and the ABC flats—are likely to feature a high number of luxury apartments and that there will be money made from that project. The point that we make in relation to this is that we do need to ensure that through this public housing numbers are maintained and that low-cost housing remains a part of central locations such as Civic and the surrounding areas.

In the parliamentary agreement, under item 1.3 of appendix 2, the Greens requested that the government provide additional funding for energy efficiency improvements in Housing ACT properties at a rate of $4 million per annum, double what was provided previously. The Greens included this item in the agreement because we recognise that the cost of running a house affects its affordability, and that the age of many public housing dwellings also makes them costly to run. Recent statistics show that about 80 per cent of people that seek assistance for energy bills come from public housing.

In the last budget, the government doubled the commitment from $2 million to $4 million for retrofitting public housing in the 2011-12 financial year. Long-term funding for the retrofitting programs was due to end in June next year, but the Greens were able to get the government to provide $2 million per annum for the next three years for the programs to continue.

The Greens would, however, like to see funding in future years be consistent, at around $4 million per annum. To date, the government has provided upgrades to 25 per cent of public housing stock. Therefore, as these figures show, there is still a great number of properties to be upgraded for energy efficiency measures.

Another item in the agreement concerns the funding of a homeless persons legal service, which was funded and has been very successful, servicing a large clientele under the name Street Law.

The peak housing organisation in the ACT was greatly impacted by funding cuts in 2006, which saw its budget almost halved. I think it is important that the ACT has a properly resourced peak housing organisation, and the Greens strongly believe that this is something that should be addressed in coming budgets.

There are also significant issues facing the Tenants Union and the Welfare Rights and Legal Centre, which assist people with housing matters. The CLCs are turning away volunteers who want to offer their services because of a lack of space. These centres are vital to low income people in housing stress, and money spent here could prevent people from ending up in greater poverty or homeless.

In conclusion, the Greens recognise the significant housing stress that many low income families in the ACT experience. This is something which the government and all members in the Assembly must recognise if we are to provide safe, secure and affordable housing to the most vulnerable in the ACT community.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (4.47): I thank Ms Bresnan for bringing forward this MPI this afternoon. Housing affordability is a challenge faced by all Australian governments,

and the ACT government has a coherent strategy in place to help all Canberrans into affordable housing. Our affordable housing action plan was announced in 2007 and included 63 initiatives to increase the supply of affordable homes for sale and rent in Canberra. Phase 2 of the action plan announced in 2009 included 21 initiatives focused on the issues of homelessness and affordable accommodation options for older Canberrans.

There are undoubtedly many factors in play in relation to housing affordability. Demand for housing is high, and this naturally drives prices. Housing energy and running costs over time must also be considered. Land too is clearly a factor, and that is primarily where the ACT government can make a difference.

When we released our affordable housing strategy, we recognised there would be no quick fixes. We knew that the issues were complex and that it would take an ongoing effort to ensure more Canberrans could access affordable housing. And over the past four years, a great deal has been achieved. Initiatives of particular note include accelerating land supply, which has seen the ACT government release 5,048 dwelling sites in the 2010-11 financial year. This compares with 4,279 sites in 2009-10, 4,339 sites in 2008-09, and 3,470 sites in 2007-08. We are working towards releasing 5½ thousand dwelling sites in the current financial year.

The government has also established affordable housing requirements. This initially delivered 15 per cent affordable housing in all new greenfield estates. The government has increased this to ensure 20 per cent of all housing in new greenfield estates is affordable. Additionally, the value of what is considered affordable is indexed annually. Currently, affordable homes must be delivered for $337,000 or less.

Of particular relevance to this MPI debate this afternoon is the government's work in the area of community housing. We are working with Community Housing Canberra, or CHC, to supply 220 affordable homes for sale and 250 homes for affordable rent by 2013. These targets grow to 500 affordable homes for sale and 500 affordable properties for rent by 2018. To enable this to occur, the ACT government has provided a $70 million revolving finance facility to CHC Affordable Housing. And CHC is working hard to meet these targets, with more than 150 affordable rental properties to date and 135 affordable homes completed for sale.

OwnPlace is an ACT government initiative that commenced on 30 June 2008. It provides affordable house and land packages in Bonner and Franklin, at the current threshold of $337,000, targeting households with a household income of under $120,000. As at 1 August this year, 454 blocks had been taken up by the OwnPlace builders panel. Of these, 216 homes have been completed, 31 homes are under construction and a further 157 are due to commence construction over the next six months.

The ACT government's unique land rent program has been applauded around the country. Since 1 July 2008, 1,343 land rent contracts have been entered into and 1,112 have been either exchanged or settled. We will continue to work on affordable housing.

Through the budget, the ACT government will deliver more than $111 million over the four-year period of budget estimates for a range of projects to increase the supply of housing in the territory. This includes the release of 18½ thousand dwelling sites, of which 2,400 will be dedicated to affordable homes.

The government is mindful of the pressures faced by those in our community who are finding it hard to keep up with general cost of living increases. The government recognises that higher cost of living is more deeply felt by those on low incomes. And in response, the government has a range of concessions available. These include a maximum annual rebate of over $214 for electricity bills; 68 per cent per quarter off water and another 68 per cent off sewerage bills; a general rates, fire and emergency services levy rebate; for those buying their first home, the homebuyer concession schemes; for those downsizing, the pensioner duty concession schemes; and a range of motor vehicle and drivers licence concessions. In recognising that the rising costs of energy and water are placing pressure on low income households, the budget boosted the utility concession by $131, raising it to $346 per year.

As Ms Bresnan indicated, the government has provided a range of assistance, including $4.4 million for practical help for low income households to reduce costs by increasing their energy and water efficiency. We are also providing $8 million for the retrofitting of older public housing properties to improve their energy efficiency. And this will, in turn, assist in reducing tenants' utility costs.

We offer these concessions as part of a coherent, affordable housing strategy because we realise that the cost of housing and the cost of living are issues that undoubtedly intersect and, as such, it is worth consulting longstanding independent reports asking agencies to consider the ACT's performance.

The latest available Real Estate Institute of Australia data shows that the ACT continues to be the most affordable jurisdiction in Australia. It finds that the proportion of family income required to meet a home loan repayment in the ACT is 18.6 per cent. This is the second lowest level in Australia outside Tasmania and is significantly lower than the national average of 34.2 per cent. While the proportion of family income required to meet rent payments in the ACT is 16.8 per cent, again this is significantly lower than the national average of 25.1 per cent.

Recent Australian Bureau of Statistics data shows living costs in the ACT are around one per cent below the national average. According to the ABS, Canberra is the third cheapest Australian capital in which to live, with annual consumer price inflation growth around 0.3 of one per cent below the national average. The ABS finds that a range of prices have increased less in Canberra than elsewhere, including electricity prices, public transport and property rates. The latest ABS household expenditure survey found households in the ACT spent more on goods and services compared to other jurisdictions.

What was interesting in the commentary on that was that there was no real discussion on the other aspects of the report that show clearly Canberrans are doing better than their counterparts across Australia when it comes to the cost of living. The ABS found

that while average weekly expenditure in the ACT was 24 per cent higher than the national average, household income was 37 per cent higher than the national average. The ABS found household income in the ACT grew by 66 per cent between 2003 and 2010, compared to a 50 per cent growth rate across the rest of Australia. The ABS found Canberrans spend proportionately more on discretionary items such as entertainment and proportionately less on non-discretionary items such as housing costs and transport.

We have heard a lot of talk about cost of living. The ACT government is actually doing something about it, helping Canberrans to get into more affordable housing and helping those most in need. It does contrast markedly with the approach of those opposite who have voted against every measure to make housing more affordable in the territory over the past three years.

In the 2011-12 budget, the ACT government set aside more than $111 million to increase the supply of new housing and to support the release of 18½ thousand dwelling sites. The Canberra Liberals voted against this. In 2010-11, the ACT government set aside more than $85 million to release 17,000 dwelling sites. Again, the Canberra Liberals voted against this. In the 2009-10 budget, the ACT government set aside $74 million to invest in critical infrastructure to cater for new residential areas under our expanded land supply strategy. The Canberra Liberals voted against this.

The ACT government provided a $70 million revolving finance facility to allow CHC Affordable Housing to deliver hundreds of affordable homes for rent and for sale. The Canberra Liberals voted against this. In the 2011-12 budget, the ACT government set aside more than $12.3 million to increase concessions available for low income households. Again, the Canberra Liberals voted against this.

There is no policy emanating from the other side to make housing more affordable in the ACT. Apparently the only thing they support that will see house prices come crashing down is the federal opposition leader's plan to throw 12,000 Canberrans out of work. Undoubtedly the experience when this last occurred, in 1996, was that it did send prices through the floor. It would see 12,000 Canberra households become low income overnight, and it would appear to be the only scheme that the Liberal Party supports to address housing affordability—that is, to sack 12,000 Canberrans. It does stand in marked contrast to the proposals and policy direction that the ACT government is pursuing.

MR COE (Ginninderra) (4.59): The Greens and Labor seem to have this position whereby they think the answer to housing affordability issues is to actually make more Canberrans dependent on the state through public housing. That is not something that we on this side of the chamber believe in. We on this side of the chamber would actually like to see people become independent, for those in public housing, if possible, to be in public housing as a transition and to, where possible, find their feet in the private market.

However, Labor and the Greens, through their ideology, do not support this approach. They support an approach which involves acquiring more houses, building up the

stock of public housing to 10 per cent as a first goal and going up and up and up, driving more people into dependency. Public housing of course has a place. But what would be better, what would be much better, would be to not put people in that circumstance in the first place, to not be in a situation where so many Canberrans are being shut out of both the rental and the homeownership markets.

For too long, this government has neglected the concerns that the Canberra Liberals have been raising for a long time. For years, in fact, the Canberra Liberals have been echoing the concerns which have been raised with us and raised with the government and raised in every single media outlet that Canberra property prices are extremely high and the rental price too is extremely high.

This government does not have an answer. All this government does is release strategy after strategy. It does not actually implement them. Nor does it have a genuine will to actually address the concerns which are being raised.

In the Labor-Greens agreement there is of course a commitment to raise the public housing stock to 10 per cent. It is currently about 8.5 per cent. That means acquiring a couple of thousand more public houses simply so that more people can become dependent on the state. What would be better, what would be much better, would be a situation where fewer people have to go to the state for support. What would be better would be if we had a genuine housing and affordability strategy that would mean the supply of land, the building approvals and the industry were well equipped to actually deliver the supply which we so desperately need.

The Canberra Liberals do have a strategy. The Canberra Liberals will happily take to the electorate—whether it be in a referendum on this issue in 2012, along with housing affordability and cost of living pressures, amongst other things—our proposal on housing affordability versus the government's proposal any day. We are confident that we have a strategy that can genuinely address the concerns that tens of thousands of Canberrans face.

It is not good enough that a generation of Canberrans are being shut out of the property market simply because this government cannot manage its agencies and cannot manage the supply and planning of housing. The Canberra Liberals have a strategy and the Canberra Liberals look forward to taking it to the 2012 election.

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) (5.02): I thank Ms Bresnan for bringing on this matter of public importance.

On 1 September this year, I attended the Chief Minister's roundtable that discussed support for families and households experiencing financial stress. The roundtable focused on the cohort not normally in receipt of government support.

The ACT government has achieved many reforms on concessions for eligible households; however, there is more that can be done to support families in hardship. The community sector representatives that attended the roundtable identified three

areas for future focus. They are improved access to information about entitlements to support and concessional programs and services; more flexibility in existing funding arrangements and programs to effectively respond to complexity of community need; and the need to pursue opportunities to effectively engage with mainstream services such as schools and libraries and the business sector. The Chief Minister's summary of the roundtable suggestions to address concerns, I am advised, will be placed on the Chief Minister and Cabinet Directorate website some time later this month or early next month.

As I noted earlier, the government has invested in a range of concessions to better support households in need. The government funds and administers a range of concessions that aim to achieve a balance in the standard of living and access to essential services for all community members. These concessions provide support in areas such as energy, water and sewerage, and largely correspond with concessions in other jurisdictions.

The concessions program aims to ensure that each target group is supported to access an essential service or item, some of which assists them to participate in the community. The general eligibility criteria for these concessions are for low income individuals and households who are entitled to commonwealth income support.

The government allocated $12.3 million over four years in the most recent budget to increase the energy concession available to low income households to ease the cost of living pressures on the most vulnerable in our community. The funding will provide eligible households with up to an additional $131 in 2011-12, in recognition of the financial burden posed by utility costs. This secure, ongoing support shows the Labor government's commitment to continue helping Canberrans in need. The energy concession provides an energy rebate for eligible cardholder residents of the ACT, and is currently received by more than 25,000 Canberra households. By providing this significant financial relief to offset the costs of electricity and energy, the scheme is ensuring that low income renters, as well as homeowners, will receive an additional $131 per year:

The government concessions are a direct way to support access to services for low income households. We are determined to help the many low income earners with the cost of living, and these measures reflect that commitment.

As a result of the Chief Minister's roundtable, we have decided to ensure that the concessions website, including the concessions finder, is much more prominent on the government's homepage.

I turn to public housing. Through the national affordable housing agreement, the state and territory governments work together to provide housing affordability and homelessness outcomes for all Australians. The agreement recognises that coordinated effort is required to progress a wide range of measures. Importantly, supply-side issues, including land release and planning reform, are included in the NAHA housing continuum, acknowledging both the interrelated nature of the housing market and the failings of this market over time to adequately and fully respond to the housing needs of all Australians.

Through the coordinated effort across government to deliver in both phases of the affordable housing action plan, the government has committed to housing reform and a fairer and more responsive housing system. The ACT is now well ahead of the national reform agenda.

Under the nation building and jobs plan economic stimulus package, we have built an additional 421 social housing properties. Approximately one-third of these properties will be transferred to community housing providers to manage. These homes have significantly increased the supply of affordable housing in the ACT.

Public housing is a major provider of affordable housing in the ACT. Along with community housing providers, a rental subsidy is made available to eligible tenants. This means that tenants pay no more than 25 per cent of their combined household income on their rent payments. The average rental subsidy per week in the ACT is $242. This compares to a maximum subsidy for private sector households under the commonwealth rent assistance scheme of $70 for singles with one or two children.

According to the affordable housing action plan phase II of August 2009, there is a recognised housing shortage for older Canberrans. In December last year this government agreed to a range of measures designed to increase affordable housing options for older people. A key element of this agreement is to develop sites as mixed communities that will have public housing tenants, private tenants and private owners. Therefore a proportion of these properties will provide affordable rental housing and affordable "sale" through a licence-lease arrangement. This will allow older people to "own" their own homes through a licensing agreement under an "affordable homeownership" agreement.

The proposed criteria are designed to ensure that people over 65 who are facing housing affordability issues have the opportunity to move into housing that better suits their needs and that is affordable, without providing concessions to those who can afford to purchase in the private market. The homes will have a range of features that are designed to reduce the running costs of appliances and that are energy efficient and low maintenance.

It is worth noting that this government is committed to supporting social housing, but it is something that we have to factor in across our budgets. It is also around how we support those tenants that are in our housing. Many people in the ACT fall outside the income eligibility for public housing. The affordable rental scheme is designed to provide an affordable housing option for people who would otherwise be in housing stress renting in the private market. Homes will be made available at a concessional rent so that tenants will pay no more than 75 per cent of the market rent. The homes will be energy efficient, will be C-class adaptable and will incorporate water saving and energy efficiency measures. This in turn will lower the day-to-day household running costs.

This government also provides significant emergency financial and material aid assistance. The government provides this through our community sector partners—St Vincent de Paul, the Salvation Army and UnitingCare Kippax. The funding directly

assisted approximately 3,500 individuals in the first half of 2011; about 12 per cent of those were people from the private housing market. The assistance provided by the three services includes food packages, financial assistance with outstanding debts, bus tickets and referrals to other programs.

The ACT government also funds Rotary ACT to deliver supplies of food from Foodbank store in Sydney to a range of non-government agencies in the ACT for distribution to those who require assistance. In the last financial year, over 200,000 kilos of food was delivered to the ACT from Foodbank. We also fund Care Inc to provide financial counselling to individuals who are experiencing financial difficulties, to help them to manage their finances. The ACT no-interest loan scheme is also run by Care Financial Counselling.

Other schemes run by the Community Services Directorate include the rental bond loan scheme, which assists low income families to access the private rental market. And members will recall that Housing is currently engaged in an $8 million program to improve energy efficiency in public housing, which will significantly reduce the energy cost for public housing tenants.

These initiatives represent a suite of measures which will make a significant financial contribution to low income households across Canberra.

MS LE COUTEUR (Molonglo) (5.12): I thank Ms Bresnan for putting forward this matter of public importance today. I would like to point out to the speakers who have come before me that the topic was low income households in housing stress. I wish to emphasise the words "low income", because Mr Barr spoke to quite an extent about average income households and Mr Coe spoke on the basis that people really should not need help. That might well be true, Mr Coe, if everyone had average incomes or above. But the nature of statistics is such that not everybody can have an average income or above. In fact, half of us will end up with a less than average income.

Those people with less than average incomes in Canberra are suffering from housing stress. And those people, particularly in the bottom 10 per cent of incomes in Canberra, are probably either in ACT Housing or suffering from housing stress. Those are probably their two options, because even if they are a private owner they will probably be finding the maintenance of their house and the repayments very hard.

One group of low income people who are suffering from housing stress that I particularly want to mention is older women—my peer group and older. Many of us spent considerable time not in the workforce, looking after children, and many of us ended up separating from partners we had been with for a long period and so have ended up with very little money, with very little superannuation and without a house. If people do have a house, it is often one that is getting older and very expensive to maintain or, possibly even more devastatingly, people are in the situation where—they possibly had children, or not—they joined with someone else who did have children and, when that person died, were left in a situation where the partner has generously organised that they have a lifetime lease to stay in the house but they own only part of it. They are not in the position to say, "This house doesn't suit my needs anymore; I would like to downsize." That is because with what they would get for selling their existing house they could not move into anything more suitable.

That is one of the real tragedies of housing in the ACT. We have a considerable mismatch between housing demand and housing supply. The size of households is going down, but the existing houses are staying as they are. Admittedly much of our new housing is smaller, but overall we still have something of a mismatch.

The Greens, in terms of looking at solutions to housing stress, are looking at a multitude of solutions. One of them is public housing, which Ms Bresnan has talked about and Ms Burch has talked about. That is not what I am going to be talking about, although it is an important part of the solution.

I am going to be talking about some of the other things which are part of the solution. Let's face it: even if the Greens are successful and we get 10 per cent of the ACT's housing as public housing, that is not going to cover all the people who are low income people in the ACT. It is a major part of the solution, but it is not the whole of the solution.

Things that we would like to see include much better use of the housing stock. One of the things in the Green policies is house share schemes. We are all familiar with group houses; I expect many of us have lived in them—probably when we were younger but some of us may be now, for all I know. They are something which in Australian society tends to be largely the province of younger people. That is what uni students do, you could say.

But that does not have to be the case. As a resident in an older suburb, Downer, I can see a lot of households around me which are quite large physically. They were often extended for all the kids. We are now down to one person there. That one person there is having difficulties staying there. They are older—they are in their 70s, some of them in their 80s—and they are having difficulties with the physical issues of running and maintaining a house. But they have got lots of space. They have not necessarily got a lot of money; in fact most of them do not.

In other areas of Australia, we have had council-run schemes which match potential tenants with older house owners. You end up with a situation where you have low income accommodation for the younger person who is the tenant. It is particularly low income, because they will have a reduced rent in return for doing some housework, doing some shopping. They make the situation a lot safer for the older person who is staying there. It is a win-win situation. It is something that we can really do in the ACT.

Something else we need to look at in the ACT, and it is one where I am afraid I do not have such an easy solution, is the transaction costs of moving. Again, I am looking particularly at older women, or older people in general, who I talked about earlier. In many cases they would consider moving from a larger house to a smaller house, but the cost of the smaller house or the unit is such that by the time they have paid all the transaction costs to sell their older house which is in poor condition they will not get enough money to move into something more suitable. I do not know what the solution to this problem is, but we do need a solution.

One of the things that you can see I am building up to in my submission about housing often no longer meeting the needs of the person who is living there is that we need to start building more adaptable housing. Again, I can mention a few houses I am aware of where we have effectively built what could become two households. For example, we can have a couple of bedroom wings with a shared living and kitchen area in the middle. Fortunately, in the last couple of years ACTPLA have relented a little bit and it is possible now to have two kitchens built in a house—although you cannot put doors in so that they are separated from each other.

We need to start building our houses recognising that household sizes will change and people would like to age in place. We can have a house that is a big house for a family that can then morph into a house that would fit, say, two smaller households or maybe one very small household and one medium-sized household. This could also include more use of relocatable houses or modular houses. Households do not stay the same.

In this vein, one of the more positive things in draft territory plan variation 306, which is still wending its way through the system, is the concept of secondary dwellings. They were what were called habitable suites or granny flats in the past. Variation 306, if passed, will make them a lot more adaptable. They will not have to be occupied by an aged or disabled relative, and they will not have to be got rid of when the aged or disabled relative is no longer resident at the location. That will be a very positive step forward, particularly in older suburbs where there are large blocks. We will probably quite often have a situation where the existing householder will move into a small, new, low-maintenance secondary dwelling and maybe have the younger generation in the larger building, what was the family house.

Other building innovations we should be looking at in Canberra include building things just as big as we need them—or as small as we need them, the other way of putting it. I would like to draw members' attention to Ursula Hall at ANU. At Ursula Hall they have built a whole residence out of shipping container sized dwellings. Actually, the dwellings are all in shipping containers. They are fabricated, I think, in China; I do not swear to that. But they were all fabricated off-site and simply put into place with a crane. Then there was a verandah put out the front and the back, so everyone has their little balcony and on the other side there is a corridor connecting it up. That has been a very low cost method of accommodation. And because Ursula Hall also has nice common areas, it has worked, I understand, very well socially.

This sort of thing can be done not just for uni students. We can have smaller dwellings with good communal facilities that are going to be great places socially to live and great places economically to live—that should be cheaper to build and good places environmentally to build.

We really need to do work on low income households and their stress in Canberra, and there are some innovative solutions.

MR SESELJA (Molonglo—Leader of the Opposition) (5.22): I am grateful for the opportunity to be speaking about a very important topic, and certainly the issues around housing stress and financial stresses placed on families are very important. So

the topic we are talking about is very worthy. Unfortunately, I do not think the party that is bringing forward this topic for discussion has any credibility on the issue, and nor does the government. This government in particular has created a situation where, in the time that it has been in government, housing has gone from being affordable for Canberra families to being very unaffordable. And the figures on that do not lie.

It was interesting this week to look at that over the period of the ACT Labor government, because often the government says, "It's been getting unaffordable all over the country." The reality is that Sydney used to be far less affordable than us, and we have basically caught up to them. We have caught up to Sydney as an unaffordable city during the course of this ACT Labor government.

Again, we have a situation where the Greens come forward with a matter of public importance without having any regard to the fact that the policies that they are pursuing and continue to pursue are actually making this situation worse. They are taking a bad situation and making it worse. And after three years of this Labor-Greens alliance, what has happened to housing affordability and housing stress? They have got worse. Housing affordability has got tougher. It has become more out of reach for young families than it has ever been.

We saw, unfortunately, the attitude from the Minister for Economic Development yesterday when he was asked about issues around housing stress. Of course, he did not bother himself with any facts. He did not bother to find out how many families were in housing stress. He could not answer even the most basic questions about the issue.

But there are consequences to policy decisions. It is all well and good to come in here and say you are concerned about housing stress in the ACT. It is another thing to actually support policies that do something about it. The Greens and the Labor Party both support policies which make the situation much worse.

Let us look at a couple of examples. Let us look at what the Greens, being egged on by the Labor Party, are seeking to do with greenfields development in the ACT. Ms Hunter denies that this is the case. She denies what has been put on the record by her spokesman on this issue. But Mr Rattenbury said this in the Assembly:

> Throsby is the perfect case in point of the kind of area for which we should perhaps just put aside all notion of development. … the Greens' view is that Throsby may well be a complete no-go zone.

We have a situation where the Greens are pushing policies which they know will make it harder for a family to afford a home in the ACT. They come here with matters of public importance, pretending that they care, and then pursue policies which make it harder for families to buy. Of course, when those families do buy, they are more likely to be in housing stress because of the increased prices that they have to pay for land and the increased prices that they have to pay for housing.

You cannot pretend that the policies you pursue do not make a difference. And the policies that the Greens and the Labor Party are pursuing on land release do make a

difference. Unfortunately, they are making a difference in the wrong direction. They are making it more difficult for Canberra families to afford to buy a home.

It is likewise for renters. Many of the people in housing stress, many of the low income individuals, in fact are renting. Often they are renting a unit in the ACT. The Labor Party and the Greens have got together and said: "What are we going to do about rents? What are we going to do about encouraging more units to be developed?" They have whacked a massive tax on the cost of a unit. A massive tax on units has been imposed by this Labor-Greens alliance. It is a tax in Braddon of around $50,000 per unit. In some cases, this tax will be even more than that per unit.

Mr Assistant Speaker, when you add a tax of over $50,000 for every unit, you will add to the cost of a unit in the ACT, by either making unit complexes not viable and therefore stifling supply, or simply through the pass-on costs that inevitably will come through to the buyer and to the renter, by taking a tight rental market and making it even tighter through policies which impose a completely unreasonable level of tax on units in the ACT.

Mr Assistant Speaker, when the Greens and the Labor Party stand up and talk about the fact that they care about people in housing stress, do not listen to what they say; look at what they do. Look at what kind of policies they support. Look at how they vote in the Assembly. Look at what they advocate. At the moment the Greens are advocating for whole suburbs to be written off, making it more expensive to buy in greenfields. They have already supported the passage of a massive new tax on units which will make units more expensive.

Whether you are a renter or whether you are looking to buy, and hoping to buy one day down the track, the Greens will have to look those people in the eye and they will have to be honest. They will have to say that they put class warfare or they put the golden sun moth above the needs and the aspirations of Canberra families who simply want to buy a home.

The record of the Labor Party on housing affordability is a disgrace. It is one of their signal failures in government. We talk about the failure to deliver infrastructure. Housing affordability on their watch has got far worse. We see more and more families under housing stress, and many of these families do not even fall within the low income bracket. We know that certainly many families in the low income bracket are in housing stress. But there are also many who are not classified as low income earners and who are facing increasing levels of housing stress. Go and talk to St Vincent de Paul about how many families who are in middle income brackets are facing serious financial pressures.

That is why we focus on the cost of living. That is why we say that you should have a cost of living statement in your budget. Did the Greens and the Labor Party back that? No, they did not. That is why we say you should actually have policies that make housing more affordable. That is why we are advocating things like infrastructure Canberra, to make sure that we can get the infrastructure out quicker, so that we can get the land out quicker.

Having a genuine land bank, looking at our taxation system, looking at competition in the market, streamlining our planning system—these are the solutions that the Labor Party and the Greens will not support. Instead, their policy is to lock up whole suburbs for the golden sun moth and to impose great big new taxes on units. Those policies hurt. Not to mention that when this government spends so much money on wasteful expenditure, and therefore passes the cost of that on to Canberra families, they have to pay more and more in their rates. Talk to those families in Tuggeranong who have seen their rates go up by, in some cases, well over 100 per cent since the Labor Party came to office. What has been done for those families? Are they just a cash cow? Is the family on $50,000 just a cash cow when it comes to more rates? Is a family on $80,000 just a cash cow when it comes to more rates? We do not believe they are.

All of your policies have to have regard to this. This Labor-Greens alliance has been the worst thing that has happened to affordability in the ACT. It has been the worst thing that has happened to families facing financial pressures because they keep placing more and more financial pressures on these families.

So we say that, yes, we should debate this as a matter of public importance, but people should bring some credibility to the table, they should bring some honesty to the table and they should admit that their policies are actually making the situation worse. They are making it harder for families. We are going to continue to fight for those families. We are going to fight for their cost of living, for their quality of life and for their aspirations to own their own home. (*Time expired.)*

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) (5.32): Just briefly, I think it is important to put on the record some myth busting in relation to the continual misrepresentation of the facts that we get from Mr Seselja on a couple of issues.

What I find particularly egregious is that Mr Seselja is the shadow minister for the environment, and he has stood up in this place and said he is of the generation that does not need to be convinced about the importance of protecting the environment. Yet he is the same man who continues to misrepresent the position in relation to Throsby.

In relation to Throsby, he should know, as the shadow minister for the environment, that there is a thing called national environment protection law, which was put in place by the former Howard government. It is called the Environment Protection and Biodiversity Conversation Act. The EPBC requires that before development occurs in areas where there are nationally threatened or endangered species there be an approval under that act by the commonwealth minister. That is the process the government is working through currently in relation to Throsby. The government believes that development can occur at Throsby and will occur at Throsby with an EPBC approval.

But what is most concerning is that we have a shadow minister for the environment who seems to feign all knowledge or understanding of how national environment protection law operates and the obligation that is on every developer in this country,

whether they are a private company or a government agency, to comply with the provisions of commonwealth law. It is a great pity that he continues to misrepresent that position in the simplistic and superficial manner that we have come to know him for.

He needs to be held to account on these matters. The EPBC Act is not discretionary. The EPBC Act is not something that has occurred as a result of a referral from this place. The EPBC Act is a mandatory requirement that must take place before development decisions at Throsby can be made. But, of course, he ignores those facts because he is interested in treating people like idiots. He is interested in misrepresenting the facts. He is interested in failing to take a serious view of these matters.

MR ASSISTANT SPEAKER (Mr Hargreaves): The time for the discussion has now expired.

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Detail stage

Clause 15.

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) (5.35): Pursuant to standing order 182A(a) I seek leave to move amendments to this bill as they are urgent.

Leave granted.

MR CORBELL: I move amendment No 1 circulated in my name which inserts a new clause 15A *[see schedule 3 at page 4412]*. I table a supplementary explanatory statement to the government amendments.

This new clause 15A deals with the retention period for images obtained from point-to-point cameras. The amendments make it clear that an average speed detection system cannot be prescribed for use in the ACT unless it requires that images be deleted from the camera components no later than 30 days after they are taken.

This amendment gives effect to a suggestion of the Human Rights Commission that it would be appropriate for the time limits for retaining images that do not disclose a speeding offence to be provided for in legislation. The Office of the Australian Information Commissioner has raised a similar issue. The government has accepted their suggestions, even though no other jurisdiction with point-to-point cameras mandates the deletion of non-speeding images after a specified time. The Human Rights Commission and the Office of the Australian Information Commission did not indicate a concern with the retention period of 30 days in relation to images of non-speeding vehicles.

There has been some discussion about the length of time that the Road Transport Authority requires images. The 30-day retention period that has been programmed into the cameras was designed primarily to accommodate police operational requirements. The minimum period that images need to be retained for the purpose of infringement processing is 14 days. This 14-day period has been based on the assumption that any technical problems with the system components that necessitated a retransfer of images from the cameras either to the matching server or from the matching server to the traffic camera office could be rectified within two or three days should such a problem occur during the Christmas-new year shutdown period.

The Chief Police Officer has advised me that for operational reasons, a 30-day retention period is appropriate to ensure that images remain available for complex criminal investigations, including in relation to matters such as culpable driving offences, where the need to seek information in the form of camera images has not been identified within the 14-day period; for example, because at that stage the registration number of a vehicle of interest is not yet known and, therefore, the camera system cannot be effectively searched for images that match that number. The 30-day retention period is consistent with the retention period for images taken by the ACT CCTV camera network in, for example, the city.

In considering the appropriateness of the 30-day period, I believe it is essential to understand that the use or disclosure of images for non-traffic-related purposes is tightly controlled under revised sections 29 and 29A. These purposes are legitimate and consistent with human rights, including the right to privacy and section 12 of the Human Rights Act. A 30-day retention period provides a reasonable opportunity to give effect to those purposes.

MR ASSISTANT SPEAKER: Before I call for further discussion on Mr Corbell's amendment, we are now discussing a new clause 15A. I will give Ms Bresnan the call to provide discussion on an amendment to Mr Corbell's amendment No 1. But, members, we have not actually formally passed clause 15 itself at this point. So what we will need to do is pass clause 15 and then come back to conclude the discussion on the new clause 15A. Is everybody clear? With that in mind, the question is that clause 15 be agreed to.

Clause 15 agreed to.

Proposed new clause 15A.

MR ASSISTANT SPEAKER: The question now is that Mr Corbell's amendment No 1 be agreed to.

MS BRESNAN (Brindabella) (5.40): I move amendment No 1 circulated in my name on the green sheet which amends Mr Corbell's amendment No 1 *[see schedule 5 at page 4414]*. I will talk to both Mr Corbell's amendment and my proposed amendment to Mr Corbell's amendment. I want to give some context to all of the amendments that are coming from the government and the Greens today. They all go to the privacy and human rights concerns that have been raised in relation to this bill.

I have made clear that the Greens support the road safety goals of this legislation, but we did have issues with the way this bill proposed to collect and deal with potentially private data. I asked the government to consult the federal Information Commissioner. I also wrote to the ACT human rights commissioner about my concerns. The human rights commissioner wrote back, flagging various issues with the bill and making suggestions for improvement. The issues addressed by the commissioner parallel those that were raised by the Greens.

I think this has been a very good process and will result in a better bill. This is yet another time that the human rights commissioner has done a service for the Assembly and I want to put on the record my thanks to the human rights commissioner and her office.

For the record, I would also like to table the letter from the human rights commissioner that assesses this bill.

MR ASSISTANT SPEAKER: Excuse me, Ms Bresnan, you will need leave to table that.

MS BRESNAN: Sorry, I do apologise. I seek leave to table the letter from the human rights commissioner that assesses the bill.

Leave granted.

MS BRESNAN: Thank you. I present the following paper:

> Road Transport (Safety and Traffic Management) Amendment Bill 2011—Copy of letter from the Human Rights and Discrimination Commissioner to the Attorney-General, dated 13 September 2011.

The commissioner raised issues about the limited controls and constraints on the use of data collected under the point-to-point camera regime. The commissioner also raised issues about the potential for data abrogation, the potential for facial recognition from forward facing cameras and the potential for broader uses of the data under other laws.

I have been engaged in considerable negotiation with the government in order to ensure this bill and explanatory statement are amended to address these concerns. I want to acknowledge that the government has been very cooperative in preparing a revised explanatory statement. It now covers several issues that we asked to be clarified and addressed. These include a discussion about the potential for function creep and data abrogation, a discussion about front facing cameras and facial recognition technology and a discussion about the technical necessity to store images for 14 days.

I think we now have a thorough explanatory statement that covers the important, often very vexed issues that have arisen in the context of this technology. The specific amendment we are now discussing responds to a concern of the Greens and the

commissioner about the long-term storage of images of vehicles captured by point-to-point cameras. This would even include images of vehicles that were not breaking the speed limit. The government's amendment will specify in the legislation that point-to-point camera data may not be kept for more than 30 days. I do commend the intent of this amendment and it does go some way to addressing privacy concerns. It is necessary that the legislation requires that this potentially personal data is systematically destroyed.

However, the Greens feel it is necessary to have regard to an important principle when it comes to privacy and the collection of data; that is, that there should be a specific purpose for collecting and storing this data. It should not just be collected for no specific purpose and then released for extended purposes.

This recommendation is clearly made in the government's forward design on point-to-point cameras. It recommends that images of non-offending vehicles are deleted from roadside equipment as soon as practicably possible. This opinion is also in line with the Queensland Travel Safe Committee and the Victorian Privacy Commissioner who both recommended that the collection and retention of personal information should be limited to that which is necessary to achieve clearly articulated purposes and deleted as soon as possible.

Given the concerns I have raised, my amendment would change the time frame for which data could be stored to 14 days. The government has confirmed that 14 days is the amount of time that is required for the point-to-point technology to work effectively, taking into account software and hardware limitations. Therefore, 14 days is necessary for a legitimate purpose. Our recommendation is that this is the time allowed before data of non-offending vehicles should be deleted.

MR COE (Ginninderra) (5.45): The Canberra Liberals will be supporting the Greens' amendment. We do have serious concerns about the privacy implications of this legislation, as I have raised in the media on a number of occasions and in this place. In fact, it was in July last year that I first put out a media release asking questions such as: Will the data be able to be used as evidence? How, where and for how long will the data be stored? Will motorists be able to find out what data the ACT Government holds of their vehicle movements?

It is also worth noting that, through Freedom of Information, we got draft minutes from a steering committee meeting held on 18 June last year at which a representative from the Australian Federal Police said that the AFP did recognise the data storage implications and that in practice people would be following up incidents quickly and seven days storage may be quite adequate. So with that information, in addition to what Ms Bresnan has already stated, I think 14 days is adequate.

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) (5.46): The government will be opposing this amendment because it is simply unnecessary. It goes beyond anything recommended by the Office of the Australian Information Commissioner or indeed the Human Rights Commission, who both concluded that the specification of a reasonable

period such as 30 days was satisfactory. While recommending the retention period be included in the legislation, those agencies did not indicate a concern with a retention period of 30 days in relation to images of non-speeding vehicles.

As I have explained previously, the government has accepted the recommendation to legislate for the destruction of images after 30 days, even though we are the only jurisdiction in the country that will be mandating the deletion of non-speeding images after a specified time. In other jurisdictions—in New South Wales, Victoria, Queensland, anywhere else where these cameras operate—there is no mandated period for destruction of images. We believe that 30 days rather than 14 days is the right period, and I will go on to say why.

The reason is that the Chief Police Officer has advised me that for operational reasons a 30-day retention period is appropriate to ensure that images remain available for complex criminal investigations, including in relation to matters such as culpable driving offences. A 30-day retention period is consistent with the retention period for images taken by other cameras in the city; for example, the ACT's CCTV camera network currently operating in areas like Civic, Kingston and Manuka. There is no sound policy reason to differentiate between images taken from traffic cameras and CCTV cameras.

Let me give a bit more of an example about the sorts of circumstances the Chief Police Officer is contemplating. The Chief Police Officer provided me with details of an ACT murder investigation in 1998 which was assisted by images from point-to-point cameras then operating in New South Wales which cast doubt on the murder suspect's alibi by showing that their vehicle passed the cameras on the Hume Highway heading towards Canberra and then returning towards Sydney within the time frame of the alleged offence.

This is the type of circumstance that the government believes should be taken into account and that is why we are proposing a 30-day retention period in order to ensure that there is a reasonable opportunity to give effect to these legitimate purposes. The government will not be supporting Ms Bresnan's amendment.

Question put:

> That **Ms Bresnan's** amendment to **Mr Corbell's** proposed amendment No 1 be agreed to.

The Assembly voted—

Ayes 9		Noes 6	
Ms Bresnan	Ms Hunter	Mr Barr	Mr Hargreaves
Mr Coe	Ms Le Couteur	Dr Bourke	
Mr Doszpot	Mr Rattenbury	Ms Burch	
Mrs Dunne	Mr Smyth	Mr Corbell	
Mr Hanson		Ms Gallagher	

Question so resolved in the affirmative.

Ms Bresnan's amendment to **Mr Corbell's** proposed amendment No 1 agreed to.

Mr Corbell's amendment, as amended, agreed to.

Proposed new clause 15A, as amended, agreed to.

Clause 16 agreed to.

Proposed new clause 16A.

MS BRESNAN (Brindabella) (5.54): I move amendment No 1 circulated in my name which inserts a new clause 16A *[see schedule 4 at page 4414]*.

This amendment would place a positive obligation on the government to ensure that the traffic cameras are rear facing in as many situations as possible. In situations where they need to be front facing for operational reasons, they must avoid taking the photos of drivers. This amendment recognises that these traffic cameras are primarily used for a specific purpose; that is, traffic and speed enforcement. The regime should therefore be set up to achieve this goal, not to collect more information than needed.

I also propose this amendment in recognition that new technologies, particularly facial recognition technology, exist and are being used by governments. If the ACT wants to introduce facial recognition, as it exists in the UK, which has developed a facial images national database, then that is a future debate. It is one that will require very thorough community input, consideration of new laws as well as changes to laws.

In the meantime, in this legislation that is about recognising the numberplates of vehicles that speed, we should specify that the cameras only take photos of numberplates. If the intention is to capture faces, this should only be changed at a later date, following appropriate debate.

Lastly, I would point out the comments from both the Information Commissioner and the human rights commissioner which support this amendment. The Information Commissioner noted that the bill's explanatory statement says that point-to-point cameras would not capture the faces of drivers or others on the road. It says:

> The OAIC suggests that if this is the intention it should be expressly articulated in the bill.

The human rights commissioner said:

> The Bill does not sufficiently anticipate the technological advances leading to photos of recognisable faces, or them being taken and stored.

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) (5.56): The government will be supporting this amendment. It is certainly the government's preference to photograph vehicles from

the rear, as this enables also the capture of images of motorcycle numberplates, which, of course, are positioned only on the rear of those vehicles. However, it is not always possible to situate cameras to achieve this outcome. Therefore, while speed cameras will generally take photos of the rear, from time to time there may be technical, operational reasons that preclude the use of rear-facing cameras in certain locations.

There are technical limitations on camera placement in some situations. The government can confirm that the point-to-point cameras to be 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 is 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 only be obtained for front-facing images in that particular location.

The 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 between oncoming vehicles and the camera van and the job safety risks to the camera operator.

Mandating only one direction for taking images in every situation would limit the government's capacity to deploy cameras, particularly the mobile camera vans, in places where they can play an effective role in deterring speeding.

Ms Bresnan has attempted to qualify the requirement that images be taken from the rear by the terms of proposed new section 24C(3), which provides that images may be taken from the front, if taking an image from the rear would be dangerous of impractical and, as far as practicable, an image of the vehicle's driver is not taken.

It is essential that there be no doubt that the Road Transport Authority does not have to establish in court that it was, in fact, dangerous or impractical to take the photograph on which a proceeding for an offence is based from the rear of the vehicle concerned. The direction from which an image was taken must not be grounds for mounting a legal challenge to the admissibility or validity of the image in a proceeding for which the image is relevant evidence.

There are always individuals and legal representatives who will, understandably, exploit vague or unclear provisions in legislation. If Assembly members are in any doubt about the possible avenue of challenge becoming a reality unless it is specifically precluded, they may like to recall the case last year of a challenge to a drink-driving matter which was based on nothing more than a missing umlaut in the description of breath analysis equipment.

MR COE (Ginninderra) (5.59): The Canberra Liberals will be supporting this amendment.

Amendment agreed to.

Proposed new clause 16A agreed to.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

Clauses 17 to 26, by leave, taken together and agreed to.

Clause 27.

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) (6.00): I move amendment No 2 circulated in my name *[see schedule 3 at page 4412]*. This amendment replaces clause 27 of the bill and inserts new sections 29 to 29C, which provide that point-to-point camera images should be afforded a comparable level of privacy protection to that given to personal information within the meaning of the Privacy Act 1988.

In proposing these amendments, I want to make it clear that the government does not consider that the original clause 27 was in any way defective. The Government Solicitor's office advised that the proposed sections in that clause were consistent with human rights, and the scrutiny committee raised no objections to these clauses. Nevertheless, I am proposing this amendment in order to provide greater clarity about the range of purposes for which images may be used and disclosed and how they must be safeguarded against misuse.

The government does not believe it would be appropriate to give images of number plates on vehicles driven on a public road a substantially higher level of privacy protection than applies to private information under the information privacy principles in the Privacy Act 1988. Doing so would be inconsistent with its broader policies on privacy protection and information security.

The supplementary explanatory statement explains at some length how new sections 29 and 29A will apply a standard of protection in relation to the use and disclosure of images that is as high, and in some respects even higher, than the level of protection available for personal information under information privacy principles 10 and 11.

New section 29 deals with the purposes for which images may be used by the Road Transport Authority. In brief, the authority may use images for the purposes of the road transport legislation. This is the primary purpose for which images are taken. Secondly, the Road Transport Authority may use images where necessary for the enforcement of the criminal law or a law imposing a pecuniary penalty. This type of secondary purpose has long been recognised as legitimate and is included in the information privacy principles, although the formulation used in IPP 10 covers a wider range of law enforcement purposes, in that it extends to protection of public revenue.

Thirdly, the Road Transport Authority may use images where the use is required or authorised by law. Again, this type of secondary purpose has long been recognised as legitimate. A form of this secondary purpose is included in the information privacy principles and also in ACT Health's information privacy principles. This amendment adopts the wording of the health information privacy principle because the wording is slightly more restrictive and sets out more clearly the sources of law unto which the requirement or authorisation may arise.

The supplementary explanatory statement provides detailed guidance on the interpretation of these provisions, including an explanation of when a use is required or authorised by law. In essence, it is not enough for the relevant law to be silent on the proposed use; the use must either be integral to the effective operation of the scheme that is established by the law or the use must be specifically required by it.

New section 29A deals with the disclosure of images and is in substantially similar terms to section 29. Section 29A(a) sets out the primary purpose for which images may be disclosed, which is the enforcement of the road transport legislation. Section 29A(b) is the general law enforcement purpose I referred to previously, which is the slightly restricted version taken from the information privacy principles. Section 29A(c) is the required or authorised-by-law purpose, and it also uses the slightly more restrictive wording of the health information privacy principles.

The supplementary explanatory statement provides some examples of disclosures that may be required or authorised by law. These include disclosures required by subpoena or search warrant. The requirement is clear in such cases, as a failure to comply with a search warrant or subpoena carries a risk of penalty.

The statement also provides guidance on when a disclosure is required or authorised by law and makes it clear that it is not enough for a law to create the discretion to disclose or to be silent on the issue of disclosure. New section 29B imposes obligations on persons to whom disclosures have been made to ensure that those persons do not retain images for longer than required or deal with them inappropriately. In practice, if images are routinely provided to start with a particular agency, it is likely that the Road Transport Authority would also enter into a memorandum of understanding with that agency to establish protocols for the deletion, use and non-disclosure of those images.

This is the practice that has been adopted in relation to access to ACT's rego.act system. The standard memorandum of agreement for access to rego.act includes a requirement that each staff member who uses the system must sign a deed of confidentiality and that access must be tracked and blogged.

New section 29C requires the Road Transport Authority, and persons to whom images are disclosed to implement security measures to protect the images from misuse. The supplementary explanatory statement explains the ICT security arrangements that will be implemented to protected images from the point-to-point camera system. These measures operate in conjunction with the administrative and disciplinary measures that apply to territory officials to discourage inappropriate use and disclosure of

information and relevant criminal offences such as section 153 of the Crimes Act and section 420 of the Criminal Code.

As you can see, Mr Speaker, the information protection principles are comprehensive and detailed and they are designed to ensure that data collected by point-to-point cameras is used responsibly and only for the purposes specified under the law.

MR SPEAKER: Members, before we proceed, it appears that there may be two versions of the government's amendments circulating. To my understanding, the version circulated in the chamber this morning by Mr Barr only has one amendment, but I also have a set from the attorney that has a number of amendments. Based on the lack of commentary from the floor, I suspect that all members are proceeding on the multiple grouping. If the Assembly is agreeable, I will simply have the attorney sign the version we seem to be working from and resubmit those to the Assembly. Is the Assembly agreeable to that approach?

Mr Corbell: Yes.

MR SPEAKER: Thank you, members.

Mrs Dunne: So long as it's the same one we're working from.

MR SPEAKER: Shall I arrange to have that set circulated as well for the confidence of members?

Mr Corbell: Yes.

MR SPEAKER: We will pause for a moment while Mr Corbell checks this document. Members, it seems the version that was missed was double-sided and a page has been left out. Essentially page 2 is missing, as is page 4, so we will just sort this out.

Members, we will proceed with the debate. While Ms Bresnan is speaking to her amendments, we will arrange for a revised set to be circulated. Ms Bresnan, you have the floor.

MS BRESNAN (Brindabella) (6.09), by leave: I move amendments Nos 2 and 3 circulated in my name on the green sheet which amend Mr Corbell's amendment No 2 *[see schedule 5 at page 4415]*. The Greens are supportive of the government's amendment, but we have one further amendment to add, which I will note in a moment.

The government's proposed new sections 29 and 29A address concerns held by the Greens and the human rights commissioner. I thank the government for agreeing to bring forward these amendments. These new sections ensure that the images captured by point-to-point cameras are protected with appropriate restrictions and safeguards. This covers the use, retention and disclosure of images.

In the context of this amendment, I want to emphasise that the Greens are aware of the issues associated with the development of surveillance in our society. We take a

prudent approach to this, one that recognises the seriousness of the decisions we take and how they can impact on the community in the short and long term. We believe that the development of surveillance and data collection, even in democratic societies, requires special care and vigilance given the privacy, ethics, human rights and power issues involved. The new sections 29 and 29A proposed in this amendment ensure that images are covered by protections that are at least as strong as that applying to personal information under the Privacy Act 1988.

Another important change is the clarification that images can only be disclosed to police when reasonably necessary for the enforcement of the criminal law or law imposing a pecuniary penalty. This is a new clarification in the bill recommended by the commissioner. As I have said before, given the fact that this new technology will collect and store images of all vehicles, it is appropriate that we put in place strong and sensible safeguards to protect that information.

Function creep is a legitimate concern that refers to the expansion of data collection in the system to include other applications. The way to manage this is with strong processes and laws, and that is what this amendment goes to. New sections 29B and 29C now place obligations on people to whom images are disclosed. They ensure the material is handled properly and is not kept or used for longer than the purpose for which the information was disclosed. These changes were needed and were recommended by the human rights commissioner. They are an important further protection which the Greens support. For the remaining impacts of these sections, I draw members' attention to the new and very good discussion now included in the supplementary explanatory statement which Mr Corbell has outlined.

The amendments I am proposing amend new sections 29 and 29A that have been proposed by the government. My amendments recognise that large amounts of potentially personal data could be collected through point-to-point camera systems and propose a safeguard against future function creep which could occur by the authorisation on new uses or disclosures under future laws.

My amendment simply requires that future authorising laws must expressly require or authorise the use of the information with reference to the principal act. This means that any potential new uses of this information will be abundantly clear to the Assembly and to others when they consider the new laws. New uses will not be able to occur just because some new instrument indirectly allows it.

I note that the full implications of this bill were not apparent for quite some time. It was not clear in the explanatory statement, in the public debate or from the scrutiny of bills analysis that the bill would allow data to be stored for long periods and used for additional purposes. My amendment ensures that, in future, changes to the use and disclosure of this information in new laws must be expressly declared. I note that this goes particularly to some of the concerns raised by Mr Coe, who has raised general concerns about function creep.

MR COE (Ginninderra) (6.13): This is an area which the Canberra Liberals do have particular concern about. I believe that the amendments on the table tonight assist, but I still believe that, whilst the government has this functionality, there is a genuine risk

that it will be misused. We saw today in the *Canberra Times* that a representative of a steering committee suggested that using unmanned aerial vehicles would be a good way to clamp down on offending vehicles or vehicles of interest after they have gone through a point-to-point speed camera detection zone.

We think this kind of use is going far beyond the scope of what the government stated in the original explanatory statement and, indeed, beyond the scope of the updated explanatory statement. Whilst the amendments help, I still think there is a risk, and I believe it is an unreasonable risk. However, the Canberra Liberals will support these amendments because they make it better.

MR CORBELL: (Molonglo—Attorney-General, Minister for the Environment, Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (6.14): First of all, Mr Coe knows that the argument he raises about aerial surveillance is a complete furphy. He knows it is a furphy, because it is not an authorised use in the government's bill. He knows that, but that does not stop him seeking a cheap headline.

Mrs Dunne: It's a good story, though.

MR CORBELL: And Mrs Dunne concedes the point: "It's a good story, though," says Mrs Dunne. The Liberals know, Mr Speaker, that there is no prospect of that occurring because they know that it is not in the legislation. Of course, it would be unlawful under the legislation and the clauses that we are currently dealing with to allow that to occur.

The government will not be opposing the amendments from Ms Bresnan. We have some reservations about the approach being adopted, which is to ensure that future uses of images from the camera are not agreed by this Assembly without proper consideration. The government fully endorses the principle that future Assemblies should consider very carefully the privacy and human rights implications of proposed new laws before they are adopted, including the impact of new provisions that deal with use or disclosure information that does or may affect personal privacy. We consider that the framework for reviewing proposed legislation under the Human Rights Act remains the best way to ensure that future laws take due account of the right to privacy and other human rights.

Ms Bresnan's amendments Nos 2 and 3 to **Mr Corbell's** proposed amendment agreed to.

Mr Corbell's amendment, as amended, agreed to.

Clause 27, as amended, agreed to.

Remainder of bill, by leave, taken as a whole.

MR COE (Ginninderra) (6.17): I move amendment No 3 circulated in my name *[see schedule 1 at page 4409]*.

The amendment that I move now is one that I think is particularly pertinent, given this new technology, and it is reasonable as well as being something that I think Canberrans would welcome. Given that it is new technology and that the vast majority of Canberrans would probably not be aware that it is being implemented, I think that an amendment providing that a warning notice be given for three months after operation rather than a fine would be a good and reasonable step forward. By doing so, you would be able to convey to offending motorists information about the point-to-point speed cameras, but they would not actually incur a fine or demerit points. I think that is reasonable.

Mr Corbell has written to me and said that, under the current system, it probably would not be possible. To be honest, I have difficulty in believing that. I think they would be able to make it possible if they wanted to. However, there is no desire to do so. I thank Mr Corbell for his commitment to increase the temporary signage around the point-to-point speed cameras to make it easier for drivers to become aware of the point-to-point speed cameras. However, I still believe that a three-month moratorium would be a good way forward.

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) (6.18): This is the "okay to speed" amendment, Mr Speaker. Leaving aside the question whether it would be appropriate for the Road Transport Authority to fail to take action where it has evidence that a motorist has exceeded the speed limit, the government cannot support this amendment. There are operational limitations that would prevent the Road Transport Authority being able to issue warning notices in the way required by the proposed amendment.

These operational limitations concern the need to develop system changes to rego.act. That system has been programmed to process infringement notices following adjudication of images by the traffic camera office. The system has no capability to generate or manage warning notices. Developing that capability would be complex and would not be able to be implemented before March next year, if not later. Assuming the Legislative Assembly passes the bill in these sittings, well over three months would have elapsed from the commencement of the legislation before the required system changes could be made. By that time, the statutory time frame for issuing warning notices would have expired and the system changes would be redundant.

I appreciate that the purpose of Mr Coe's amendment is to provide a period during which motorists who are exceeding the speed limit are warned of this and made aware that the point-to-point cameras will be used in future to detect speeding offences. That is why the government is prepared to suggest an alternative non-legislative means of achieving the same objective. I would be prepared to undertake—and I have indicated to Mr Coe that the government is prepared to undertake—to have variable message signs which are displaying motorists' speeds placed in both directions of the point-to-point zone on Hindmarsh Drive for a period of three months prior to the commencement of enforcement action being taken.

The same signs would also be able to alert motorists to the impending implementation of the cameras. This would serve to alert motorists, including regular users of this road, about the imminent use of the cameras, as well as alert them to the speeds at which they are travelling so that they can adjust their driving practices, if required, to achieve speed compliance and before the cameras begin to be used to enforce the law. The government will not be supporting this amendment.

MS BRESNAN (Brindabella) (6.21): The Greens will not support this amendment which would require point-to-point cameras to operate for a trial period during which people would initially receive a warning of their speeding rather than receiving an infringement notice. I believe to put in place a trial period during which people would speed and not receive a fine would undermine road safety and our road laws. Point-to-point cameras are being set up in the areas of Canberra where speed reduction measures are most important. Hindmarsh Drive, for example, where the first cameras are being installed, has been the scene of numerous accidents and it has some of the worse death and injury statistics in Canberra.

Mr Coe's proposed section 21B(4) would mean an infringement notice could not be served on a person for a speeding offence unless the person had already received a warning notice at some other time during the trial period. I think we need to question what will happen in this instance when the speeding offence is a very serious offence and one that is reckless and unsafe.

I also note in relation to this particular amendment that the Greens are uncomfortable with the line of argument that speed cameras are about revenue raising. I think that this politicises the issue of speed cameras. I would point out that the recent comprehensive studies from the Victorian Auditor-General as well as the Monash University Accident Research Centre conclude that the speed camera system in Victoria was not about revenue raising and that evidence clearly demonstrates that speed cameras improve road safety and reduce road trauma.

I also pointed out in my in-principle speech a variety of evidence from around the world about the positive effect that speed cameras and point-to-point cameras have had on road safety. Despite this, the recent Victorian research also found that more than half of people believe the primary purpose of speed cameras is revenue raising. I think this stems from the politicisation of the issue. Again, I would ask all parties not to politicise road safety and to look at the evidence that speed cameras do reduce serious or fatal crashes. We need to do what we can to reduce the terrible costs of road accidents in the ACT. I will just quickly note too that I think the amendment Mr Coe proposed, which has been passed, around the signs in point-to-point camera areas will provide good information to people so that they know they are there. Also, as Mr Corbell has just mentioned, having the variable speed signs will provide sufficient information to people.

Amendment negatived.

Remainder of bill, as a whole, agreed to.

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Dr Wendy Brazil

MRS DUNNE (Ginninderra) (6.25): This evening I acknowledge and celebrate the contribution to the Canberra community of Dr Wendy Marelle Harley Brazil, who passed away on Saturday, 10 September, aged 75. I note for the information of members that Wendy's husband, Norman, son David and granddaughter Khalila are in the chamber this evening.

Wendy Brazil was a classics teacher, arts reviewer and much-loved member of the Canberra community. She was born Wendy Marelle Harley Kelly, the third child of Ron and Vera Kelly, and grew up in country New South Wales. Her mother ran guesthouses, while her father was often away from home, working in Sydney. Wendy thus spent much of her childhood in boarding schools, where she excelled. She went on to study arts at the University of Sydney, where she forged some of her closest friendships and discovered her love of languages and the classics.

In 1961, upon completing her degree in Latin, French, ancient Greek and ancient history, she moved to Canberra, which was to become her home for the rest of her life. Here she met Norman Brazil, and they married in 1963.

In Canberra she initially worked as a librarian at the National Library, the Chifley Library at the ANU and the Department of Defence library. She also embarked on a career as a teacher of French, Latin and Greek, as well as English as a second language, with Canberra grammar school and St Clare's college amongst her favourite workplaces.

Wendy Brazil also worked as a researcher for the Liberal Party and as a research officer in Parliament House, particularly for Senator David Hamer. She was also a theatre reviewer and film reviewer, first with ABC radio 2CY and later with Artsound FM. She particularly championed the work of directors Ralph Wilson and John Bell, and it was at a John Bell production of *Julius Caesar* in early August that I last saw Wendy. For the ANU she energetically and successfully lobbied on behalf of the John Curtin Medical School when it was in difficulties in the 1990s. In addition, she served for many years as an elected fellow of University House at the ANU.

Amongst all of this, Wendy found time to raise two children, Marcus and David, and obtain three higher degrees, a master's degree in classics and linguistics, from the ANU and the University of Canberra, and a doctoral degree from the University of Canberra for a PhD thesis entitled "Mapping the mind of Rome: towards a new curriculum for Latin". Her doctorate was based on one of her life's great works, a meticulously researched, linguistics-based Latin textbook, *Fabulous Latin*, built around real Latin texts.

As I was saying to Norman earlier, I learnt of Wendy's death the Sunday before last from, I gather, one of Wendy's star pupils, who is now my parish priest, Father Dominic Popplewell.

Beyond her working life, Wendy had a circle of very close friends. Her energy, generous spirit and passion for the arts won her many admirers in Canberra and beyond. She had a great love of music and sang in a number of choirs, including St Paul's Anglican Choir and the All Saints Anglican Choir. She also loved holding dinner parties and spending time with her friends. One of the highlights of her social year was the large dinner party she held each Boxing Day, partly in commemoration of her father's birthday. These parties were renowned, so I am told, for the wonderful, eclectic mixture of people they would bring together each year.

Wendy was diagnosed with pancreatic cancer early in 2010. She battled her illness with unflagging optimism and determination. After a period of remission, the illness returned earlier this year. Until the last few days she never capitulated, and was still, I understand, teaching Latin from her hospital bed only a few days before her death.

Wendy Brazil's commitment to Canberra, the arts community and the finer arms of education are without equal. I for one will miss her insightful and lively theatre reviews on Artsound FM. I extend my condolences and those of the Liberal Party to Wendy's husband, Norman; her sons, Marcus and David; her grandchildren, Reuben, Natasha and Khalila; and her two sisters, Bonnie and Sue. I hope that the members of the Canberra arts community will be able to find some suitable way of commemorating Wendy's contribution to our city.

City farm workshop

MS LE COUTEUR (Molonglo) (6.29): I rise this evening to tell members about a wonderful event on Sunday which I believe we were all invited to—the city farm workshop that was held at the Downer Community Centre. 120 people went to it. People are really interested in growing food in Canberra and are really concerned about what is happening in terms of local food security.

There was an excellent team of facilitators. I will mention the names of some of the major organisers: Jodie Pipkorn, Phoebe Howe, Genevieve Wauchope, Keith Colls, Geoff Pryor, Charlie Wood, Ren Webb, Mark Spain, Joan Cornish, Sara Williams and Haydn Burgess.

We were there all afternoon, and there was a lot of discussion of the substantial issue. One of the things that we all agreed on was the need for this to be sustainable, and this includes financially sustainable, as well as environmentally and socially sustainable. I think everyone was pretty confident about those two, but it was stressed by a number of people that financial sustainability is important.

We also looked at some more practical issues in terms of site selection. Would it be a single site in the middle of Canberra somewhere? Would it be a conglomeration of community farms and hubs from all over Canberra? There are some really interesting ideas there. Would it have animals or not?

It was clear that everyone agreed that as well as being a food producing place, it would also be an educational place, and there was a lot of discussion about which of those would be more important. One of the more interesting things was that there were a couple of people who came who actually were substantive landholders, and there is clearly some large-scale commercial interest in the idea of allotments, community farms or land share. Whichever concept is used, it the idea of people who live in Canberra being able to have access to small to medium-sized plots of land where they can grow things for themselves and be part of a community.

Adoption policies

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (6.32): I would like to briefly draw to the attention of the Assembly that this afternoon the Senate community affairs committee held public hearings in Canberra into the commonwealth contribution to former forced adoption policies and practices. As members will recall, the Assembly passed a motion in October last year into this issue and resolved that the Assembly noted the Western Australian parliament resolution recognising that past adoption practices, such as the immediate removal of babies following birth and preventing bonding with the mother, have caused long-term anguish and suffering for the people affected.

The Assembly supported a national inquiry into the forcible removal of babies from their mothers for adoption or institutional care and a national apology to those affected; and called on the ACT government to apologise on behalf of the ACT Legislative Assembly and the community to those ACT residents who have been affected by forcible removal practices.

The Senate committee has already held four other public hearings across Australia and has scheduled two additional days for public hearings in Canberra next Tuesday and Wednesday. The committee has received more than 300 submissions on the issue, and I would encourage members to have a look at those submissions. They range from some very harrowing tales of what happened to individual mothers and their children to academic work that considers a range of commonwealth policies and the impacts they had. I refer as an example to the joint submission of Monash University and the Australian Catholic University.

I would also like to draw members' attention to many of the suggestions for ways forward to address what happened, and the very positive recommendations that will go some way to helping the many thousands of Australians who have suffered.

I would also like to make the point that while the majority of babies that were taken from their young unmarried mothers were put up for adoption, there are a number who were put into institutions, and many of those suffered terribly.

The Greens are, of course, very pleased that the national inquiry is taking place, and I have written to the chair of the Senate committee, Senator Rachel Siewert, drawing the committee's attention to the ACT resolution and the particular impact that the inquiry will have for the ACT, as we were managed by the commonwealth government during the time that these horrible events occurred.

The inquiry is, of course, a very important part of the process. It is important that we understand the scope of what happened here in Canberra and, as a community, collectively apologise for what was done to our fellow Canberrans in the past, and for those who are still suffering in the present. Many of those who were affected by this are now quite elderly, and we need to ensure that we respond to this issue as quickly as possible. I hope the government is following the inquiry and considering the evidence that does particularly apply to what happened in the ACT.

I was going to read out a couple of the particularly touching submissions that the inquiry has received, but I am sure that all of us in this place who are parents can imagine nothing worse than having our babies taken away. This is certainly one of the most horrendous things that have happened in our history and I hope that, very soon, we will be in a position to apologise and to participate in initiatives to help all those who suffered so badly.

International affairs—Iran
Canberra Chronicle

MR COE (Ginninderra) (6.35): On Saturday, 17 September, I had the pleasure of attending a dinner hosted by Brian Medway at Grace Canberra for members of the Australian Friends of Iranian Democracy. Brian has had an association with the group for some time and has been a strong advocate for their cause both in Australia and abroad. The dinner was held to honour the visit to Canberra by Mr Mohammed Sadeghpur, the leader of the Australian Friends of Democracy, and his wife Sayesheh. The dinner paid tribute to the group in their ongoing work with Iranian refugees who currently live in a portion of land that lies 100 kilometres north of Baghdad in Iraq, known as Camp Ashraf or Ashraf City.

Camp Ashraf is home to 3,400 members of Iran's principal opposition movement, the People's Mojahedin Organisation of Iran, who have resided in this area of Iraq for 25 years. Iraqi government forces have renewed attacks on this group of refugees in recent years, despite them being recognised as protected persons under the fourth Geneva convention.

Supporters in Australia of the residents of Camp Ashraf are urging the Australian federal government to support the European parliament plan for the transfer of Ashraf residents to other countries and to join international condemnation of the current Iranian regime's plan to relocate Ashraf's residents inside Iraq, allowing for further and more sinister persecution.

I commend the Australian Friends of Iranian Democracy and the work they are doing to bring international pressure to bear in support of the plight of Ashraf City refugees.

I would like to take this opportunity to place on the record my congratulations to the *Canberra Chronicle* and its entire staff, past and present, for 30 years of service to the Canberra community. While we all in this place have a love-hate relationship with most of the media outlets in the region, I think it is appropriate to pay tribute to the *Chronicle* this evening and to acknowledge the role it plays in the Canberra community.

Whilst I sometimes agree and at other times disagree with the paper, it serves a very important role. The publication has maintained its original charter to provide balanced, reliable, local news to all Canberrans, free, in their letterbox on a weekly basis. The first *Chronicle* was published on 16 September 1981 and, I am pleased to note, featured a former capital territory minister, the Liberal Michael Hodgman, on the front page—a person that I have spoken about in this place before.

My thanks and congratulations go to the current staff: Andrew Benson, Tracey Murray, Helen Olijynk, Adam Stanworth, Victoria Kane, Sarah Walker, Ian Kinghorn, Paul Dove, Sarah Ruzic, Graham Spencer, Joanna Baker, Hannah Jonkers, Peter Reynolds, Naomi Fallon, Joni Scanlon and a couple of people that I deal with reasonably regularly, Meredith Clisby and Elese Lee.

Best wishes for the following 30 years.

Defence Widows Support Group

MR HANSON (Molonglo) (6.38): I rise tonight to talk about a lunch I went to today at the CIT restaurant with the Defence Widows Support Group, ACT to celebrate with them 30 years of support to defence widows in the ACT from 1981 to the present. For those that are unaware of the Defence Widows Support Group and who they are, the Defence Widows Support Group is a subgroup of the ACT Branch of the Defence Force Welfare Association and operates with its full support. The combined aim is to provide immediate and effective advice to defence widows and widowers—advice that is independent of any government agency. The majority of the members of the support group are defence widows and widowers who have the experience and compassion to understand how the newly bereaved feel and how best to offer advice and support.

The support group maintains a network of contact with defence widows—I understand that it is over 300 widows that they support—and organises three lunches a year and distributes chocolates and cards at Christmas. This is of particular importance for those widows who do not qualify for a war widows pension or legacy support.

I would like to pay particular thanks to the members of the support group: Patricia Adams, Christine Bollen, Nola Branson, Penny Chiles, Marion Cleghorn, David Clinch, Claire Fergusson, June Healy, Helen Jones, Dawn Laing, Christine Lamb, Betty Latham, Robin Mahood, Marjanneke and Phil McGuire, Jean Pearson, Gwynyth Peddey, Elaine Pennock, Jeanette Plowright, Yvonne Plunkett, Judy Rule, Annette Sadler, Heather Schmitzer, Margery Smyth, Mindy Sutherland, and Maelyn Wishart.

I had the pleasure of meeting many of the members of the support group today. They are certainly doing fine work in support of our widows here in the ACT. I would like to pass on my congratulations and thanks to the president and all of the members of the support group and wish them well for the future.

Tiny's Green Shed
Karinya House

DR BOURKE (Ginninderra) (6.41): One of my pleasant duties recently was to represent the Chief Minister at a cheque presentation. The cheque was for $10,000 and I presented it to Karinya House for Mothers and Babies on behalf of Tiny's Green Shed. Tiny's Green Shed is located at the Mugga Lane reusables facility. It runs a charity day on the last Wednesday of each month. Tiny's Green Shed has already made similar donations to the Starlight Children's Foundation, the McGrath Foundation, Pegasus Riding School and Marymead. It also donates goods to members of the community and groups such as the Cowra Men's Shed.

This $10,000 donation will provide invaluable resources for Karinya House, which is a community-based organisation that provides supported accommodation, transitional housing and outreach services to pregnant women and women with children in crisis. Karinya House supports young women from Canberra and surrounding regional areas. It is the only residential and outreach service specifically for pregnant and parenting young women in the region and it operates seven days a week, 24 hours a day. Karinya provides casework support to between 30 and 40 outreach clients at any one time.

Staff develop individual support plans for each client according to their specific needs and circumstances. These support plans encourage residential and outreach clients and their families to access a range of life skills and opportunities.

I want to congratulate staff from Tiny's Green Shed on their passionate work in supporting the local community. I also want to thank those in the community who have supported this initiative by donating unwanted goods and by buying used goods on the charity days. Patrons are able to monitor progress by watching the red line creep towards the $10,000 target on a giant thermometer.

On charity days, 100 per cent of all proceedings from sales is collected until the figure of $10,000 is reached. This amount is then donated to the current chosen charity before collection starts for the next charity on the list.

Tiny's Green Shed donates to non-profit organisations which are registered charities and which operate to benefit the Canberra community. They are always happy to hear from local groups which feel they meet these criteria. As well as raising money, charity days encourage more Canberrans to drop off their unwanted goods for reuse rather than taking them to landfill. This helps people save money by avoiding landfill fees as well as being better for the environment.

Since Tiny's Green Shed started operating in January 2010, it has accepted and sold for reuse tens of thousands of items, including books, lounges, tables and chairs, bikes, clothing, furniture, building materials, gardening items and sporting equipment. In 2010-11, it recovered nearly 1,300 tonnes of material that would otherwise have gone to landfill.

I want to remind Canberrans that if they wish to participate in future charity days they should take their unwanted goods to Tiny's Green Shed and then shop there on the last Wednesday of each month. This is a great community initiative and I urge all Canberrans to support it.

ACT Greens—email

MR RATTENBURY (Molonglo) (6.44): Members, late this afternoon I received a letter from the head of the ACT public service alerting me to the fact that an email for an ACT Greens party fundraising event had been circulated to government employees. It has since been explained to me that the email was sent from the ACT Greens office email address. I will be responding to Mr Cappie-Wood's letter immediately, but it is obvious to me that such an occurrence also requires a full and immediate explanation in the Assembly.

I am in actual fact unaware of how widely this email has been circulated inside the ACT government, but I am embarrassed that it has been circulated at all. Circulation of an invitation to a party political event to ACT public servants is highly inappropriate. However, as is often the case, such an occurrence has come about through an administrative error. Nevertheless, on behalf of the ACT Greens I would like to unreservedly apologise.

I would like to explain how this has come about, from the investigation that I have been able to undertake since it came to my attention late this afternoon. Firstly, a list of ACT businesses was being composed by a volunteer in the office of the ACT Greens to send invitations to a party fundraising event. The volunteer was apparently unaware of who InTACT was and mistakenly took them for a local IT company. Because the volunteer had no email address for this company, they Googled it, and under a heading of "Contact us" on the Shared Services page they found the email address sharedservices@act.gov.au. At this point, I am going to have to note that I myself would have thought that it would have been clear that this email address was not that of a private IT firm in Canberra, but I am unable to offer an explanation of what was going through the mind of the person who found the email address.

Mr Cappie-Wood has rightly asked me to explain how widely the email was sent through the ACT government network. Unfortunately, that is one part of the story I will be unable to help him with, as from that point on I can only assume that any forwarding through the network must have occurred from someone at the other end of the Shared Services email address. Indeed, I am unclear as to how an external email user could utilise any ACT government global address lists. Any further forwarding through the ACT network is an issue for whoever manages that email account, and one which I am sure will be investigated further by Mr Cappie-Wood.

The email in question that was sent to the Shared Services address apparently had my name on it, albeit with the ACT Greens office email address, and obviously not any Assembly email address. That was a second clerical error. I am informed that the reason my name was there was that it was a leftover from the last time the ACT Greens' Outlook used the group outbound email function. The email was not from me,

although I appreciate that my name, along with the name of my colleagues here at the Assembly, was listed in the invitation as being at the event, as of course I will be.

I would like to clarify that no Greens member of the Legislative Assembly or their staff have emailed any ACT Greens invitations from their Assembly emails and that no public resources were used, nor was any access obtained to the ACT government network through Assembly email accounts.

This is, frankly, an embarrassing error. On behalf of the ACT Greens, I would like to repeat my unreserved apology to Mr Cappie-Wood for our part in that error and to the ACT public servants who may have received this email. As I indicated, I will be responding to Mr Cappie-Wood immediately to reassure him that I absolutely share his concerns about how this came about and to personally apologise.

ActewAGL ACT Sport Hall of Fame

MR DOSZPOT (Brindabella) (6.48): It gives me great pleasure to congratulate the President of ACTSport, Mr Jim Roberts, his staff and committee on yet another professional induction ceremony of sports men and women into the ActewAGL ACT Sport Hall of Fame that was held on 26 August at the Southern Cross Club in Woden.

There were a number of worthy inductees, amongst them Ned Zelic of football fame. An Australian football legend, Ned Zelic has been a standard bearer for Australian footballers throughout his career. He was one of the early football pioneers who went overseas to embark on a career in Europe. Ned is part of an elite group of Australian footballers that have competed in a major European final; he had experience in playing for eight major football-playing nations and was a regular with the Socceroos.

A product of the now-named Canberra FC, formerly Canberra Croatia Deakin Football Club, Ned started his professional career in the national soccer league, where he played with the clubs Sydney United and Sydney Olympic. As a Socceroo representative from 1991 he played 32 times for his country and scored three goals, representing Australia in the 1992 summer Olympics, where they finished fourth.

Ned spent most of the 1990s playing in Europe, and most notably for Borussia Dortmund, where he reached the UEFA cup final in his first season and won the German Bundesliga title in 1995. Since his retirement from the game Ned has become a much-loved football commentator and analyst on SBS television, taking part in their productions of the FIFA world cup in 2006 and 2010 and the 2008 European championships.

Another inductee was Ben Taylor from hockey. Ben grew up in Canberra and played hockey with the United Hockey Club from the age of four. He progressed through the ACT junior representative teams before playing as a midfielder for the Canberra Lakers in the National Hockey League/Australian Hockey League between 1994 and 2006 and again in 2008. His contribution to the Lakers' results was rewarded with a position in the senior Australian squad and he made his international debut at the 1998 champions trophy tournament in Lahore, Pakistan.

A talented midfielder, Ben's excellent elimination and passing skills were complemented by a high work rate. He played 83 international games, scoring 15 goals. Ben capped his best 12 months in international hockey with a silver medal at the 2001 championship trophy tournament, Rotterdam, and a gold medal at the 2002 Commonwealth Games in Manchester, England.

Another very worthy inductee was Joan Kellett OAM from swimming. Joan Kellett has dedicated more than 40 years to the sport of swimming within the ACT and surrounding area, much of it as president of the local peak swimming body. Her contribution has spanned both administration and active officiating. Joan has clocked up more hours officiating at swimming events than any other person in the ACT and she is still an active official.

Joan joined the Dickson Swimming Club in 1967 and was involved in initiating a free learn-to-swim program. She was awarded life membership of the Dickson Swimming Club for her dedicated service. In addition to her swimming activities, Joan spent many years involved in the Girl Guides. She was a member of the YMCA board and a community representative in the ACT Schools Authority and is still on the board of Turner school.

There were two more nominees; time is going to beat me to give them due recognition but one of them was Tim Sheens from rugby league, who of course coached the Raiders to, I think, four premierships. He was instrumental in rebuilding the Raiders after the 1992 loss of a number of seniors, and in 1994 they won their third premiership. Tim managed to take the Raiders to eight finals series.

The other was Brennon Dowrick from gymnastics. Brennon Dowrick is one of Australia's most successful gymnasts. He has represented Australia at two Olympic Games, three Commonwealth Games and seven world championships. Brennon was Australia's first ever gymnastics Commonwealth Games gold medallist in 1990, a feat he repeated in 1994. He was Australia's first Olympic Games finalist at the 1996 Atlanta Olympic Games, and in the near future Brennon and his business partners will be opening their first all-round gymnastics centre on the Sunshine Coast of Queensland.

I would just like to once again congratulate the ActewAGL ACT Sport Hall of Fame inductees and the management and committee of ACTSport on the fine work that they do in recognising our athletes and in representing the whole sporting community in Canberra.

Question resolved in the affirmative.

The Assembly adjourned at 6.53 pm until Tuesday, 18 October 2011, at 10 am.

Schedules of amendments

Schedule 1

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Amendments moved by Mr Coe

1
Clause 4
Proposed new section 22AA, new definition of shortest practicable route
Page 3, line 12—

insert

shortest practicable route*—see section 23B (a).*

2
Proposed new clause 14A
Page 7, line 16—

insert

14A New sections 23B and 23C

insert

23B Average speed detection systems—shortest practicable route and minimum travel time

A regulation that prescribes the shortest practicable distance between 2 detection points must also prescribe—

(a) the route used to work out the shortest practicable distance between the points (the shortest practicable route); and

(b) the minimum time, expressed in seconds, that a vehicle's driver could take to drive the vehicle on the route between the points without contravening a provision of the road transport legislation about obeying the speed limit.

23C Average speed detection systems—signs

(1) This section applies in relation to an average speed detection system.

(2) The road transport authority must display a sign—

(a) not more than 100m before each detection point; and

(b) approximately halfway along the shortest practicable route between detection points.

3
Schedule 1
Proposed new amendment 1.1A
Page 16, line 4—

insert

[1.1A] New part 2A

insert

Part 2A Warning notices

21A Definitions—pt 2A

In this part:

average speed—*see the Road Transport (Safety and Traffic Management) Act 1999*, section 22B.

detection point—*see the Road Transport (Safety and Traffic Management) Act 1999*, section 22AA.

warning notice—see section 21B (2).

21B Warning notice instead of infringement notice

(1) This section applies if—

(a) a vehicle is driven on a road between 2 detection points in the period of 3 months beginning on the day a regulation first made for the *Road Transport (Safety and Traffic Management) Act 1999*, section 23B (Average speed detection systems—shortest practicable route and minimum travel time) commences (the ***3-month period***); and

(b) an authorised person believes on reasonable grounds that an infringement notice offence that is a speeding offence involving the vehicle has been committed in the 3-month period; and

(c) the offence is evidenced by the vehicle's average speed between the detection points.

(2) The authorised person may serve a notice (a ***warning notice***) on the responsible person for the vehicle at the time of the offence.

Note 1 For how documents may be served, see the Legislation Act, pt 19 .5.

Note 2 Subsection (5) provides an additional way for serving warning notices (see Legislation Act, s 251 (1)).

(3) However, an authorised person must not serve a warning notice on a person for the offence if the person has previously been served with a warning notice under this section.

(4) Also, an authorised person must not serve an infringement notice on a person for the offence unless the person has been served with a warning notice under this section for another offence committed in the 3-month period.

(5) If a warning notice is to be served on a person under this section by post and the vehicle is registered under a law of another jurisdiction corresponding to the *Road Transport (Vehicle Registration) Act 1999*, the notice may be served by sending it by prepaid post, addressed to the person, to the latest address of the person in the registration records kept under that law.

(6) In this section:

speeding offence—see the *Road Transport (Safety and Traffic Management) Act 1999*, section 22AA.

21C Contents of warning notices

(1) A warning notice served on a person by an authorised person for an infringement notice offence mentioned in section 21B (a ***relevant infringement notice offence***) must—

(a) state the date of service of the notice; and

(b) state the full name, or surname and initials, and address of the person on whom the notice is served; and

(c) give the short description prescribed by regulation for section 75 for the offence (or the law and provision of the law contravened by the person), the location of the detection points relating to the offence, and the date and approximate time of the offence; and

(d) state the speed limit or average speed limit between the detection points; and

(e) state the particulars (if any) that are, under a regulation for section 25 (1) (e), identifying particulars for the vehicle involved in the offence; and

(f) include any other information required by regulation for this section and any additional information that the administering authority for the offence considers appropriate.

(2) The warning notice must also tell the person on whom it is served that—

(a) no action is required of the person; and

(b) service of the warning notice on the person means that—

(i) any other relevant infringement notice offences involving the person may be dealt with by infringement notice; and

(ii) an infringement notice penalty is payable, and demerit points are incurred, by the person.

(3) In this section:

average speed limit—see the *Road Transport (Safety and Traffic Management) Act 1999*, section 22AA.

21D Expiry—pt 2A

This part expires 1 year after the day a regulation first made for the *Road Transport (Safety and Traffic Management) Act 1999*, section 23B commences.

Schedule 2

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Amendment moved by Ms Gallagher, on behalf of the Attorney-General, to Mr Coe's amendment No 2

1

Amendment 2

Proposed new section 23C (3)

insert

(3) Failure to comply with this section does not affect an infringement notice or a proceeding for an offence.

Schedule 3

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Amendments moved by the Attorney-General

1
New clause 15A
Page 7, line 24—

insert

15A New section 24 (3)

insert

(3) However, a regulation must not provide for a system to be an approved average speed detection system unless the system ensures that each image of a vehicle taken at a detection point is deleted from the camera that took the image not later than 30 days after the image is taken.

2
Clause 27
Page 12, line 17—

omit clause 27, substitute

27 New sections 29 to 29C

in part 6, insert

29 Use of images by road transport authority

The road transport authority may use an image taken by a traffic offence detection device only—

(a) in connection with the enforcement of the road transport legislation; or

Examples

1 for deciding whether to issue infringement notices

2 for preparing prosecutions

3 for training staff

4 for testing and maintenance of traffic offence detection devices

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(b) if the use of the information is reasonably necessary for the enforcement of the criminal law or a law imposing a monetary penalty; or

(c) if the use of the information is required or authorised by—

(i) a law of the Territory; or

(ii) a law of the Commonwealth; or

(iii) an order of a court of competent jurisdiction.

29A Disclosure of images by road transport authority

The road transport authority must ensure that an image taken by a

traffic offence detection device is not disclosed by the authority to another person except—

(a) in connection with the enforcement of the road transport legislation; or

Examples

1 to a police officer for deciding whether to issue an infringement notice

2 to a prosecutor for preparing a prosecution

3 to a contractor engaged to service a traffic offence detection device

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(b) if the disclosure of the information is reasonably necessary for the enforcement of the criminal law or a law imposing a monetary penalty; or

(c) if the disclosure of the information is required or authorised by—

(i) a law of the Territory; or

Example

to a person who can ask for a copy of the image under s 27

(ii) a law of the Commonwealth; or

(iii) an order of a court of competent jurisdiction.

29B Use, retention and disclosure of images by other people

A person to whom an image taken by a traffic offence detection device is disclosed under section 29A—

(a) may use the image only for the purpose for which it was disclosed and in accordance with any applicable laws; and

(b) must not retain the image for longer than required by or for that purpose, or as required by law; and

(c) must not disclose the image to someone else unless the disclosure is required or authorised by—

(i) a law of the Territory; or

(ii) a law of the Commonwealth; or

(iii) an order of a court of competent jurisdiction.

29C Protection of images against loss etc

The road transport authority, and any person to whom an image taken by a traffic offence detection device is disclosed under section 29A, must ensure that the image is protected by the security safeguards that it is reasonable in the circumstances to take against—

(a) loss; and

(b) unauthorised access, use, modification or disclosure; and

(c) other misuse.

Schedule 4

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Amendment moved by Ms Bresnan

1
Proposed new clause 16A
Page 9, line 29—

insert

16A New section 24C

insert

24C Use of camera detection devices and average speed detection systems

(1) This section applies to a camera detection device or average speed detection system that is used to take an image of a vehicle.

(2) The device or system may only be used to take an image of the vehicle from the rear.

(3) However, the device or system may be used to take an image of the vehicle from the front if—

(a) using the device or system to take an image of the vehicle from the rear would be dangerous or impracticable; and

Examples

1 the topography of the place where the camera is located

2 the width of the road where the camera is located

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(b) as far as practicable, an image of the vehicle's driver is not taken.

(4) Failure to comply with this section does not affect the admissibility of an image in a proceeding for an offence.

Schedule 5

Road Transport (Safety and Traffic Management) Amendment Bill 2011

Amendments moved by Ms Bresnan to the Attorney-General's amendments

1
Amendment 1
Proposed new section 24 (3)

omit

30 days

substitute

14 days

2
Amendment 2
Proposed new section 29 (2)

insert

(2) In this section:

law of the Territory means, for a law made after the commencement of this section, a law that expressly requires or authorises the use of the information.

3
Amendment 2
Proposed new section 29A (2)

insert

(2) In this section:

law of the Territory means, for a law made after the commencement of this section, a law that expressly requires or authorises the disclosure of the information.

Answers to questions

Government office building (Question No 1696)

Mr Seselja asked the Chief Minister, upon notice, on 16 August 2011:

In relation to the answer to question on notice No E11 088, can the Chief Minister provide the updated list of directorates and agencies that will be moving into the Government Office Block and the corresponding number of staff for each.

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

As previously advised in the answer to question on notice No E11-088, the matter relating to prospective tenants for the new Government Office will be reconsidered once the new Government structure is in place and has been operating successfully for a period of time. Given that the project will not be tendered to the market for some time, it is prudent to delay the final tenant composition closer to that time so that the latest available information is reflected in the contract documents.

In so saying, it is reasonable to assume that the information provided on p120 of the Statement of Requirements is still relevant, recognising the changes in Government structure and transfers of some agencies between Directorates.

Government office building (Question No 1697)

Mr Seselja asked the Chief Minister, upon notice, on 16 August 2011:

(1) In relation to the answer to question on notice No E11-115 regarding the proposed Government Office Block which stated that it is proposed that the shortfall be accommodated in Nara House which has been re-leased until 2020 and other leased accommodation, will the staff accommodated in Nara House occupy the current 17.9 square metres per person; if not, what area, per person, will the staff occupy.

(2) Will a reconfiguration need to occur to reduce the area per person occupancy; if so, will there be any costs.

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

(1) Nara House currently accommodates the Directorates of Chief Minister and Cabinet, Treasury, Economic Development (ACT Gambling and Racing Commission, Business and Industry Development) and Community Services (artsACT). It is proposed that the existing fit-out and workplace density would remain in its current configuration until the occupancy of the new building in 2017. After the relocation of Nara Centre staff to the new building, it is proposed the Nara Centre will be refitted, where possible, with a workplace configuration and density consistent with that of the new building.

(2) The fit-out at the Nara Centre will be approximately 25 years old when staff are relocated to the new building in 2017. This timeframe is considered to be well past the end of life for an office fit-out, and regardless of the consequences of the new building, the fit-out at the Nara Centre will need to be replaced within this period. The costs associated with the new fit-out would be put forward as part of the normal budget process as currently occurs with any new office refurbishment.

Public service—pay increases (Question No 1698)

Mr Seselja asked the Chief Minister, upon notice, on 16 August 2011:

(1) What is the dollar amount of a 1 percent increase in pay for the ACT Public Service from the 2010-11 base.

(2) What growth in wages and salaries has the Government factored into the budget forward estimates.

(3) How much additional funding will need to be allocated in the budget years 2011-12 to 2014-15, to meet an overall increase in pay of 3.5 percent for two years.

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

(1) Based on the 2010 11 interim outcome for employee and superannuation expenses (totalling around $1.6 billion), a 1 per cent increase in pay for the ACT Public Service would have a direct cost of around $16 million.

(2) The budget and forward estimates contain provision for a range of current and future wage negotiations for broad budgetary planning purposes.

(3) This is the subject of ongoing enterprise bargaining negotiations. The government is yet to finalise its consideration of the level of funding that may need to be allocated.

Finance—lease variation revenue (Question No 1699)

Mr Seselja asked the Treasurer, upon notice, on 16 August 2011:

What portion of the estimated revenue collected for the Lease Variation Charge in 2011-2012 to 2014-15 is from (a) units in retirement complexes, (b) care beds in retirement complexes, (c) residential activity and (d) commercial activity for each year until 2014-15.

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

(1) In forecasting the Lease Variation Charge, Treasury does not predict specific developments or activity in particular zones. The Member should note the mix of activity between residential and commercial zones can vary substantially from year to year.

Taxation—property rates (Question No 1700)

Mr Seselja asked the Treasurer, upon notice, on 16 August 2011:

(1) In relation to property rates, is the Wage Price Index (WPI) applied in whole to the fixed charge and then again in whole to the Average Unimproved Value; if not, how is the WPI applied to the two components.

(2) Does the 2011-12 Budget Paper Three state that general rates will increase in 2011-12 from 2010-11 levels by 3.38 percent, consistent with WPI; if so, why does the fixed charge of (a) residential properties increase by 4.3 percent from the figure quoted in the 2009-10 Budget Papers, (b) rural properties increase by 8.6 percent from the figure quoted in the 2009-10 Budget Papers and (c) commercial properties increase by 9.7 percent from the figure quoted in the 2009-10 Budget Paper.

(3) What is the number of (a) residential, (b) rural and (c) commercial properties assumed to estimate the revenue collected from general rates and can the Treasurer provide these figures for (i) 2010-11, (ii) 2011-12, (iii) 2012-13, (iv) 2013-14 and (e) 2014-15.

(4) Over the forward estimates has the fixed component of general rates been indexed to the WPI forecast in Budget Paper Three on pages 6 and 246; if not, how has the fixed component been indexed.

(5) What is the assumed fixed component of rates for the years 2012-13 to 2014-15 for (a) residential, (b) rural and (c) commercial properties.

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

(1) For budget estimate purposes, the annual movement in the Wage Price Index (WPI), as at the most recent December quarter, is applied to the total full year equivalent rates revenue estimate from existing properties for each sector (residential, rural and commercial). The increase is then distributed equally between fixed charge and valuation based charge.

(2) The 2011-12 Budget Paper Three (page 51) states that general rates revenue from existing properties will increase from 2010-11 levels by the WPI of 3.68 per cent. The fixed charge is less than 50 per cent of the total rates revenue. Equal distribution of WPI increase can lead to disproportionate increase in percentage terms for the different sectors.

(3)

(a) residential -	(i)	2010-11	approximately 139,000 properties
	(ii)	2011-12	approximately 143,000 properties
(b) rural -	(i)	2010-11	approximately 180 properties
	(ii)	2011-12	approximately 180 properties
(c) commercial -	(i)	2010-11	approximately 5,750 properties
	(ii)	2011-12	approximately 5,850 properties

Beyond the budget year, revenue estimates are not based on specific predictions of stock in the individual sub sector, but incorporate an overall growth in stock.

(4) The forecasts for general rates are not disaggregated between fixed component and variable component.

(5) Please refer to response to (4) above.

Finance—capital funding (Question No 1701)

Mr Seselja asked the Treasurer, upon notice, on 16 August 2011:

(1) What is the current approach taken by the ACT Treasury to raise capital funding.

(2) What portion of capital funding identified in the Budget for the years 2011-12 to 2014 -15 is funded by debt.

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

(1) The general approach taken by ACT Treasury involves consideration of:

- the purpose or the use of the financing;
- the cost of capital, funding availability, underlying risks, and cash flow effects of alternative financing structures
- potential impact on key financial analysis ratios, the credit rating and overall budget capacity to service new borrowings; and
- analysis of prevailing outstanding debt and potential impact on the existing debt portfolio.

(2) The 2011 12 Budget anticipates new General Government Sector (GGS) borrowings for capital of $350 million in 2011-12 and a further $300 million in 2012-13. The total value of the Capital Works Program included in the 2011 12 Budget was $2.292 billion (including ICT and P&E). The portion of the program funded by debt is around 28 per cent.

Housing—first home buyers (Question No 1702)

Mr Seselja asked the Treasurer, upon notice, on 16 August 2011:

(1) How many first home buyer grants were paid in (a) 2009-10 and (b) 2010-11.

(2) What is the assumed number of grants to be paid in the years 2011-12 to 2014-15.

(3) Does Treasury collect data on the price of homes bought by first home buyers in the ACT; if so, what is the (a) median and (b) average price of dwellings bought by first home buyers in the ACT for the years (i) 2009-10 and (ii) 2010-11.

(4) If the information requested in part (3) is not available, what information on first home buyers is collected by Treasury.

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

(1) The number of first home buyer grants that were paid are as follows:

(a) 2009-10: 3,568

(b) 2010-11: 2,816

(2) The estimated number of grants to be paid are as follows:

(a) 2011-12: approximately 2,700

(b) 2012-13: approximately 2,600

(c) 2013-14: approximately 2,600

(d) 2014-15: approximately 2,600

(3) (a) The median price of first home buyers in the ACT are as follows:

(i) 2009-10: $0.378 million

(ii) 2010-11: $0.395 million

(b) The average price of first home buyers in the ACT are as follows:

(i) 2009-10: $0.382 million

(ii) 2010-11: $0.405 million

(4) Not applicable

Finance—home buyer concessions (Question No 1703)

Mr Seselja asked the Treasurer, upon notice, on 16 August 2011:

(1) What was the number of Home Buyer Concessions given to low income earners in (a) 2009-10 and (b) 2010-11.

(2) What is the value of the concessions, referred to in part (1), in dollar terms for (a) 2009-10 and (b) 2010-11.

(3) What is the estimated value of Home Buyer Concessions given to low income earners in 2011-12.

(4) What portion of Home Buyer Concessions in (a) 2009-10 and (b) 2010-11 were given to first home buyers.

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

(1) The number of Home Buyer Concessions provided to eligible applicants is as follows:

(a) 2009-10: 2,010

(b) 2010-11: 1,546

(2) The value of the concessions shown above in part (1) are as follows:

(a) 2009-10: $13.887 million

(b) 2010-11: $12.492 million

(3) The estimated value of Home Buyer Concessions provided to eligible applicants in 2011-12 is $11.700 million.

(4) This information is not available.

Taxation—revenue estimates (Question No 1704)

Mr Seselja asked the Treasurer, upon notice, on 16 August 2011:

(1) Can the Treasurer provide a comprehensive list of all taxes, fees, charges and levies applied in the ACT.

(2) What are the estimates of revenue for (a) 2010-11, (b) 2011-12, (c) 2012-13, (d) 2013-14 and (e) 2014-15 for each item.

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

(1) Please see listing attached.

(2) Please see listing attached.

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

Energy—feed-in tariff (Question No 1707)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 16 August 2011 *(redirected to the Minister for Education and Training)*:

(1) In relation to the Solar Schools Program, what is the total generation capacity recently approved in the medium scale category of the Feed-in Tariff Scheme.

(2) What is the overall capacity installed under the program to date.

(3) What is the generation capacity per school for (a) the overall program and (b) panels approved in the medium scale category of the Feed-in Tariff Scheme.

(4) Who receives the premium paid out under the Feed-in Tariff Scheme and what will these premium payments be used for.

(5) What will be the 20 year return for the panels installed under the medium scale Feed-in Tariff Scheme.

(6) What is the total installation cost of the panels recently approved under the medium scale Feed-in Tariff Scheme and is funding for this provided in the Budget; if not, where will funding be redirected from.

(7) When was the application for the solar panels recently approved under the medium scale Feed-in Tariff Scheme lodged.

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

1) On behalf of ACT public schools, on 8 and 13 July 2011, the Directorate submitted applications under the ACT Feed-in Tariff scheme for all eligible ACT public schools. All of the applications were made for the micro category renewable energy generator systems which is up to 30kW. There were no applications for the medium scale category. These applications were approved by ActewAGL Distribution

   The total generation capacity of the submitted applications is 1192 kW. Refer to the attached table.

2) The generation capacity of solar power generation systems already installed at ACT public schools is 116kW. Refer to the attached table.

3) The total capacity for installation will be 1308kW. Refer to the attached table for individual school details.

4) The Feed-In-Tariff income will be paid directly to each ACT public school. Schools will be encouraged to use these payments for further energy efficiency measures.

5) Advice from the Environment and Sustainable Development Directorate is that an average of 4 hours/day energy will be generated. Based on the present tariff of 45.7 cents/kW, ACT public schools can expect to receive the following tariff incomes:
   - $6,700 each year and $134,000 over 20 years for a 10kW system; or
   - $13,400 each year and $268,000 over 20 years for a 20kW system; or
   - $20,100 each year and $402,000 over 20 years for a 30kW system.

6) The installation cost for the nineteen ACT public schools approved in the 2010-11 funding round for the National Solar School Program is $1,208,338. The installation cost for the further schools is still to be confirmed.

   Funds for the installation of solar power generation systems will be available from the Australian Government's National Solar Schools Program, the ACT Government's Environment – Solar Schools Program and the annual Schools Capital Upgrades Program.

7) Applications were submitted on behalf of ACT public schools on 8 and 13 July 2011.

Attachment

No.	School	School Type	To Be Installed (kW)	Previous (kW)
1	Ainslie Primary School (North)	(K-6)	10	
2	Ainslie School	(K-6)	10	
3	Aranda Primary School	(K-6)	10	
4	Arawang Primary School	(K-6)	10	

5	Calwell Primary School	(K-6)	10	
6	Caroline Chisholm School (K-6)	(K-6)	10	
7	Charnwood - Dunlop Primary School	(K-6)	10	
8	Cranleigh School	(K-6) Special	10	
9	Curtin Primary School	(K-6)	10	
10	Fadden Primary School	(K-6)	10	
11	Farrer Primary School	(K-6)	10	
12	Florey Primary School	(K-6)	10	
13	Forrest Primary School	(K-6)	10	
14	Fraser Primary School	(K-6)	10	
15	Gilmore Primary School	(K-6)	10	
16	Giralang Primary School	(K-6)	10	
17	Gowrie Primary School	(K-6)	10	
18	Hawker Primary School	(K-6)	10	
19	Isabella Plains Early Childhood School	(K-6)	10	
20	Jervis Bay Primary School	(K-6)	0	
21	Latham Primary School	(K-6)	10	
22	Lyneham Primary School	(K-6)	10	
23	Lyons Early Childhood School	(K-6)	10	
24	Macgregor Primary School	(K-6)	10	
25	Malkara School	(K-6) Special	10	
26	Maribyrnong Primary School	(K-6)	10	
27	Mawson Primary School	(K-6)	10	
28	Miles Franklin Primary School	(K-6)	10	
29	Monash Primary School	(K-6)	10	
30	Mount Rogers Primary School	(K-6)	10	
31	Narrabundah Early Childhood School	(K-6)	10	
32	Ngunnawal Primary School	(K-6)	10	
33	O'Connor Co-Operative School (P-2)	(K-6)	10	
34	Palmerston District Primary School	(K-6)	10	
35	Red Hill Primary School	(K-6)	10	
36	Richardson Primary School	(K-6)	10	
37	Southern Cross Early Childhood School	(K-2)	10	
38	Taylor Primary School	(K-6)	10	
39	Torrens Primary School	(K-6)	10	
40	Wanniassa Hills Primary School	(K-6)	10	
41	Weetangera Primary School	(K-6)	10	
42	Woden School (The)	(K-6) Special	10	
43	Alfred Deakin High School	(7-10)	20	
44	Amaroo School	(K-10)	20	
45	Belconnen High School	(7-10)	20	
46	Calwell High School	(7-10)	20	
47	Campbell High School	(7-10)	20	
48	Caroline Chisholm School (7-10)	(7-10)	20	
49	Dickson College	(11-12)	20	
50	Erindale College/Active Leisure C.	(11-12)	20	
51	Gold Creek School (7-10)	(7-10)	20	
52	Hawker College	(11-12)	20	
53	Kaleen High School	(7-10)	20	
54	Lake Tuggeranong College	(11-12)	20	
55	Lanyon High School	(7-10)	20	
56	Melba Copland Secondary School 11-12	(11-12)	20	
57	Melba Copland Secondary School 7-10	(7-10)	20	
58	Melrose High School	(7-10)	20	
59	Narrabundah College	(11-12)	30	
60	Stromlo High School (6-10)	(6-10)	30	

61	Telopea Park School	(K-10)	20	
62	Wanniassa School (7-10)	(7-10)	20	
63	Harrison School	(K-10)	30	
64	Namadgi P-10	(K-10)	30	
65	Bonner Primary School	(K-6)	30	
66	Franklin early Childhood School	(K-6)	30	
67	Coombs Primary School	(K-6)	0	
	Phase 1 Installations			
68	Black Mountain School	(7-12) Special	10	
69	Bonython Primary School	(K-6)	10	2
70	Campbell Primary School	(K-6)	10	
71	Canberra College (Woden)	(11-12)	20	
72	Canberra High School	(7-10)	20	
73	Chapman Primary School	(K-6)	10	
74	Charles Conder Primary School	(K-6)	15	
75	Duffy Primary School	(K-6)	10	
76	Evatt Primary School	(K-6)	2	10
77	Garran Primary School	(K-6)	10	
78	Hughes Primary School	(K-6)	10	
79	Kaleen Primary School	(K-6)	20	
80	Lake Ginninderra College	(11-12)	20	
81	Lyneham High School	(7-10)	20	
82	Macquarie Primary School	(K-6)	10	
83	Majura Primary School	(K-6)	10	
84	Turner Primary School	(K-6)	10	
85	Wanniassa School (K-6)	(K-6)	15	
86	Yarralumla Primary School	(K-6)	10	
		TOTAL NEW	**1192**	**0**
	Existing Installations			**Installed**
87	Gold Creek School (K-6)	(K-6)	0	14
88	Gordon Primary School	(K-6)	0	10
89	Gungahlin College	(11-12)	0	30
90	Kingsford Smith School (P-10)	(K-10)	0	30
91	Theodore Primary School	(K-6)	0	20
		TOTAL PRE-EXISTING		**116**
		GRAND TOTAL		**1308**

ACTEW Corporation Ltd—new dwelling connections (Question No 1708)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 16 August 2011 *(redirected to the Treasurer)*:

(1) What is the average time taken to connect a new dwelling to the electricity grid.

(2) Does ACTEW have a target time for new dwelling connections.

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

(1) I have been advised by ActewAGL that its current average connection time for Greenfield areas is 4.6 business days. This timeframe is the average time to connect after ActewAGL has received notification that the ACTPLA inspection has been completed and the customer's Retailer Supply Agreement (account) has been established, which are pre-requisites to new dwelling connection and energisation.

(2) I have been advised by ActewAGL that its target time for new dwelling connections in Greenfield areas is 5 business days.

Social welfare—crisis assessment and treatment team (Question No 1709)

Mr Hanson asked the Minister for Health, upon notice, on 16 August 2011:

(1) What was the total number of incidences of care provided by the Crisis Assessment and Treatment Team (CATT) in 2010-11.

(2) What is the projected growth in demand for CATT services for 2011-12.

(3) What was the total payment for the operation of CATT in 2010-11.

(4) What is the total payment budgeted for the operation of CATT in 2011-12.

(5) What is the total number of full-time equivalent staff for CATT.

(6) What is the total number of staff rostered on per shift in CATT.

(7) Are there currently any staff vacancies in CATT; if so, how long have these positions remained vacant.

(8) Can the Minister list the ways that people access CATT, for example, client direct contact through phone, attendance at an emergency department, referred by police.

(9) Can the Minister provide the percentage of total incidences of care that were accessed through the means listed in part (8).

(10) What is the mean waiting time between contact with CATT and incidence of care being provided.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) In 2010-2011 there were 30,978, occasions of services provided by CATT.

(2) The projected growth in demand for CATT services in 2011-2012 is 4% – 5% of the 30,978, equaling 32,200 to 32,500 occasions of service. The project growth is based on average growth over the past five years.

(3) In 2010-2011 the total payment for the CATT operation was $3.073 million.

(4) The total payment budgeted for the operation of CATT in 2011-2012 is $3.326 million.

(5) The total number of full-time equivalent staff for CATT is 25.94.

(6) The total number of staff rostered on per shift in CATT is broken into two components,

- CATT staff that physically attend to people in the community, and
- Staff in the Mental Health Triage service which is the phone intake and referral component of CATT.

Currently, the CATT community component shifts are configured/staggered in the following way:

- 2 staff members working from 8:00am to 4:30pm.
- 2 staff members working from 10:30am to 6:00pm.
- 3 staff members working from 2:30pm to 11:00pm.
- 1 staff member working overnight from 11:00pm to 7:30am who performs the dual function of CATT and Mental Health Triage (with an on-call worker also available).

Mental Health Triage includes:

- 1 staff member working from 7:15am to 3:45pm.
- 1 staff member from 10:30am to 7:00pm (Mon-Fri only).
- 1 staff member from 2:45pm to 11:15pm.
- 1 staff member overnight from 11:00pm to 7:30am (Note: As described above this is the same staff member who performs the role of CATT overnight).

(7) There are currently 2 FTE vacancies, both of which occurred in July 2011. Recruitment processes are underway for both vacancies, and backfilling arrangements are in place during the recruitment process.

(8) Mental health consumers can access CATT in the following ways and generally involve phone contact through Mental Health Triage service, including:

- Direct self-referral through Mental Health Triage;
- Third party referral from family, friends or carers;
- Referrals from general practitioners, private psychiatrists and other health practitioners;
- Referrals from other government agencies or non-government community organisations/agencies;
- Referrals through the Mental Health Clinician embedded in the Police Communications Centre, generally coming from the Australian Federal Police or ACT Ambulance Service;
- Intra-service referrals from other sections within Mental Health, Justice Health and Alcohol and Drug Services (i.e from Adult Community Mental Health Team);
- Presentations to the Canberra Hospital or Calvary Hospital Emergency Departments or other health facilities, both public and private.

(9) I am unable to provide an answer to this question at this time. The data is not coded to this level.

(10) There is no mean waiting time between contact with CATT and incidents of care being provided. All referrals go via triage and the response time is set out by Triage Categories which are based on the College of Emergency Medicine standards. There are 7 categories, and the category of response is determined by the nature of the presentation. The categories are:

- Immediate,
- Within 2 hours,
- Within 2 to 12 hours,
- Between 12 to 48 hours,
- Face to face assessment required within 14 days,
- External referral, and
- Telephone inquiry.

Health—Canberra after-hours locum medical service (Question No 1710)

Mr Hanson asked the Minister for Health, upon notice, on 16 August 2011:

(1) How does the ACT Government fund the operations of the Canberra Afterhours Locum Medical Service (CALMS) clinics.

(2) What is the funding allocation to the CALMS clinics for the years 2011-12 to 2014-15.

(3) Is funding provided on an ongoing basis or for a fixed period and how often is the funding reviewed and adjusted.

(4) What factors determine the level of funding given for the operation of the CALMS clinics.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The ACT Government Health Directorate has a Service Funding Agreement (SFA) with Canberra Afterhours Locum Medical Service for the period 1 July 2010 – 30 June 2013. Through this SFA the Health Directorate funds CALMS's services to all ACT residents.

(2) The funding for the year 2011-12 will be an amount up to approximately $1 million dollars. This figure is indexed each year by CPI.

(3) Funding for CALMS is provided for a fixed period for the life of the SFA between ACT Government Health Directorate and CALMS. Funding is reviewed and revised annually in line with CPI.

(4) ACT Government Health Directorate funds CALMS based on their operational activity in the previous quarter.

Health—funding
(Question No 1711)

Mr Hanson asked the Minister for Health, upon notice, on 16 August 2011:

(1) What is the purpose of the Health Funding Envelope.

(2) Are new expenditure initiatives that meet growing demands for health care funded by this Health Funding Envelope.

(3) How are the forward estimates of the Health Funding Envelope determined.

(4) What was the reason for the 2011-12 funding decreasing from $20.6 million in the 2010-11 Budget to $16.3 million in the 2011-12 Budget.

(5) Is the Health Funding Envelope included in the line item payment for government options in the income statement, page 240 Budget Paper 4, for the years 2010-11 to 2014-15; if not, where is this funding reported.

(6) What indexation rate is applied to the overall health budget each year.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) The purpose of the Health Funding Envelope is to provide certainty for indexation and growth funding to the Health Directorate in the budget and outyears.

(2) The Funding Envelope is intended to fund indexation and growth for existing services.

(3) The Health Forward Estimate was based on the estimated cost in 2005-06 adjusted for assumed annual indexation and growth in activity across the forward years. Each year a new 'outyear' is added and indexed consistent with Government Policy. Other adjustments occur including, for material variation to superannuation rates, insurance increases due to actuarial assessment, new initiatives determined by Government, variation to Commonwealth funded programs, impact of actual results driven by higher than budgeted activity or price and efficiency targets set by Government.

(4) The funding to the Health Directorate did not decrease.

(5) Yes, the Health Funding Envelope is received as 'Government Payments for Outputs' on the Operating Statement (Income Statement).

(6) Indexation allowed for by the Health Directorate is consistent with that provided to other Directorates.

Health—mental
(Question No 1712)

Mr Hanson asked the Minister for Health, upon notice, on 16 August 2011:

(1) In relation to Federal funding provided for Additional Medical Workforce Positions under the National Action Plan on Mental Health 2006-2011, what is the total amount received by the ACT Government under this initiative to date.

(2) If the funding referred to in part (1) is yet to be received, what is the total amount of this remaining funding and when is it scheduled to be received.

(3) What are the initiatives that were paid for by the funding.

(4) If the funding directly funded new staffing resources, (a) what is the number of full-time equivalent positions that were funded, (b) what are the health areas and locations where these positions were provided, (c) have these positions currently been filled; if not, why not and (d) how will these positions be funded once funding under the National Action Plan on Mental Health 2006-2011 concludes.

(5) Has any ACT reporting been conducted on the outcomes of this funding.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) No Federal funding was provided to the ACT for Additional Medical Workforce Positions under the *National Action Plan on Mental Health 2006-2011* (the Plan).

(2) N/A

(3) N/A

(4) N/A

(5) N/A

Health— ACT Health hospital in the home service (Question No 1714)

Mr Hanson asked the Minister for Health, upon notice, on 16 August 2011:

(1) In relation to the ACT Health Hospital in the Home (HITH) service for 2010/11, what (a) was the total number of patients who utilised HITH at (i) The Canberra Hospital (TCH) and (ii) Calvary Public Hospital (Calvary), (b) was the total number of 'bed days' that HITH provided, (c) was the total number of occasions of service, (d) was the total funding provided for operation of HITH, (e) was the number of full-time equivalent (FTE) staff employed by category for HITH at (i) TCH and (ii) Calvary and (f) shifts operate for HITH and what staff by category are rostered on each shift at (i) TCH and (ii) Calvary.

(2) In relation to HITH for 2011/12, what (a) is the projected total number of patients expected to utilise HITH at (i) TCH and (ii) Calvary, (b) is the total number of 'bed days' expected to be provided by HITH, (c) is the expected total number of occasions of service, (d) is the total funding appropriated for operation of HITH, (e) is the expected number of FTE staff employed by category for HITH at (i) TCH and (ii) Calvary and (f) shifts are expected to operate for HITH and what staff by category are expected to be rostered on each shift at (i) TCH and (ii) Calvary.

Ms Gallagher: I am advised that the answers to the member's questions are as follows:

(1) (a) (i) The total number of patients who used HITH at Canberra Hospital (TCH) was 1,109 (619 patients for the Infusion Service and 490 patients for Home Visiting).

(ii) The total number of patients who used HITH at Calvary Public Hospital (Calvary) was 470.

(b) The total number of 'bed days' that HITH provided was 9,091 in total across ACT, (6,001 at TCH, and 3,090 at Calvary).

(c) The total number of occasions of service was 3,945.

(d) The total funding provided for operation of HITH in 2010/11 was $3,846,767.

(e) (i) TCH FTE was 22.12FTE, made up of the following:

- RMO4 1.00 FTE.
- Specialist .50 FTE.
- RN1 1.25 FTE (including relief).
- RN 2 18.18 (including relief and Registrar review clinic).
- RN3 1.19 FTE (including relief).

(i) Calvary HITH has an establishment of 6.5FTE. Not all positions were utilised during this period.

(f) (i) Monday to Saturday

- 0730-1630hrs - Home visiting shifts - 2 x Registered Nurses (travel independently).
- 0830-1700hrs - Infusion Service in HITH office - currently 5 Nursing staff mainly Registered Nurses and there is currently an Endorsed Enrolled Nurse (EEN) within the team.
- On Saturdays there are only 2 Nursing staff in the Office to cover the Infusion Service, usually 2 x RN's sometimes 1 x RN and 1 x EEN. There are fewer patients seen in the office on Saturdays.
- 1000-1830hrs - Referral Shift - 1 x Registered Nurse.
- 1330-2200hrs - Evening Shift - 2 x Registered Nurses usually or one Senior RN & an EEN.
- 2200hrs-0730 - On Call - 1 x Registered Nurse.
  The only change is on Sundays - there is no Infusion Service in the HITH Office.

(ii) Calvary have RN1 or RN2 level nurses to provide coverage from 0700-2200hrs each day with an on-call nurse available from 2200-0700hrs.

(2) (a) (b) (c) Answer for all three above parts of question 2 is that both public hospitals are working on increasing activity in the Hospital in the Home service. However, the HITH is a specialised service which is totally dependant on the casemix of patients, therefore predicting numbers is not feasible.

(d) The total funding appropriated for operation of HITH in 2011/12 is $3,819,394. The decrease in budget for 2011/12 reflects the decreased need for extra overtime and penalties not utilised in 2010/11 and therefore not expected in 2011/12.

(e) (i) TCH FTE will be 22.12 FTE, made up of the following:

- RMO4 1.00 FTE.
- Specialist .50 FTE.
- RN1 1.25 FTE (including relief)
- RN 2 18.18 (including relief and Registrar review clinic).
- RN3 1.19 FTE (including relief).

(ii) Calvary 6.5FTE.

(f) (i) In relation to TCH HITH for 2011/12, business as usual – no expected change to staffing.

(ii) Calvary provides RN1 or RN2 level shift roster coverage from 0700-2200hrs each day with on call coverage from 2200-0700hrs.

Waste—recycling and garbage bins (Question No 1717)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 August 2011:

(1) What was the 2010-11 annual cost of collection for residential (a) yellow recycling and (b) green garbage bins and what was the cost of collection per household for each.

(2) How many households in the ACT receive the weekly and fortnightly waste collection.

(3) How many applications were received to upgrade to a 240 litre garbage bin in 2010-11 and (a) how many of these applications were approved and (b) what was the total cost of these upgrades.

(4) How many applications were received for a new set of bins for a new house in 2010-11.

(5) How many lost or stolen (a) 240 litre yellow and (b) 140 litre green bins were replaced in 2010-11 and what was the total cost of these replacements.

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

(1) Based on the most recent invoice for these services the costs are:

(a) The annual cost for 240 litre recycling bins to single dwellings is $3,071,823.60 and the cost per service is $24.73.

(b) The annual cost for 140 litre garbage bins at Single dwellings is $5,292,634.60 and the cost per service is $44.21.

(2) There were 120,841 waste services and 123,199 recycling services provided to single dwellings at 30 June 2011. In addition, there were 23, 986 waste hoppers and 13,639 recycling hoppers collected from multi-unit residences in June 2011. The number of services varies from month to month due to new dwellings and additional services ordered.

(3) (a) None as this service was not available until 1 July 2011.

(b) Not applicable.

(4) 1,726.

(5) (a) 951.

(b) 3,106.

The total cost of replacement was $211,628. These costs were met from within the current domestic waste services contract.

Waste—recycling and garbage bins (Question No 1718)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 August 2011:

(1) How many (a) yellow lidded recycling and (b) green lidded household general garbage bins are replaced each year and at what cost.

(2) Of those bins listed in part (1), how many are replaced at the expense of the taxpayer and what is the cost, for example, the charge is not passed on to a user.

(3) How many (a) yellow lidded recycling and (b) green lidded household general garbage bins have been replaced due to contractor error.

(4) How much money has been recovered from the waste disposal contractor for bin replacement that has occurred due to loss of bins as a result of contractor error.

(5) How many households have been charged for replacement of (a) yellow lidded recycling and (b) green lidded household general garbage bins.

(6) How much money has been received by households for replacement of (a) yellow lidded recycling and (b) green lidded household general garbage bins.

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

(1) In 2010-11 the following were replaced:

(a) 951

(b) 3,106

The replacement cost was $211,628. These figures are consistent with previous years.

(2) Under the terms and conditions of the kerbside collection contract, lost, damaged and stolen bins are replaced at the contractors cost. There is no direct cost to the householder requesting a replacement bin.

(3) No separate data is collected about this.

(4) Nil. Bins are replaced at the cost of the contractor.

(5) None.

(6) Nil.

ACTION bus service—accidents (Question No 1720)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 16 August 2011:

(1) How many accidents involving ACTION buses have occurred, by month during (a) 2010 and (b) 2011 to date.

(2) How many accidents involving ACTION buses referred to in part (1) were caused by (a) excessive speed, (b) driver error and (c) other drivers error.

(3) How many of the accidents referred to in part (1) resulted in injury to (a) a bus driver, (b) another driver, (c) a pedestrian or cyclist and (d) passengers on an ACTION bus.

(4) How many of the accidents referred to in part (1), (a) were reported to ACT Policing and (b) resulted in an insurance or compensation claim of any sort.

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

(1) For the purposes of responding to this question, an accident is defined as any incident or occurrence where an ACTION bus impacts, or is impacted by another vehicle, object, structure, animal or person that is located on a road or road related area.

Month / Year	2010	2011
January	18	13
February	27	26
March	32	25
April	24	20
May	22	27
June	30	30
July	25	20
August	29	20*
September	17	
October	27	
November	40	
December	20	
Total	311	181

* Incomplete data for this month

(2) (a) ACT Policing has advised that estimated vehicle speed is not recorded as a separately searchable data field in every case, and are not prepared to divert officer resources to search individual accident records to provide this answer.

(b)

Month / Year	2010	2011
January	10	7
February	19	18
March	23	10
April	15	14
May	12	17
June	22	20
July	9	11
August	18	9*
September	9	
October	13	
November	21	
December	11	
Total	288*	

* Incomplete data for this month

(c)

Month / Year	2010	2011
January	8	6
February	8	8
March	9	15
April	9	6
May	10	10
June	8	10
July	16	9
August	11	11*
September	8	
October	14	
November	19	
December	9	
Total	204*	

* Incomplete data for this month

(3) (a) 11.

(b) ACTION's accident and claims database is unable to report injuries to other drivers as an individual data field.

(c) 13.

(d) 113.

(4) (a) ACTION does not record that an accident has been reported to ACT Policing as a separately searchable data field.

(b) Insurance and compensation claims that occur as a result of an accident are managed by ACTION or the ACT Insurance Authority (ACTIA) subject to the nature or quantum of the claim. For the purposes of responding to this question, a claim is defined as a request by an insurance company to recover vehicle repair costs from ACTION. For the period 2010 and 2011 to date, 71 payments were made to insurance companies.

Finance—Treasurer's advance (Question No 1721)

Mr Doszpot asked the Treasurer, upon notice, on 17 August 2011:

(1) In relation to the Treasurer's Advance Direction No 2010-11/9, for what precise purposes and under what programme are the government payments for (a) superannuation expenses, (b) funding for disability education special needs enrolments and (c) special needs education transport.

(2) Why was each of these expenses an unforseen expense.

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

(1) The Treasurer's Advance was provided for each purpose on the basis of the additional unforseen costs over and above available appropriation for the reasons outlined below. The nature of these expenses are spread across a range of purposes and programmes, not a specific individual programme.

(2) The need for Treasurer's Advance arose due to:

(a) Budgeted superannuation expenses are based on actuarial assessment of the expected costs based on numbers of staff, scheme membership and various other factors. Variances between actual and budgeted expenditure occur mainly due to staff turnover and mix of staff in the different superannuation schemes.

(b) The growth of students with special needs being higher than budget expectation.

(c) An open tender process, advertised nationally, for special needs transport was undertaken in early 2010, but the outcome and subsequent negotiations were prolonged beyond the budget process. The cost of the services tendered through the process was higher than the budgeted costs by $0.7 million in 2010-11.

Government—publication costs (Question No 1722)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

In relation to the publications (a) What is a sustainable school, (b) Excellence and Enterprise and (c) Learning Capital, what are the costs of (i) design and layout, (ii) printing including number printed and (iii) distribution, including how and to whom.

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

a) What is a Sustainable School
   i. Design and layout costs - $9075 (inc. GST)
   ii. Printing costs - $6556.80 (inc. GST), numbers printed – 1000
   iii. Distribution, including how and to whom:
   - ACT Parents and Citizens Association by post
   - Australian Institute of Architects - ACT Chapter Manager: ACT Architecture Awards Gala Night by post
   - available on the Education and Training Directorate's website

   Internal mail was used to distribute the publication to:
   - all ACT public schools
   - the Education and Training Directorate Executives
   - the Environment Sustainable Development Directorate – Australian Sustainable Schools Initiative and Transport Policy Coordination
   - the Territory and Municipal Services Directorate - ACT
   - No-Waste
   - Shared Services – Publishing Services
   - the Health Directorate – Health Promotion.

b) Excellence and Enterprise
   i. Design and layout costs - $990 (inc. GST)
   ii. Printing costs - $7642.80 (inc. GST), numbers printed – 1000
   iii. Distribution, including how and to whom:
   - all ACT public schools via internal mail to school principals
   - all ACT public school board chairs via the post
   - the Education and Training Directorate Executives by internal mail
   - key stakeholders both through the post and at various stakeholder meetings and forums
   - available on the Education and Training Directorate's website.

c) Learning Capital
   i. Design and layout costs - $1320 (inc. GST)
   ii. Printing costs - $2066.90 (inc. GST), numbers printed - 200
   iii. Distribution, including how and to whom:
   - printed copies provided at an ACT Tertiary Taskforce function
   - Education and Training Directorate's website
   - posted to all members of the ACT Tertiary Taskforce by post
   - key stakeholders - posted on request or downloaded from the Education and Training Directorate's website.

Teachers—wages and salaries (Question No 1723)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

(1) Given that a schedule of wages and salaries for teaching staff for the years 2009-10 to 2014-15 was provided in the answer to QoN E11-183 asked during the Select Committee on Estimates 2011-2012 hearings, (a) what is the total number of teaching

staff, actual and budgeted, used to calculate the estimate for each year and (b) do these estimates include the superannuation provision for teaching staff.

(2) In relation to part 1(a), how many staff are engaged at each level of employment for each year.

(3) What is the total dollar value of a 1 percent increase in Government school teachers' pay using 2010-11 pay rates.

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

1) (a) The Directorate's staffing profile for 2009-10 is provided on page 90 of the 2009-10 Annual Report. The 2011-12 Budget Paper 4 provides the overall staffing, of which 3310 relates to teaching staff. Future years from 2012-13 to 2014-15 is adjusted based on enrolment variation and any new initiatives during each budget process.
(b)The schedule provided did not include superannuation expenses.

2) The Directorate staffing profile for 2009-10 is provided on page 90 of the 2009-10 Annual Report. Page 316 of the 2011-12 Budget Paper 4 provides the estimated staffing levels for 2010-11 and 2011-12. Estimated employee expenses in the forward years are based on expected changes associated with enrolments and new initiatives. The Directorate does not maintain detailed estimates, by level, of staff numbers for forward years.

3) The cost of a 1% pay increase for teaching staff is around $4.2m including the impact of employee benefits.

Schools—non-government (Question No 1724)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

(1) What is the projected number of students attending non-government schools in 2011-12 to 2014-15.

(2) What is the basis of the projected number of students attending non-government schools in 2011-12 to 2014-15.

(3) What indexation rate is applied to grants paid to non-government schools by the ACT Government.

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

(1) The Education and Training Directorate does not have a projected number of students attending non-government schools in 2011-12 to 2014-15.

(2) The Education and Training Directorate does not have a projected number of students attending non-government schools in 2011-12 to 2014-15.

(3) As per the *2011-12 Budget Paper*, 3.7% is provided for 2011-12 and 3.2% in the forward estimates.

Education—funding (Question No 1726)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

(1) What is the Budget allocation for Output Class 1: Public Schools Education, for the years (a) 2012-13, (b) 2013-14 and (c) 2014-15.

(2) What is this total funding allocation per capita of children attending public schools for the years 2010-11 to 2014-15.

(3) What is the actual and estimated number of students attending public schools for each year from 2010-11 to 2014-15.

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

(1) The budget allocation for Output Class 1: Public School Education from 2012-13 to 2014-15 is detailed in the *2011-12 Budget Paper 4*, page 342.

(2) Per capita costs are maintained for the current year and one forward year only. Per capita funding is provided is detailed in *2011-12 Budget Paper 4*, page 324.

(3) The actual and estimated number of students attending public schools for each year from 2010-11 to 2014-15 is detailed in table below:

Financial Year	Public School Enrolment
2010/2011	39010
2011/2012	39800
2012/2013	40140
2013/2014	40730
2014/2015	41350

Schools—infrastructure (Question No 1728)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 August 2011:

In relation to each ACT public (a) primary and (b) high school, what is the (a) number and description of each building at each campus, (b) date when each building was constructed and (c) date and details of each extension or refurbishment in the last 10 years.

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

a) and b)
There is a total of 84 ACT public schools across 88 campuses, comprising eight colleges (year 11 and 12), one year 7 to 12 secondary school, ten high schools (year 7 10), eight combined schools (preschool or kindergarten to year 10), four special education schools, 48 primary schools (preschool to year 6) and five early childhood schools (birth to Year 2). The list of ACT public schools is included at Attachment A.

i) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from the Education and Training Directorate's ongoing business.

ii) In relation to the date each building was constructed data is not available in the form and at the level of disaggregation requested without diversion of significant resources from the Education and Training Directorate's ongoing business. However, the date when each ACT public school opened is included at Attachment A.

iii) Data is not available in the form and at the level of disaggregation requested without diversion of significant resources from the Education and Training Directorate's ongoing business. Information on asset management and capital works projects at ACT public schools is included in the *Annual Report* for the Education and Training Directorate. Annual Reports are available on the Education and Training Directorate website at http://www.det.act.gov.au/publications_and_policies/publications_a-z/annual_report.

It should be noted that over the past ten years, there has been significant capital funding allocated to ACT public schools, including the recently completed *Schools Infrastructure Refurbishment* program funded by the ACT Government and the *Nation Building – Building the Education Revolution* (BER) initiative funded by the Australian Government. Information on the BER projects can be found on the Education and Training Directorate website at (http://www.det.act.gov.au/about_us/building_the_education_revolution).

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

Gungahlin—leisure centre (Question No 1731)

Mr Doszpot asked the Minister for Tourism, Sport and Recreation, upon notice, on 17 August 2011:

(1) In relation to the Gungahlin Leisure Centre Feasibility Interim Report page 12, Table 1.5.3, Capital Costs Comparison Summary: 25m Pool Option, what is the capital cost and area, in metres squared, for each facility and design specification encompassed in the building element description of (a) pools, (b) health and fitness, (c) community and sport, (d) plant equipment and services and (e) infrastructure and parking.

(2) In relation to the Gungahlin Leisure Centre Feasibility Interim Report page 12, Table 1.5.4, Capital Costs Comparison Summary: 50m Pool Option, what is the capital cost and area, in metres squared, for each facility and design specification encompassed in the building element description of (a) pools, (b) health and fitness, (c) community and sport, (d) plant equipment and services and (e) infrastructure and parking.

(3) What is the proposed ownership arrangement of the Gungahlin Leisure Centre.

(4) For each model of ownership being considered, what will the ACT Government's (a) interaction with the Centre in terms of day to day business be and (b) financial exposure be.

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

(1) The figures being requested are as stated in Table 1.5.3 in the Gungahlin Leisure Centre Feasibility Study Interim Report of February 2011. They are as follows:

Building Element Description	Quantity (m2)	Rate	Total
Pools	3,173	$4,786.64	$15,188.00
Health & fitness	1,621	$3,612.65	$5,856,100
Community & support	1,640	$3,539.88	$5,805,400
Plant equipment & services	495	$3,200.00	$1,584,000
Sub-total buildings	6,929		$28,433,500
Infrastructure & parking	2,585		$477,400
External works	8,471		$1,107,080
Sub-total external works	11,056		$1,584, 480
Project total	17,985		$30,017,980

(2) The figures requested are as stated in Table 1.5.3 in the Gungahlin Leisure Centre Feasibility Study Interim Report of February 2011. They are as follows:

Building Element Description	Quantity (m2)	Rate	Total
Pools	4,361	$4,786.64	$21,011,800
Health & fitness	1,622	$3,612.65	$5,859,900
Community & support	1,801	$3,539.88	$6,389,400
Plant equipment & services	657	$3,200.00	$2,102,400
Sub-total buildings	8,441		$35,363,500
Infrastructure & parking	2,585		$477,400
External works	7,034		$1,341,200
Sub-total external works	9,619		$1,818,600
Project total	18,060		$37,182,100

(3) It is proposed that the Gungahlin Leisure Centre will be constructed directly by the ACT Government and remain a government asset, with the management functions carried out under a contract arrangement, in the same way as the four other swimming pools operated by the Government. The contract will be determined through a public tender process.

(4) (a) The responsibilities of the centre's management entity will be set out in detail in the management contract, which is yet to be developed. This aligns with the other four Government swimming pools i.e the management entity will be entirely responsible for the day to day operation of the centre, subject to the Government's stated objectives and broad policies established in the contract, and the contract's detailed terms and conditions.

(b) The Government's financial exposure will be determined in the development of the management contract, but broadly, the Government remains responsible for major repairs and maintenance of the centre as the asset owner.

Community Services Directorate—funding (Question No 1732)

Mr Doszpot asked the Minister for Community Services, upon notice, on 17 August 2011:

(1) In relation to Estimates question on notice No E11-358, what is the per place funding of the 435 accommodation places supported by Disability ACT.

(2) What is the budget allocation for Output 1.1, for the years 2012-13 to 2014 15.

(3) What portion of funding under Output 1.1 is allocated to supporting accommodation places in the ACT for the years 2012-13 to 2014-15.

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

(1) The figure of 435 accommodation support places relates to the performance indicator target for the 2010-11 financial year. The National Disability Agreement expenditure by service type for the 2010-11 financial year is not expected to be finalised and acquitted to the Australian Government Productivity Commission until 30 September 2011 and will be published in 2013.

Therefore the expenditure for an accommodation support place is not available for 2010-11 at this time.

(2) The forward estimates for the budget allocation for Output Class 1.1, Disability Services and Policy are:

- $86.5m in 2012-13;
- $91.6m in 2013-14; and
- $95.3m in 2014-15.

(3) In 2010 -11 65% of the Disability ACT operational budget was allocated to the provision of accommodation support services. Final expenditure against this budget will be finalised by 30 September 2011and reported to the Australian Government Productivity Commission.

The proportion of expenditure on accommodation support services is approximated to be 70% of Disability ACT's operational expenditure for the 2011-12 financial year. This proportion incorporates the recent inclusion of all Young People in Residential Aged Care (those under the age of 65) as part of the national health and disability reforms. A similar proportion is expected for the forward estimates.

Community Services Directorate—funding (Question No 1733)

Mr Doszpot asked the Minister for Community Services, upon notice, on 17 August 2011:

In relation to Output 1.2, Therapy Services, (a) what is the budgeted finding for the years 2012-13 to 2014-15, (b) does the allocated funding under this output include staff costs; if so, what are the engagement levels and responsibilities of these staff and (c) what is the indexation rate applied to this output.

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

a) The budgeted funding for output 1.2, including overheads, is as follows:

2012-13	2013-14	2014-15
$m	$m	$m
12.43	11.99	12.13

b) The allocated funding does include staff costs, for the following staffing :-

	2012-13	2013-14	2014-15
Managers	2	2	2
Admin Officers	10	9	9
Health Professionals	81.7	81.7	81.7
Technical Officers	3.5	3.5	3.5
Total FTE	**97.2**	**96.2**	**96.2**

Health Professional staff deliver therapy services to children with developmental delays and disabilities and to adults with developmental disabilities. Managers, Administrative Officers and Technical Officers support the direct service delivery function.

c) Two different indexation rates are applied to this output. ACT Government staff salaries and wages receive the applicable wage cost index as per the Certified Agreement for that year. Supplies and services are indexed at the Consumer Price Index for that year.

Community Services Directorate—funding (Question No 1734)

Mr Doszpot asked the Minister for Community Services, upon notice, on 17 August 2011:

(1) In relation to Estimates question on notice No E11-360, what is the funding allocation provided to Woden Community Services to deliver holiday services and (a) is this funding ongoing or for a fixed period and (b) what is the budget allocation for the years 2012-13 to 2014-15.

(2) At what rate is this funding indexed per year.

(3) How many places in the program does this Government funding support.

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

(1) The funding allocated by Disability ACT to Woden Community Services to deliver holiday services in 2011-12 is $650,372.

(a) This funding is provided under a Service Funding Agreement for the period 1 July 2010 to 30 June 2013.

(b) The budget allocation for 2012-13 is $650,372 plus indexation as advised by the ACT Treasury Directorate. The request for information in relation to the budget allocation for the period 2013-2014 and 2014-2015 cannot be provided.

(2) Recurrent funding is indexed annually at the level determined by the ACT Treasury Directorate.

(3) In 2011-12, the Service Provider will be delivering 15,000 hours for the school holiday program and after school care. These annual hours equate to 15 school holiday places per week for 11 weeks and 18 after school care places per week for 41 weeks.

Waste—Belconnen recycling facility (Question No 1735)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 18 August 2011:

(1) In relation to the rehabilitation of the former Building Waste Recycling facility in Belconnen, how much money has been expended to date.

(2) Who will be undertaking the work and what procurement type, for example, single select or select tender, will be used.

(3) When will the remaining funds be expended.

(4) What will the site be used for once it is rehabilitated

(5) Are there any other tenants at Parkwood Road Recycling Estate that are behind in rental payments or have materials that are not being processed at an expected rate.

(6) How much money has the ACT Government (a) spent on legal and other advice in dealing with and (b) recovered from the liquidators of Building Waste Recycling.

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

(1) As of 15 August 2011, invoices received for operations to rehabilitate the site formerly occupied by Building Waste Recycling in the Parkwood Road Recycling Estate totalled $333,578.11 (excluding GST).

(2) A number of businesses have been involved in the rehabilitation work so far.

- Goldsmith Civil and Environmental Pty Ltd are responsible for sorting out all waste on site and disposing of the residual waste in the WBRMC Borrow Pit. Goldsmith Civil and Environmental Pty Ltd are undertaking this work as part of their existing contract, '*West Belconnen Resource Management Centre - Environment Remediation*' (2010.14523.320) which includes material management and management of the Borrow Pit. This contract was awarded following a competitive tender.
- Environmental Resources Management of Australia Pty Ltd are conducting environmental control activities and ensuring that the project complies with Environment Protection Authority requirements. Environmental Resources Management was selected after the Directorate obtained three written quotes.
- MAG Welding Services Pty Ltd is involved in steel recovery. MAG Welding Services Pty Ltd is performing this work under the contract '*Metal Fabrication and Welding Services – Panel Contract*' (2011.15202.320) which was awarded following a public tender process.
- Asbestos Abatement Consultants are responsible for supplying asbestos-control equipment (misters) to ensure that workers on site have a safe working environment. The Directorate obtained one written quotation from Asbestos Abatement Consultants. The estimated value of the work is less than $25,000.

SIM Metal will be involved in steel recovery and has been selected on the basis of a single written quote. The estimated value of the work is less than $25,000.

Other businesses may be involved at a later stage.

These figures cover rehabilitation work only, not preliminary investigations.

(3) The remediation is scheduled for completion by 31 December 2011 with the majority of funds spent or accrued by January 2012. Further rehabilitation work in preparation for subsequent use of the site will take place before June 2012 and the remaining funds will be spent by that date.

(4) Once the site has been rehabilitated, it is likely to be reallocated to meet the need for building waste recycling. A competitive process will be conducted, and stringent conditions will be applied to the successful business.

(5) Five of the 54 tenants at the Parkwood Road Recycling Estate are behind in their rental payments. No tenants at the Parkwood Road Recycling Estate currently have licenses that require materials to be processed at an expected rate. Material processing rates are proposed to be included in new licenses when they come up for renewal from 2012 onwards.

(6) (a) The ACT Government Solicitor has advised that in the two matters relating to Building Waste Recycling, the costs are as follows:

- TAMS v Building Waste Recycling Pty Ltd: $25,693.90
- TAMS v Konstukt Pty Ltd: $7,601.96.

(b) To date, no money has been recovered from the liquidators of Building Waste Recycling.

Transport—Kingston rail station relocation (Question No 1736)

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 18 August 2011:

(1) What is the cost and timeline for the relocation of the Kingston rail station to Fyshwick.

(2) Are any upgrades or changes being made to the rail site to coincide with its move, for example, expansion or capacity to receive freight.

(3) Can the Minister provide the feasibility study on developing rail in the ACT that was conducted following the 2009 Rail Master Plan.

(4) If the study has not been completed, why not and when will it be available.

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

(1) The Kingston railway station is not proposed to be relocated to Fyshwick. Several sites within the East Lake urban renewal area are currently being considered. Until such time as a final location is decided, information about costs and timelines cannot be provided.

(2) The future arrangement of rail facilities is being considered as part of the planning for the East Lake urban renewal project. Rationalisation of the existing rail infrastructure is being considered in the overall planning for the area to optimise urban outcomes. Planning does not include rail freight facilities in the renewal area.

(3) Not at this time, as the feasibility study has not been completed.

(4) Completion of the study is dependent on a decision on the preferred arrangement of heavy rail facilities in the ACT.

ACTION bus service—MyWay card (Question No 1737)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 23 August 2011:

(1) In relation to MyWay, is the Government aware of an issue with the purchase of MyWay cards whereby students or children have been issued with adult cards and been charged adult fares.

(2) If the Government is aware of the issue, on how many instances has this occurred and what is the cause, or are the causes, of this problem.

(3) How many times was the charging of adult prices to students or children attributable, or partly attributable, to Government error.

(4) How will the Government address this problem.

(5) Will the Government pay refunds to people who were charged in error, or provide some other kind of compensation.

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

(1) The Government has been made aware of some instances where students have been using standard MyWay cards rather than student cards for travelling.

(2) The cause of the problem is that parents/students have purchased standard cards rather than student cards either on line or at agents. It is not possible to determine the number of instances that have occurred.

(3) The Government is unable to provide information as to how many times this may have taken place.

(4) To ensure easy access to student MyWay cards, the Government has revised the process for issuing of student MyWay cards and these are now available at recharge agents and MyWay centres.

(5) During the rollout of the MyWay system the Government adjusted, where required, the travel balances of passengers who may have purchased incorrect cards. Any further situations will be assessed on a case by case basis.

Belconnen waste recycling facility—improvement notices (Question No 1739)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 25 August 2011:

In relation to the former Building Waste Recycling facility in Belconnen how many Improvement Notices have been issued by ACT Emergency Services in (a) 2006, (b) 2007, (c) 2008, (d) 2009, (e) 2010 and (f) 2011 to date.

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

The fire that began on 20 August 2011 in the Parkwood industrial area was located at a tyre recycling facility called Allbulk (previously known as "No Waste Wood Busters").

The ACT Emergency Services Agency (ACT Fire Brigade) issued one (1) Improvement Notice on 29 October 2007 to Allbulk.

In 2009, four Improvement Notices were issued to a different facility located within the Parkwood industrial area, which subsequently went into liquidation.

Roads—parking revenue
(Question No 1741)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011 *(redirected to the Attorney-General)*:

In relation to parking revenue for the 2010-11 financial year to date, how much revenue has been received by the ACT Government for parking pre payments by (a) month and (b) suburb and how were these payments made (a) ticket machine (b) parking meters or (c) pre paid online.

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

I refer the member to my answer to Question on Notice No 1719.

Education—teachers
(Question No 1742)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 25 August 2011:

(1) How many (a) teaching staff and (b) classroom teaching staff were engaged at the grades (a) School Leader A, (b) School Leader B or (c) School Leader C; and of those engaged at the grade School Leader A how many were engaged in each Principal Category, as at 30 June 2011.

(2) What is the projected number of (a) teaching staff and (b) classroom teaching staff engaged at the grades (a) School Leader A, (b) School Leader B or (c) School Leader C; and of those engaged at the grade School Leader A how many are projected to be engaged in each Principal Category, as of 30 June 2012.

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

1)

a) There are 93 SLAs.
Principal categories:

Category	Number of principals
5+++	3
5++	4
5+	11
5	13
4++	1
4+	16
4	16
3++	1
3+	12
3	9
2++	1
2+	4
2	2

b) There are 121 SLBs.
c) There are 435 SLCs.

2) a) There are no new schools opening in 2012 and so the number of principals is projected to remain constant between now and 30 June 2012.

Principal categories are dependent on the size of schools and cannot be determined until enrolments are known at the beginning of 2012.

b) Principals will make decisions about their executive structure (number of SLBs and SLCs) based on enrolments at the beginning of 2012. It is unlikely that the overall numbers will vary greatly.

Canberra Institute of Technology—staff (Question No 1743)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 25 August 2011:

(1) In relation to the answer to question on notice No 431 regarding the teaching staff at the Canberra Institute of Technology (CIT), noting that CIT's Senior Teaching Post teachers are Band 1 teachers, were Senior Teaching Posts included in the answer to part (1).

(2) In the answer to part (1), why do the Vocational, Degree, Year 12 and Year 10 sub-totals add to the Teaching totals, when many of the 546 teachers listed in the answer were teaching in two or more different types of programs or sectors, for example both Year 12 and Vocational, or Vocational and Higher Education.

(3) Can a revised answer to question on notice No 431 part (1) be provided that (a) includes Senior Teaching Post Band 1 teachers, if not originally included, and (b) overcomes under-counting explained in part (2) of this question.

(4) Which of CIT's teaching centres have operated bachelor degree programs in (a) semester 1 of 2009 and (b) semester 1 of 2011, and which of these degree programs are dual sector Vocational and Higher Education programs that include Vocational Diploma or Advanced Diploma early exit qualifications.

(5) Is CIT registered as a secondary school in order to operate its (a) year 12 and (b) year 10 programs. If so, through which statutory or regulatory body are CIT's year 12 and year 10 programs registered. And if not, what statutory or regulatory instruments authorise and enable CIT to operate its year 12 and year 10 programs, and quality assure and audit these programs.

(6) Why does a statutory or regulatory loophole exist according to which it has not been mandatory for CIT year 12 and year 10 teachers to possess Diploma of Education or Bachelor of Education or equivalent qualifications.

(7) Will the Minister recommend or direct that CIT's year 10 or year 12 programs join the new ACT Teaching Quality Institute and Teaching Registration process, in order to close the loophole identified in part (6).

(8) In relation to the answer to question on notice No 431, in view of the very helpful figures provided by CIT in Budget Estimates on 20 May 2011, in relation to the 69 percent of CIT teaching staff who possessed the Certificate IV in Training and Assessment or equivalent in the middle of 2009, can the Minister now provide the full response to part (2) of the earlier question.

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

(1) Yes.

(2) In the response to QON 431, teachers were classified by which program they spent the majority of their time in, rather than in all of the programs they participated.

(3) (a) Not required – see response to (1).

(b) A revised answer to include all programs that CIT teachers participate in would require a resurvey of teachers. That would involve a commitment of resources to the extent that I am not prepared to authorise.

(4) CIT's teaching centres have operated bachelor degree programs in:
(a) *Bachelor of Design (Photography), Bachelor of Photography, Bachelor of Design (Fashion design), Bachelor of Applied Science (Forensic Science), Bachelor of Forensic Science (Crime Scene Examination).* These were all accredited as both CIT VET accredited Advanced Diplomas PLUS they were all externally accredited in a parallel higher education process as three year degrees through the ACT Accreditation and Registration Council (ARC). None of these bachelor degrees were set up as 'dual sector' 2 + 1 models. They were all accredited in parallel as VET and Higher Education. However, in the delivery they are co-delivered in the first two years meeting the standards of both sectors. During the accreditation process of these degrees, it is important to note that ARC required that delivery in the first year met requirements of Higher Education and as such did not accredit them in the 2 + 1 model. That model is currently emerging, but did not exist in 2009.

(b) As for Semester 1, 2009, plus *Bachelor of Games and Virtual Worlds (Programming)* which was accredited as a three year higher education degree. It did not have the parallel accreditation VET program. However, it has articulation from other Diploma and Advanced Diploma qualifications with bridging subjects.

(5) (a) CIT delivers the ACT Year 12, which is accredited and quality controlled by the Board of Senior Secondary Studies.

(b) CIT's Access10 is an accredited VET Certificate qualification and is offered as an alternative to Year 10. Accreditation and registration are within the standard VET Framework, originally through ACT Accreditation and Registration Council, and now through Australian Skills Quality Authority.

(6) CIT complies with all the requirements of the Board of Senior Secondary Studies IN regard to its Year 12 program. All 16 teachers involved in delivering CIT's Year 12 program possess a Diploma of Education or a Bachelor of Education. As Access10 is a VET program, in line with AQTF requirements, the qualification requirements of teaching staff are defined in the curriculum as part of the accreditation process. For Access10 the curriculum document stipulates that:

"In line with AQTF requirements, staff must be able to demonstrate vocational competencies at least to the level of those being delivered and assessed. Specifically for delivering and assessing these programs, staff will need to have qualifications and experience in teaching at Secondary School level in subject/s preferably within an adult learning setting. This includes experience in working with students who are early school leavers, have other disadvantage and/or who need additional support to achieve success. As these programs will deliver nationally accredited subjects, staff must also have the Certificate IV in Training and Assessment or the Certificate IV in Assessment and Workplace Training or be able to demonstrate equivalent competencies." All teachers in the Access10 program meet these requirements.

(7) No, as no loophole exists.

(8) The following table sets out the numbers of vocational band 1 teacher TAA qualifications at 1 June 2009 (refer part 2 of QON 431).

	(i)Cert IV in TAA	(ii)Equiv qual	(iii)No qual	Currently studying
(a)Permanent	111	40	0	2
(b) Temporary	59	7	1	8
(c) Casual Band 1	102	29	68	28

Canberra Institute of Technology—staff (Question No 1744)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 25 August 2011:

Noting a 13 November 2007 email to all Canberra Institute of Technology (CIT) staff stated that "Permanent filling will progressively occur during the first six months of 2008", and expressions of interest were called for just 12 of these 16 positions "for a period of up to 6 months commencing from 1 January 2008", in a 29 October 2007 email sent to all CIT staff with heading "Centre Director Position (Acting Arrangements), Expressions of Interest Sought":

(1) Why were (a) four of the 16 Centre Director positions temporarily filled from 1 January 2008, pending permanent filling, not listed in the 29 October 2007 email calling for expression of interest for the other 12 positions and (b) two of these four only advertised in the ACT Gazette for the first time on 3 September 2009 and 3 December 2009.

(2) Of the 12 positions listed in the 29 October email, why were (a) five not advertised in the ACT Gazette until between 31 July 2008 and 27 November 2008 and (b) three not advertised in the Gazette at any stage since 1 January 2008.

(3) Given that CIT executive positions E522, E523 and E524 were filled on an acting basis "for a period of up to 6 months" from 1 January 2008, as notified in a 22 October 2007 email with heading "Executive Positions – Canberra Institute of Technology (Acting Arrangements), Expression of Interest Sought", why is it that (a) these positions were not advertised in the Gazette until 7 August 2008 and (b) the successful applicants for these positions were not notified in the Gazette until between 23 October 2008 and 2 April 2009.

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

(1) a) The Chief Executive exercised his powers under the Public Sector Management Act to determine that four of the Centre Director positions would be filled by temporary transfer without the need for an expression of interest process. It should be noted that all four of the staff selected in this way were already at the identified classification level (or higher) for those Centre Director roles.

b) Two of these four positions were only advertised in September and December 2009, as that was when the occupants of those positions ceased their employment at CIT.

(2) a) Four of those positions were temporarily filled by employees with a substantive classification equivalent to that of the Centre Director role they were filling. Accordingly, there was no requirement to advertise these positions while those staff were undertaking the role. The occupant of the fifth position ceased their temporary transfer on 6 July 2008, and only resumed in the role on 11 August 2008 after the advertisement of the position.

b) Three were not advertised as the positions were filled by the permanent transfer of staff already holding a substantive classification equal to that of the Centre Director role.

(3) a) It was initially intended that these Executive positions be filled on a temporary basis for a period of six months during which time the positions would be advertised more widely. It is unclear as to the reason these positions were not advertised in the ACTPS Gazette until 7 August 2008.

b) The filling of these Executive positions was gazetted once the selection and other administrative processes had been completed.

Health—preventative services (Question No 1746)

Mr Hanson asked the Minister for Health, upon notice, on 25 August 2011:

(1) In the 2011-12 budget (a) what is the total spending allocated for preventative health services and programs, (b) what are these health services and programs and (c) what is the total spending allocated per health service or program for 2011-12.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

In a public health service like the ACT Health Directorate, it is difficult to differentiate the difference between preventative health services and front line services. In the ACT Budget, the Health Directorate does report certain activities through 'Output 1.6 – Early Intervention and Prevention'. For the purposes of this question, I have used these services, however it is likely that other services of a preventative nature exist within the other five Health Outputs.

a) As per page 231 of Budget Paper 4, estimated 2011-12 expenses on Early Intervention and Prevention across the Health Directorate are $70.996m.

b) Early Intervention and Prevention spending is broken down by program at Attachment A.

c) Total Health spending by program is at Attachment B.

Attachment A

Program	**$000's**
Women's & Children's Health	31,068
Acute Support Services	1,398
Mental Health	4,406
Women's & Children's Health (Mental Health related)	2,602
Mental Health NGOs	3,556
Immunisation	7,532
A Healthy Future	6,073
Public Health NGOs	1,969
Community Care Program	1,812
Aged Care NGOs	10,117
Other	463
	70,996

Attachment B

		2011-12 $000's
Output 1.1	Office of the Deputy Director-General	87,664
	Surgical and Oral Health	122,819
	Critical Care & Imaging	93,244
	Women, Youth & Children	66,719
	Medicine	100,501
	Calvary Hospital	126,820
	Overheads	163,627
	Less Early Intervention & Prevention	-25,444
		735,950
Output 1.2	Mental Health, Justice & A&D	65,599
	Calvary Hospital	5,871
	NGO Grants & Policy Unit	22,979
	Overheads	25,239
	Less Early Intervention & Prevention	-8,173
		111,515
Output 1.3	Population Health Division	42,063
	Overheads	8,780
	Less Early Intervention & Prevention	-12,049
		38,794
Output 1.4	Cancer Services	44,568
	Calvary Hospital	6,980
	Overheads	15,070
	Less Early Intervention & Prevention	-32
		66,586

Output 1.5	Rehabilitation, Aged & Comm Care	51,638
	Calvary Hospital	3,948
	NGO's	48,410
	Overheads	27,723
	Less Early Intervention & Prevention	-9,229
		122,490
Output 1.6	From Acute Services	25,444
	From Mental Health, Justice & A&D	8,173
	From Public Health	12,049
	From Cancer	32
	From Rehab, Aged & Comm Care	9,229
	Overheads	16,069
		70,996
Total Health (Expenses)		**1,146,331**

Overheads include human resources, financial, information technology, the office of the Director-General, business and infrastructure support, pathology, special purpose accounts, quality and safety, policy and government relations.

Belconnen waste recycling facility—fire (Question No 1748)

Mr Coe asked the Minister for Police and Emergency Services, upon notice, on 25 August 2011:

(1) In relation to the fire at the former Building Waste Recycling facility in Belconnen that began on 20 August 2011 (a) what is the total cost of extinguishing the blaze, (b) were any hazardous materials identified as being destroyed at this fire and if so, what were they and (c) what precautions were taken to address the possibility of the presence of hazardous material at the fire.

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

The fire that began on 20 August 2011 in the Parkwood industrial area was located at a facility called Allbulk (previously known as "No Waste Wood Busters").

a. The total cost of extinguishing the blaze at Allbulk as at 31 August 2011 is $47, 705;

b. There were no hazardous materials identified as being destroyed in the fire; and

c. The ACT Fire Brigade undertook the following precautions to address the possibility of the presence of hazardous materials at the fire:

i. a dynamic risk assessment was undertaken by ACTFB crews when they first arrived at the scene and at regular intervals (as required) throughout the incident.

ii. the Manager ESA Risk and Geographic Information Systems was requested to attend the fire on 20 August 2011 to analyse current and forecast weather conditions, analyse the smoke plume and advise the Incident Management Team on potential risks to the community. No risks were identified;

iii. the information regarding the smoke plume was provided to the Canberra community via the ESA Website and local media.

Belconnen waste recycling facility—fire (Question No 1749)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011:

(1) In relation to the fire at the former Building Waste Recycling facility in Belconnen (a) what material, and what quantity of each type of material, was destroyed as a result of the fire and (b) what is the estimated cost of processing or recycling the material.

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

(1) The fire on Saturday 20 August 2011 occurred at the Parkwood Road Recycling Estate on the site rented to a company called 'Nowaste Wood Busters Pty Ltd', not at the former Building Waste Recycling Facility. The information sought is not available as Nowaste Wood Busters Pty Ltd is a private company and the tenancy agreement does not require the tenant to provide details of material type or processing costs.

Planning—supermarkets (Question No 1751)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 25 August 2011:

(1) In relation to ACTPLA and the Giralang supermarket DA decision making, given you decided to call-in this development, is the Government taking consulting on commercial zone codes seriously.

(2) Has the government had any discussions with commercial interests affected by the Giralang DA decision, such as the expected tenant in Giralang, and the supermarkets in neighbouring suburbs.

(3) How does the Giralang DA decision advance the firmer Chief Minister's and the late John Martin's reported intention to reduce the duopoly of supermarkets.

(4) Can you explain how gross floor area (GFA) is calculated for supermarkets, in particular, how are storage and loading areas dealt with.

(5) Why is the definition of GFA different for supermarkets and bulky goods retailing.

(6) Given that the application of the Supermarket Competition Policy to land use policy is relying on the Commercial Codes review, what is the review timeline.

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

(1) Yes.

(2) Yes, commercial interests affected by the Giralang DA decision have liaised with the government. With respect to the Development Application process communication with supermarkets in neighbouring suburbs has been confined to the normal public notification process.

(3) I refer the member to my response during Question Time on 23 August 2011. In relation to the planning approval, who the operator is of the supermarket is not a relevant consideration. The consequence of my decision is that it means all operators will have to be more competitive in the delivery of services to that neighbourhood. That is a good thing for people who live in that area. It means that there will be more supermarkets providing more competition, better choice and better value for money for consumers.

(4) The calculation of Gross Floor Area (GFA) for storage and loading docks is undertaken in accordance with the definition of GFA in the Territory Plan. In situations where the storage areas and loading dock are ancillary uses to the primary purposes of the lease they are included in the calculation of the GFA for the building and not restricted to the supermarket.

(5) Gross Floor Area (GFA) as defined in the Territory Plan "means the sum of the area of all floors of the building measured from the external faces of the exterior walls, or from the centre lines of walls separating the building from any other building, excluding any area used solely for rooftop fixed mechanical plant and/or basement car parking". The definition is the same for supermarkets and bulky goods retailing.

(6) The Commercial Codes review is underway and a public release is anticipated next year.

Environment—urban tree management (Question No 1752)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011:

(1) Could the Government provide details about the Government's present urban tree management practices and progress on the urban tree renewal project in the interim period prior to release of the Government's response to the Commissioner for Sustainability and Environment's Report on the 'Investigation into the Government's tree management practices and the renewal of Canberra's urban forest'.

(2) What recommendations of the Commissioner for Sustainability and Environment's Urban Tree Report are currently being implemented as is indicated in Budget Paper 4 2011-12, p 67.

(3) When will the Government be responding to the Commissioner's report.

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

(1) The Territory and Municipal Services (TAMS) Directorate is continuing normal maintenance operations including tree pruning to ensure the risk relating to failure or damage from urban trees is managed and trees continue to provide ongoing amenity to the city. TAMS is also concentrating its replanting activities in streets where trees have been removed. In terms of tree removal, TAMS is only removing trees that are dead, potentially hazardous or ones that have been vandalised. The programmed maintenance efforts have focussed on high usage areas where risk of damage from tree failure is greatest, including Northbourne Avenue and the heritage listed Haig, Corroboree and Glebe Parks. In addition, TAMS has been actively reducing the high number of outstanding public reports relating to tree maintenance in urban streets and parks.

(2) TAMS has fully implemented all but one of the recommendations contained in the Commissioner for Sustainability and Environment's (CSE) interim report relating to tree removal. The outstanding recommendation, relating to developing an urban tree management plan, is captured in the response to the CSE's full report.

Once the ACT Government's response to the CSE's final report has been finalised, a comprehensive update on the recommendations that have been implemented will be provided.

(3) The Government will shortly consider a response to the CSE's final report and it is anticipated the response will be tabled in the Legislative Assembly by the end of 2011.

Transport—sustainable transport corridor study (Question No 1753)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011:

(1) In relation to information on the TAMs website that indicates that tree replanting along Northbourne Avenue will be completed by Spring 2011 and that tree planting will not be determined until the outcomes of the Sustainable Transport Corridor Study have been determined, but this study is still waiting on a community consultation stage—when the tree planting on Northbourne Avenue will be completed.

(2) In regard to the Sustainable Transport Corridor Study (a) when will the consultation occur, (b) when will the consultation be finalised and (c) when does the Government intend to make a decision on the road and transport issues?

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

(1) The original information on the website referred to replanting to be completed by spring 2011. This has been amended to the correct date of spring 2012.

For clarification, tree planting will not be carried out in sections of the Northbourne Avenue road corridor (verges and central median) that may be impacted by works associated with the Sustainable Transport Corridor Study (Gungahlin to City Transitway Study) until the outcomes of the study are known. This study primarily focuses on the area of Northbourne Avenue from City Hill to Flemington Road.

Some tree replacement planting in areas of Northbourne Avenue, north of Flemington Road and parkland areas outside the road corridor in Downer, Watson and North Lyneham will proceed in spring 2011 and autumn 2012 depending upon seasonal planting requirements.

(2) (a) The Northbourne Avenue Transport Corridor Study will include community engagement in late 2011 on final proposals for the corridor for all transport modes – light rail, bus rapid transit, local buses, pedestrians, cyclists and general traffic.

(b) Consultation will be finalised by early 2012.

(c) The Northbourne Avenue Transport Corridor Study will inform the Government's Budget decision making for the 2012-13 Budget. A final decision will be made in this context.

Waste—recycling (Question No 1754)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011:

(1) What is the breakdown of the different total wastestream sources that are presently disposed in landfill in the ACT (a) by tonnage and (b) by proportion of the total.

(2) What proportion of this material from each of these wastestream sources that comprises current readily recyclable materials.

(3) What is the breakdown of the different sources of waste that are presently recovered from the total wastestream in the ACT, that is a breakdown of the present ~70% figure presented in the 2011-12 Budget Paper No. 4, p 73 (a) by tonnage and (b) by proportion of the total.

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

(1) ACT NOWaste maintains waste to landfill according to four separate streams. In 2010-11, waste to landfill was delivered in those streams as follows:

(a) Household collected waste (comprising ACT household kerbside waste and Queanbeyan City Council waste): 74,227.7 tonnes or 27.7%

(b) Private delivery from domestic sources: 16,576.9 tonnes or 6.2%

(c) Construction and demolition waste: 45,261.5 tonnes or 16.9%

(d) Commercial and industrial waste: 132,022 tonnes or 49.2%

(2) ACT NOWaste does not maintain data about what proportion of the four waste streams set out above comprise readily recyclable material.

(3) ACT NOWaste does not maintain data about resource recovery as categorised in the four waste streams set out above and cannot advise of the breakdown by tonnage or proportion of the total.

Roads—safety barrier systems (Question No 1757)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011:

(1) What information, if any, does the TAMS Directorate have about the negative effects of road safety barrier systems on native wildlife.

(2) Does the TAMS Directorate collect and keep records of the number of animals found dead in road safety barrier systems.

(3) Does the TAMS Directorate take into account the potential negative effects of road safety barriers on native wildlife when installing such barrier systems.

(4) Does the TAMS Directorate seek to mitigate the potential negative effects of road safety barriers on native wildlife through the provision of any specific devices or augmentations to the barrier systems and if not, why not.

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

(1) While there is no formal information about the effects of road safety barrier systems on native wildlife, considerable corporate knowledge has been accumulated over the years within the Directorate in managing these issues.

(2) No.

(3) Yes.

(4) Yes, where practical through the provision of breaks in safety barriers to allow wildlife to cross and/or the provision of culverts especially designed to enable wildlife to cross beneath the road.

Health—subsidy schemes (Question No 1758)

Mr Seselja asked the Minister for Health, upon notice, on 25 August 2011:

In relation to the concession schemes of (a) ACT Artificial Limb Scheme, (b) ACT Equipment Scheme, (c) ACT Senior Spectacles Scheme, (d) Ambulance Transport Levy Exemption, (e) Dental Services Scheme, (f) Funeral Assistance, (g) Home Enteral Nutrition, (h) Home Haemodialysis Rebate, (i) Interstate Patient Travel Assistance Scheme, (j) Life Support, (k) Low Vision Aids and (l) Spectacles Subsidy Scheme, (i) what is the budget allocation for the following concession schemes for the years 2011-12 to 2014-15, (ii) how many subsidies does the budget provide for in each year, (iii) what growth in the number of subsidies provided each year has been factored in, (iv) what year was the scheme introduced, (v) what has been the total cost of subsidies provided each year since its inception, for example, the take up rate and (vi) how many subsidies were provided in each year since its inception.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(a) ACT Artificial Limb Scheme

(i) The following budget allocation relates to a cost centre which covers a series of prosthetic activities across the Health Directorate, including the ACT Artificial Limb Scheme (ACTALS). The total budget for this Prosthetics and Orthotics cost centre is-

2011-12	$975,000
2012-13	to be determined
2013-14	to be determined
2014-15	to be determined

(ii) Services and equipment are provided based on referral or medical prescription if appropriate, and eligibility, within available funding. There is no limitation or set number of subsidies.

(iii) The annual budget is increased by CPI, with the capacity for additional funding to be provided through the ACT Budget if required.

(iv) The Free Limb Scheme was introduced by the Commonwealth Government in 1973 and was administered by the Department of Veterans Affairs. On 1 September 1990 the Free Limb Scheme was replaced by the Commonwealth Artificial Limb Scheme. In 1997 the Commonwealth Artificial Limb Scheme was devolved to individual State and Territory Health Departments. In the ACT this scheme operates as ACTALS.

(v) Information not available.

(vi) Information not available.

(b) ACT Equipment Scheme

(i)

2011-12	$1.278m
2012-13	$1.311m
2013-14	$1.343m
2014-15	$1.377m

(ii) Equipment is provided based on referral/medical prescription and eligibility, within available funding. There is no limitation or set number of subsidies. Costs may also vary from low cost items such as shower chairs, walkers etc through to very expensive items dependant on scripting to fulfil individual client needs appropriately. High cost wheelchairs often cost in excess of $20,000.

(iii) The annual budget is increased by CPI, with the capacity for additional funding to be provided through the ACT Budget if required.

(iv) The current Scheme was introduced on 1 August 2010 as a fully funded entitlement scheme. The original scheme (this was a scheme which only subsidised equipment) was introduced in 1989.

(v) Information not available.

(vi) Information not available.

(c) ACT Senior Spectacles Scheme

This is managed by the Community Services Directorate.

(d) Ambulance Transport Levy Exemption

This is managed by the Community Services Directorate.

(e) Dental Services Scheme

The ACT Government Concessions website refers to the 'Dental Services Scheme' which is referenced incorrectly. Dental health provided by the ACT Health Directorate is a 'Dental Health Program' and is budgeted for the delivery of services at Community Health Centres by dental professionals, not by processing subsidies.

The ACT Dental Health Program is a fee for service and whilst the program does not provide concessions to clients, it does offer reduced costs for dental services to eligible clients.

The ACT Dental Health Program provides a range of dental services to adult residents who are the primary holder of a current Centrelink Concession Card (Health Care Card, Pension Concession Card and Veteran Affairs Card). Child and youth dental services are also provided to all children under 5 who live in the ACT, all children 5 years to under 14 years who live or attend a school in the ACT and young people under the age of 18 years who are covered by a Centrelink Concession Card.

The ACT Government Concessions Website is currently being updated to improve information provided regarding the ACT Dental Health Program.

(i) The total budget for the Dental Health Program is as follows:

2011-12	Approximately $9.8m
2012-13	To be determined
2013-14	To be determined
2014-15	To be determined

(ii) N/A

(iii) N/A

(iv) The ACT Dental Health Program has been in operation for over thirty years with funding at various times from both Territory and Commonwealth governments.

(v) Information not available.

(vi) Information not available.

(f) Funeral Assistance

This is managed by the Community Services Directorate.

(g) Home Enteral Nutrition

(i) The budget for this scheme is rolled into the operating budget of the Acute Support Nutrition Department. As such it is not possible to provide the exact budget allocation for the scheme for this financial year and beyond. The total budget for this Nutrition cost centre is -

2011-12	$2.316m
2012-13	To be determined
2013-14	To be determined
2014-15	To be determined

This budget covers the whole of the Nutrition cost centre which includes, but is not solely used for the Home Enteral Nutrition Scheme.

(ii) The subsidies are available to all eligible ACT residents; it is not capped to a specific number each year.

(iii) The number of clients utilising the ACT Government Home Enteral Nutrition Scheme has reduced since 2007 – 2008. (From 75 to 36) Table 1. This is due to a change in the market regarding these products. Pharmaceutical companies commenced selling products at a contract rate to clients who were eligible. In addition the companies would provide a free loan pump to deliver the enteral feed. As such this was an attractive option for many consumers of the ACT scheme and the number on the ACT scheme reduced.

(iv) July 1995

(v) Information not available.

(vi) Information not available.

(h) Home Haemodialysis Rebate

This is managed by the Community Services Directorate.

(i) Interstate Patient Travel Assistance Scheme

(i)

2011-12	$492,500
2012-13	$504,812
2013-14	$517,433
2014-15	$530,369

(ii) Approximately 1500 claims.

(iii) CPI only has been factored into the budget. No anticipated growth in number of subsidies is expected.

(iv) The scheme was introduced federally on 1 October 1978 and passed to the state and territory on 1 January 1987

(v) Information not available.

(vi) Information not available.

(j) Life Support

This is managed by ACTEWAGL and other private energy providers.

(k) Low Vision Aids

This is managed by the Community Services Directorate.

(l) Spectacles Subsidy Scheme

This is managed by the Community Services Directorate.

Seniors—government commitments (Question No 1761)

Mr Seselja asked the Minister for Education and Training, upon notice, on 25 August 2011 *(redirected to the Minister for Community Services)*:

(1) Can the Minister provide a list of all ACT Government commitments to Seniors Clubs in the ACT.

(2) What are the corresponding values for each of these initiatives.

(3) For each of commitments referred to in part (1), have it been delivered; if not, when will it be delivered.

(4) What commitments have been withdrawn and as a result, not on the list provided and what are the reasons for this.

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

(1) & (2)
The ACT Government supports the development and promotion of Seniors Clubs in a number of ways. Seniors Clubs are supported through ACT Government grants. Over the last three rounds of the Community Support and Infrastructure Grants Program (CSIG) and the ACT Seniors Grants and Sponsorship Program (SGS), Seniors Clubs secured the following grants:

2008			
Woden Seniors	A building extension	CSIG	$50,000
Woden Seniors	Floor coverings and window treatments	CSIG	$8,050
Woden Seniors	Upgrade of IT equipment and software	CSIG	$7,724
Canberra Seniors Centre	Upgrade of entrance area	CSIG	$21,550
Polish Seniors Club	An activities program	SGS	$7,000
Canberra Seniors Centre	A data projector	SGS	$1,671
2009			
Woden Seniors	Equipment to support their administration	CSIG	$6,946

Belconnen Senior Citizens Club	The installation of a floating floor	CSIG	$8,850
Canberra Seniors Centre	A table tennis program	SGS	$4,229
Indian Senior Citizens Association	A cultural and recreational program	SGS	$3,860
Tamil Senior Citizens Association	An intergenerational cooking program	SGS	$2,000
Woden Seniors	Grand Party in the Park	SGS	$12,000
2010			
Woden Seniors	Furniture	CSIG	$2,237
Woden Seniors	Grand Party in the Park	SGS	$9,500
Woden Seniors	A first aid training program	SGS	$2,665
			$148,282

Seniors Clubs promote their programs through two ACT Government sponsored events: the annual Seniors Week Expo and the Canberra Retirement and Lifestyle Expo; and through 'Seniors Information Online' (www.seniors.act.gov.au), the information portal administered by the Community Services Directorate.

In the second appropriation of the 2008-09 ACT Budget, $200,000 was allocated for a feasibility study and design work for a facility for older residents of the Tuggeranong area. This was followed by an allocation in the 2009-2010 ACT Budget of a further $1.5 million over two years for the construction of premises.

The ACT Government is working with the Canberra Seniors Centre and Woden Seniors about possible new sites for these Clubs.

(3)
All commitments under the Community Support and Infrastructure Grants Program and Seniors Grants and Sponsorship Program have been committed and acquitted.

(4)
No commitments have been withdrawn.

Budget—secondary bursary scheme (Question No 1764)

Mr Seselja asked the Minister for Education and Training, upon notice, on 25 August 2011:

(1) What is the budget allocation for the Secondary Bursary scheme for the years 2011-12 to 2014-15.

(2) How many subsidies does the budget provide for in each year.

(3) What growth in the number of subsidies provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of subsidies provided each year since its inception, for example, the take up rate.

(6) How many subsidies were provided in each year since its inception.

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

1) The Secondary Bursary scheme is funded from the Directorate's Territorial account. The scheme provides $500 per year per student from low income families whose parents have a Centrelink concession card or a Health Care Card. There is no limit on the number of eligible families who can access the scheme.
2) See above.
3) See above.
4) The Secondary Bursary scheme has been in place for at least 14 years.
5) The bursary is paid in two instalments of $250 each. Information on total payments and number of students accessing the bursary is published in the annual report. Information for the past three years is as follows:

Year	Total payments	Number of students first semester	Number of students second semester
2008-09	$295 250	620	561
2009-10	$341 000	618	746
2010-2011	$355 750	712	711

6) See above.

Budget—special needs transport program (Question No 1765)

Mr Seselja asked the Minister for Education and Training, upon notice, on 25 August 2011:

(1) What is the budget allocation for the Special Needs Transport program for the years 2011-12 to 2014-15.

(2) How many concessions does the budget provide for in each year.

(3) What growth in the number of concessions provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of concessions provided each year since its inception, for example, the take up rate.

(6) How many concessions were provided in each year since its inception.

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

1) 2011-2012 - $4.7 million
2012-2013 - $4.8 million
2013-2014 - $4.9 million
2014-2015 - $5.0 million

2) Funding is not paid out as individual concessions. Funding is used for contracted bus services and taxis used to transport students with a disability to and from school and students attending primary introductory English centres. In 2011 550 students with a disability have been approved for transport assistance.

3) See above

4) Special needs transport assistance has been provided for at least 15 years.

5) The cost of special needs transport over the past five years is as follows:

2010-2011	$4.7 million
2009-2010	$4.0 million
2008-2009	$4.0 million
2007-2008	$4.1 million
2006-2007	$3.9 million

6) The figures below represent the number of students with a disability approved for transport. In addition, between 30 and 60 students attending primary Introductory English Centres and approximately 12 children attending early intervention centres access the transport for varying periods.

2011	550
2010	541
2009	545
2008	544
2007	534

Budget—ACT energy wise home energy rebate (Question No 1767)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 25 August 2011:

(1) What is the budget allocation for the ACT Energy Wise Home Energy rebate scheme for the years 2011-12 to 2014-15.

(2) How many rebates does the budget provide for in each year.

(3) What growth in the number of rebates provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of rebates paid each year since its inception, for example, the take up rate.

(6) How many rebates were provided in each year since its inception.

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

ACT Energy Wise Home rebate is now called the HEAT Energy Audit rebate.

(1) 2011-12: $265,000
2012-13: $265,000
2013-15: No funding has been allocated for these years.

(2) The budget provides for 500 rebates per financial year at a rebate amount of $530 for residents who have paid the audit fee and a rebate of $500 for residents who have received the audit free of charge (pensioner concession card holders or as part of a "free" promotion).

(3) Rebate numbers have been consistent for several years and the upper limit of 500 rebates allowed for is adequate to cover this demand.

(4) The audit and rebate components of the program were introduced in October 2004. Previous to that date it was an advisory service only.

(5,6) 2004-05: 26 rebates were paid at a rebate amount of $530 – $13,780
2005-06: 256 rebates were paid at a rebate amount of $530 – $135,680
2006-07: 320 rebates were paid at a rebate amount of $530 – $169,600
2007-08: 423 rebates were paid at a rebate amount of $530 – $224,190
2008-09: 496 rebates were paid at a rebate amount of $530 – $262,800
2009-10: 433 rebates were paid at a rebate amount of $530 – $229,490
2010-11: 462 rebates were paid at a rebate amount of $530 – $244,860

Budget—energy concessions (Question No 1768)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 25 August 2011 *(redirected to the Minister for Community Services):*

(1) What is the budget allocation for energy concessions scheme for the years 2011-12 to 2014-15.

(2) How many rebates does the budget provide for in each year.

(3) What growth in the number of rebates provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of rebates paid each year since its inception, for example, the take up rate.

(6) How many rebates were provided in each year since its inception.

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

(1)

a.	2011-12	$6,664,000
b.	2012-13	$7,326,000
c.	2013-14	$8,181,000
d.	2014-15	$8,996,000

(2) 25,000.

(3) The Energy Concession is updated annually, remaining at 16% of the average annual household electricity bill, as determined by the Independent Competition and Regulatory Commission.

(4) 2004.

(5)

a.	2004-05:	$4,573,941.00
b.	2005-06:	$4,108,312.55
c.	2006-07:	$4,979,141.00
d.	2007-08:	$4,864,281.00
e.	2008-09:	$5,172,792.06
f.	2009-10:	$4,907,384.67

(6)

a.	2004-05:	24,101
b.	2005-06:	21,737
c.	2006-07:	26,345
d.	2007-08:	25,737
e.	2008-09:	26,545
f.	2009-10:	25,183

Note: Figures are approximate, as people join or leave the program during the year as their circumstances change.

Budget—sewerage rebate (Question No 1769)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 25 August 2011 *(redirected to the Minister for Community Services)*:

(1) What is the budget allocation for the sewerage rebate scheme for the years 2011-12 to 2014-15.

(2) How many rebates does the budget provide for in each year.

(3) What growth in the number of rebates provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of rebates paid each year since its inception, for example, the take up rate.

(6) How many rebates were provided in each year since its inception.

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

(1)

2011-12	$4,698,000
2012-13	$4,816,000
2013-14	$4,884,000
2014-15	$5,006,000

(2) Approximately 12,000. As at 30 June 2011 there were 12,363 recipients. This is a point in time figure, as people are continually joining or leaving the scheme.

(3) It is difficult to predict the growth in the number of sewerage concessions. Refer to the answer to question (6).

(4) The 1999 Budget includes reference to Community Service Obligations including water and sewerage rebates for pensioners.

(5) The available data is provided in annual reports. Link: http://www.dhcs.act.gov.au/home/publications/annual_reports

(6) This data is not available.

Budget—water rebate (Question No 1771)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 25 August 2011 *(redirected to the Minister for Community Services)*:

(1) What is the budget allocation for the water charges rebate scheme for the years 2011-12 to 2014-15.

(2) How many rebates does the budget provide for in each year.

(3) What growth in the number of rebates provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of rebates paid each year since its inception, for example, the take up rate.

(6) How many rebates were provided in each year since its inception.

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

(1)

a.	2011-12	$1,173,000
b.	2012-13	$1,202,000
c.	2013-14	$1,219,000
d.	2014-15	$1,249,000

(2) This number varies at any one point in time, as people join or leave the scheme. As at 30 June 2011 there were 12,363 water concession recipients.

(3) It is difficult to predict the growth in the number of water concessions. Refer to the answer to question (6).

(4) The 1999 Budget includes reference to Community Service Obligations including water and sewerage rebates for pensioners.

(5) The available data is provided in annual reports. Link: http://www.dhcs.act.gov.au/home/publications/annual_reports

(6) This data is not available.

Budget—taxi subsidy (Question No 1775)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 25 August 2011 *(redirected to the Minister for Community Services)*:

(1) What is the budget allocation for the Taxi Subsidy scheme for the years 2011-12 to 2014-15.

(2) How many subsidies does the budget provide for in each year.

(3) What growth in the number of subsidies provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of subsidies provided each year since its inception, for example, the take up rate.

(6) How many subsidies were provided in each year since its inception.

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

(1)

2011-12	$1.340m
2012-13	$1.374m
2013-14	$1.408m
2014-15	$1.444m

(2) Approximately 3,000 members receive taxi subsidies each year. The number is determined by the uptake of eligible members.

(3) It is difficult to predict the growth in the number of Taxi subsidies. See the answer to question (6).

(4) The scheme was introduced in 1984.

In 2002, the Scheme was transferred from ACT Health to the Department of Disability, Housing and Community Services.

(5) From 1984 –2006 the information is not readily available.

Information from 2006 to current is provided in annual reports. Link:

http://www.dhcs.act.gov.au/home/publications/annual_reports

(6) The available data is provided in annual reports. Link:
http://www.dhcs.act.gov.au/home/publications/annual_reports

The Scheme currently has 2,790 members.

Budget—rental rebate
(Question No 1776)

Mr Seselja asked the Minister for Community Services, upon notice, on 25 August 2011:

(1) What is the budget allocation for the Rental Rebate Subsidy scheme for the years 2011-12 to 2014-15.

(2) How many rebates does the budget provide for in each year.

(3) What growth in the number of rebates provided each year has been factored in.

(4) What year was the scheme introduced.

(5) What has been the total cost of rebates paid each year since its inception, for example, the take up rate.

(6) How many rebates were provided in each year since its inception.

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

(1) The budget allocation for the rental rebate subsidy for the years 2011-12 to 2014-15 is as followed:

2011-12	2012-13	2013-14	2014-15
$132,603,000	$139,803,000	$147,391,000	$155,389,000

(2) The budgeted numbers of tenants in receipt of a rental rebate are as followed:

2011-12	2012-13	2013-14	2014-15
10,665	10,756	10,857	10,946

(3) Historically, the number of tenants in receipt of a rental rebate increased by about 0.5% following the annual market rent review.

(4) In 1961, the Commonwealth *Dwellings (Rent) Ordinance 1961* was introduced which created the housing rental rebate scheme.

(5) It is not possible to calculate the total cost of rebates paid each year since its inception. The recent cost of rental rebates is reported in the Community Services Directorate Annual Report, please refer to page 178 of the Community Services Directorate Annual Report 2009-10 (Volume 2) for the amount for 2009-10.

(6) It is also not possible to provide the number of rebates provided each year since the inception of the rental rebate scheme. However, the table below shows the number of tenants in receipt of a rental rebate as at 30 June for each of the past five years.

2007	**2008**	**2009**	**2010**	**2011**
9,477	9,717	9,856	10,162	10,284

Questions without notice taken on notice

Childcare—rebate

Ms Burch *(in reply to a supplementary question by Mr Seselja on Thursday, 25 August 2011)*: I would like to inform the Assembly:

The Australian Government have advised that 95 per cent of Australian families using childcare will not be affected by the change to the Child Care Rebate. Less than 1 per cent of families who earn less than $100,000 per year will be impacted.

The Child Care Rebate pays up to 50 per cent of out of pocket expenses per child, per year up to an annual cap of $7,500. This is not means tested.

In the ACT over 14,000 families receive the Child Care Rebate and according to the Australian Bureau of Statistics the average income in the ACT is $79,000.

Australian Government subsidies have reduced the cost of child care, with a family earning $75,000 using only 7 per cent of their disposable income after subsidies compared to using 13 per cent of disposable income in 2004.

Environment—recycling bins

Mr Corbell *(in reply to a supplementary question by Ms Le Couteur on Tuesday, 20 September 2011)*: The signage for the recycling bins to be installed in the City Centre will be similar to the attached, A3 in size, with large easy to read lettering and pictures of recyclable items, against a yellow background.

Transport—eastern regional task force

Mr Corbell *(in reply to a supplementary question by Ms Hunter on Thursday, 25 August 2011)*: The NSW Minister for Transport, the Hon. Gladys Berejiklian has confirmed her commitment to the continuation of the Taskforce. The Taskforce was previously chaired by Gary Byles, Director General of the TAMS Directorate. As transport planning now rests with Environment and Sustainable Development I have appointed David Papps, Director General of that Directorate, as Chair of the Taskforce.

The Taskforce will continue to meet to progress a range of cross border matters relating to the integration of transport services, planning and infrastructure.

Mr Corbell *(in reply to a supplementary question by Ms Bresnan on Thursday, 25 August 2011)*: Both Deanes and ACTION operate school runs in the ACT. There is no proposal to change current operations. There is no current proposal for ACTION to provide Queanbeyan city services.

Mr Corbell *(in reply to a supplementary question by Ms Le Couteur on Thursday, 25 August 2011)*: The locality of Beard is adjacent to the interim northern bypass route, which was upgraded in recent years to provide an alternative route for heavy vehicles moving between the Queanbeyan east and west industrial areas. The route is via Yass Road, Pialligo Avenue, Oaks Estate Road, Railway Street and Norse Road to

Uriarra Road in Queanbeyan. The upgrade was funded by the NSW RTA as a means of reducing heavy vehicle traffic travelling through the Queanbeyan CBD. Territory representatives participated in a working group with NSW State representatives and representatives of Queanbeyan City Council.

In relation to planning for improvements to the road network serving the new industrial area being developed at Beard, there have been consultations with Council staff. These are ongoing.