Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

6 DECEMBER 2011

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Tuesday, 6 December 2011

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MR SPEAKER (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Interjections
Statement by Speaker

MR SPEAKER: Before we proceed with business, I wish to make a statement regarding Hansard policy on the recording of interjections. This is timely both in the final sitting week of the year and also in light of recent questions.

Members will be aware that the longstanding practice, as set out in *House of Representatives Practice*, has been that interjections to which the member addressing the chair does not reply ought not to be included in the *Hansard* report. Sometimes a particular interjection, or a series of interjections, will not be responded to by the member addressing the chair but will lead to a warning or other action by the chair. In these cases, there needs to be an acknowledgment of the interjection occurring. In other cases the actual words of an interjection are not clearly audible either to members present during a debate or on the Hansard audio recording.

Hansard deals with these situations in the following ways:

- Clearly audible interjections to which the member addressing the chair responds are included in the *Hansard* report.

- Interjections which are not responded to but which lead to a warning or other action by the chair will be acknowledged as having occurred but the actual words will not be reported.

- Interjections which are not responded to and which do not lead to any other action will not be reported or acknowledged.

Remarks made during a division are not regarded as part of the proceedings of the Assembly and are not reported by Hansard. Such remarks might not be covered by privilege.

Of course I remind all members that all interjections are disorderly and I encourage you to refrain from interjecting or responding to interjections made by other members.

Petition
Ministerial response

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

By **Mr Corbell**, Minister for the Environment and Sustainable Development, dated 15 November 2011, in response to a petition lodged by Mr Doszpot on 17 August 2011 concerning traffic and car parking issues in the Erindale shopping precinct.

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

Planning—Erindale—petition No 125

The response read as follows:

The Environment and Sustainable Development Directorate (ESDD) has responded to issues raised by the community in a number of ways, including:

- extending community consultation;
- developing an interagency traffic working group; and
- completing an additional traffic and car parking study.

Community consultation

ESDD recognised in the early stages of the Erindale Centre Master Plan consultation process that the community had significant concerns in regard to traffic and car parking. In response, ESDD increased its planned community consultation and collaboration. Consultation undertaken to date is summarised below:

- four meetings (one meeting still to come in November 2011) with traders and leaseholders in Erindale;
- over forty individual meetings with leaseholders and traders;
- two presentations to Tuggeranong Community Council, Business Tuggeranong and the Erindale Traders;
- six meetings with an informal group of interested community, involving experts and a range of government officials as required;
- four public drop-in sessions at shopping centres and festivals with a poster display and feedback and discussion opportunities with planning staff;
- development and distribution of two newsletters;
- youth consultation program;
- community survey on the proposed vision and ideas in the master plan; and
- regular liaison with leaseholders, as required.

The following changes have been made to the Erindale Centre Master Planning project, in response to the community consultation:

- reducing development and building heights (which reduce traffic demands);
- proposing improved pedestrian links in Erindale;
- proposing additional car parking areas in Erindale;
- commissioning an extra study which focuses on the traffic and car parking issues in the Centre (see below); and
- formed an interagency working group to assess and recommend actions to address the issues raised in the petition (see below Interagency traffic working group and Additional traffic and car parking study).

While there are still some outstanding issues to be resolved, the consultation has generally been constructive. The Erindale Group Centre has many significant planning challenges that are not easily solved, given the existing road layout, block configurations and location of some land uses.

Interagency traffic working group
Community consultation highlighted early in the planning process that there were traffic and car parking issues in Erindale. An interagency traffic working group was formed to ensure that expert advice would be provided to the Erindale Master Plan. This working group met four times. Its membership included traffic experts from Roads ACT in the Territory and Municipal Services Directorate. This working group commissioned an additional traffic and car parking study to:

- provide more detailed assessment of the existing traffic and car parking issues in the Centre, particularly around Gartside Street; and
- test the impact of master plan options on traffic.

Additional traffic and car parking study
The additional traffic and car parking study has recently been completed and is available on the project webpage (www.actpla.act.gov.au/tuggeranongerindale).

The study highlights that the draft Erindale Centre Master Plan is unlikely to cause traffic problems into the future. However, there are some roads that will need ongoing monitoring as they will be operating close to capacity. The study also highlighted that there is an under supply of car parking in areas of Erindale at certain times and makes some recommendations to alleviate the car parking problems. Many of these recommendations relate to improved parking management. The study concludes that the proposed Master Plan for Erindale will alleviate many of the car parking and traffic issues by:

- improving pedestrian links within Erindale to areas with more car parking capacity;
- providing improved public transport including rapid services; and
- providing extra roads and car parking spaces in Erindale.

Justice and Community Safety—Standing Committee
Scrutiny report 46

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

> Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 46, dated 1 December 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 46 contains the committee"s comments on seven bills and eight pieces of subordinate legislation. The report was circulated to members when the Assembly was not sitting and I commend the report to the Assembly. I also draw to members" attention a fact sheet the committee has prepared on Henry VIII clauses in legislation. The fact sheet will be available from the committee"s website early in the new year.

Public Accounts—Standing Committee
Report 20

MR SMYTH (Brindabella) (10.05): I present the following report:

> Public Accounts—Standing Committee—Report 20—Inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010, dated 1 December 2011, including a dissenting report *(Ms Le Couteur)*, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

I am pleased to present the report of the public accounts committee"s inquiry into the exposure draft of the Financial Management (Ethical Investment) Legislation Amendment Bill 2010. I note that the committee made a statement to the Assembly on 28 October 2010, setting out how it had determined to undertake this inquiry. In that statement, the chair of the public accounts committee told the Legislative Assembly that, to avoid any possible perception of a conflict of interest, the chair had offered to relinquish this role for the purposes of this inquiry and that I, as the then deputy chair, had agreed to chair that inquiry. Subsequently, after the election of a new deputy chair of the public accounts committee on 5 August 2011, the chair of the committee made a further statement to the Assembly, on 17 August 2011, and, by leave, moved a motion that the Assembly approve that I continue as the chair for the inquiry. The Assembly agreed to the motion.

I now turn to the committee"s inquiry into this exposure draft. The proposed bill would amend the Financial Management Act 1996 and the Territory Superannuation Provision Protection Act 2000 to provide for ethical investment strategies that promote socially responsible investment. The main objectives of the bill are to prescribe the standards and priorities for the investment of public funds by the ACT government. The bill, even if it is only partially implemented, will signal a significant change to the ACT"s current investment practices. The committee"s inquiry was therefore an important opportunity to consider the proposed bill in the context of the territory"s investment framework and management of the investment portfolio.

The most fundamental issue faced by the committee has been about the word "ethical" and the use of the word. The committee has determined that it is not possible to legislate for something to be ethical. Ethics are an individual response to model issues. Consequently, it is not feasible for any legislation to define an ethical position for a community. Indeed, the committee notes that there is no definition of "ethical" in the bill, perhaps because it is so hard to define.

It is self-evident, therefore, that it is not possible to provide a definition of "ethical" in such a bill, because of the partisan nature of what is meant by "ethical". The significant concern that is raised by the inability to define "ethics" or "ethical" is that

the objectives underlying the bill could be captured by a specific interest group to further its own political objectives.

In the context of the exposure draft for this bill, the public accounts committee notes that this has been drafted by the Greens. It is reasonable, therefore, to hypothesise that the passing of this bill in its current form will simply provide that political party with a platform to pursue its own political ideology. The committee would be most concerned if this approach by a political party placed the territory"s investments in jeopardy in any way.

In view of these most serious and fundamental concerns about the nature of this bill, the committee does not support the bill proceeding. In a spirit of tripartisanship, however, the committee has considered an alternative approach to that set out in the exposure draft, to strengthen the government"s investment framework with regard to the practice of reasonable investment. This alternative approach has enabled the committee to develop nine recommendations which would provide a somewhat different framework within which the strategy for the territory"s investment portfolio would be implemented.

The committee"s report examined a number of key themes that became apparent during its inquiry, including evidence that the bill be supported in its current form, with some amendments dealing, for example, with shareholder advocacy as an additional investment strategy; and support for the objectives of the bill, although noting concerns with regard to the specified investment strategy and criteria.

We had evidence from some witnesses who did not support the bill and who highlighted the additional cost to the territory if the bill was implemented in its current form, together with a range of information and administrative challenges that the proposed changes would create for the management of the territory"s investment portfolio. We also heard of the challenging nature of seeking to implement responsible investment in terms of consistent definitions and the subjective nature of investment criteria and thresholds; the important role of the United Nations principles for responsible investment in encouraging a principles-based approach for this alternative form of investment that considers criteria other than maximising returns when making investment decisions; and, finally, the role of governments as institutional investors.

The committee received a number of submissions to its inquiry from interested stakeholders. This evidence provided a very broad range of expertise and experience that were very valuable for the committee in its deliberations. The committee recognises and appreciates the significant commitment of time and resources required to participate in an inquiry of this nature, and many of the recommendations, or variations thereof, suggested by participants have been adopted as recommendations in the committee"s report.

It is pertinent to note that the ACT government was the first government in Australia to become a signatory to the United Nations principles for responsible investment, the UN PRI. In becoming a signatory the government has committed to increase transparency with regard to its investments and to incorporate environmental, social

and governance criteria, ESG criteria, into its mainstream investment decision-making activities.

The committee has recommended a course of action that supports growth in the principles-based approach to responsible investment as this would be practised by the government. This approach, whilst building on achievements to date, puts the government on notice that it should now be taking a stronger and more proactive stance with regard to responsible investment in managing the territory"s investment portfolio. This course of action will minimise the risk of the government being accused of, or criticised for, simply trading on its UN PRI signatory status. The committee supports the continued progression of the ACT government"s commitment to the UN PRI. The committee believes that the recommendations it has made as an outcome of its inquiry into the exposure draft will assist in developing a more broadly based investment management framework.

We received a number of submissions, and perhaps the submission that I would draw most clearly to the attention of members was a submission from the ACT Assembly"s ethics and integrity adviser, in particular a couple of paragraphs in what is just a two-page submission. It is worth reading those paragraphs because they make it quite clear that in the view of the ethics and integrity adviser—and indeed it was adopted by the committee—there are flaws in the bill as presented.

The structure of the report has a number of chapters. Chapter 1 is the standard chapter which outlines the way the inquiry was conducted. Chapter 2 deals with the proposed bill. It is basically a two-page chapter. The recommendation that comes out of it is this:

> The Committee recommends that the proposed Financial Management (Ethical Investment) Legislation Amendment Bill 2010 not be tabled in the ACT Legislative Assembly, and if tabled, not supported by the ACT Legislative Assembly.

It goes to the heart of what the ethics adviser says. I will read the relevant paragraphs:

> Legislation that would prevent or limit investment by the Executive or other public bodies of public moneys in certain forms of investment, or that would promote investment in other forms, is clearly within the legislative competence of the Assembly. Whether the power to do so should be exercised calls for a balancing of what may be perceived to be competing priorities—for example, between a policy favouring an optimum financial return on investment on the one hand, and a policy of not supporting an industry that manufactures products injurious to health or the environment on the other. The resolution of such balances is a matter of policy rather than ethics.
>
> However, there is an ethics-related issue raised by the Bill—whether or not a Bill to that proposed effect should be passed in the terms proposed.
>
> In my view it should not.

That is the view of the ethics adviser. He says:

> In my view it should not. I consider that it would be wrong, misleading and inappropriate to refer to the proposed prohibited investments in terms suggesting that they are not ethical, or to the proposed priority-if-prudent investments in terms that suggest that other investments would not be ethical. Each of the activities encompassed by referred to by the Bill is lawful. Like all lawful activities, they can be conducted ethically or unethically. None of them is inherently unethical, or more ethical than others. To suggest otherwise distorts the concept of ethics and is likely to confuse public understanding of ethical concepts. For example, the provision allowing investment in prohibited investments below a certain threshold appears to suggest that it is permissible to be a little bit unethical. I consider that, as a matter of public policy, that concept should not be countenanced.
>
> In my view, if the Assembly wished to achieve the effect of the Bill, it would be preferable to amend its terms by deleting all use of the word "ethical" and substituting alternative terminology such as "socially sensitive" that more accurately reflects the policy issues that are sought to be balanced by the Bill.

If you want a summary of the bill, members, there is the appropriate summary from the ethics adviser, the person that we have charged with helping to guide us on ethical questions.

Having read that, the committee took the view that this bill should not be tabled and that if it is tabled it should not be passed.

We were very lucky to have a large number of people take the time to make recommendations to the committee. In the spirit of tripartisanship, which is how committees should work, the other 90-odd pages of the report focus on what we were told. They lead to a number of recommendations that the committee believes set out a relevant framework for a government seeking to do well by doing good through its investments.

Let me go to the recommendations. Recommendation 2 is that the government table in the Assembly the 2009, 2010 and all subsequent UN PRI annual reporting and assessment surveys. That is so that we as an Assembly can know where we are at. So firstly, seek knowledge.

Recommendation 3 is that the government report annually on changes to its portfolio. We will know exactly what has happened in the last year so that this place is always up to date with the investments of the Assembly.

Recommendation 4 is that the ACT government, as an institutional investor, should actively pursue a policy of responsible investments and, if necessary, selectively use exclusion-based or negative screening strategies in the context of public policy. What we are saying is: make sure you have the tools, but use the tools based on the knowledge. What we need in place is a policy from the government to allow that to happen.

Recommendation 5 is that, to ensure consistency with recognised investment terminology, we promote a common understanding and start using the term "doing well by doing good" so that we all know what we are talking about.

Recommendation 6 is that the government should develop a policy of responsible investments that reflects a principles-based approach to this form of investment. So it should be in the policy; the government and this Assembly should not be dabbling in the detail of the day-to-day running of these investment accounts.

Recommendation 7 is about the implementation of reporting requirements and that the ACT government comply with this by reporting annually to the Assembly.

In recommendation 8 we are saying that the government should publish a list of companies in which it holds shares.

Recommendation 9 talks about having some seminars and educating the public.

That is what the committee determined would be the responsible approach—not the approach that has been taken by the Greens. I go back to what the ethics adviser said. There is nothing unethical in the things that the Greens sought to ban investment in in their bill. You cannot be a little bit ethical; you cannot try to take a word and use it to your own political advantage on an issue that is so important for the future of the ACT in terms of its investments.

I refer the report to members. It is a pretty good read. It sets out a clear path forward that will allow us to do good things for our community, both having good returns on investments and achieving social outcomes, without seeking to own the word "ethical". And the fact that there is no definition of "ethical" in the bill really shows that it is an attempt to simply capture the words rather than to pay honour to them.

I conclude by thanking my Assembly colleagues on the committee, John Hargreaves and Caroline Le Couteur, and the committee office staff, particularly Dr Andrea Cullen for her untiring work in researching information about developments in responsible investment and drawing the threads of this research into a coherent report.

Going to some of the history of the report, there is a lot of hoo-ha about how certain groups have driven it, but when you read the report you will find that around the world, and indeed in Australia, over a long period of time, church groups have led this issue about the nature of doing well and doing good out of their investments. If you look at the Australian context, it is perhaps slightly different from what happened in different parts of the world at different times, but that is not unusual with the development of any sort of policy in this way. I thank Dr Cullen for her work and I commend the report to the Assembly.

MR HARGREAVES (Brindabella) (10.20): I too would like to thank my fellow committee members, particularly Ms Le Couteur for the courage with which she conducted herself around the perception that there might have been a conflict. I can assure the chamber and want to put it on the record that I do not believe there is a

conflict, but I think she has taken the honourable course to avoid a perception. I thank Mr Smyth for chairing the inquiry and for the spirit in which both members engaged in the conversations we had along that journey. I believe Dr Cullen did an exemplary job in stitching together disparate views and stitching together the evidence we received.

I will not go over the ground that Mr Smyth has covered around a lot of the issues to do with the inquiry other than to reiterate what he was saying about the lack of definition of "ethical". One man"s terrorist is another man"s freedom fighter, so we need to be a little bit definitive about what we are talking about.

But I draw members" attention to one of the significant planks in the report—that is, the disclosure of what is happening with territory investments. I draw your attention to recommendations 2 and 3 and, of course, recommendation 5.66(d), which talks about, as Mr Smyth indicated, keeping the Assembly and, therefore, the community informed of the direction that the government is taking in its investments and what instructions it has to its investment managers. This is not to be judgmental about where those investments are placed but, rather, to place on the record for the community to know just where those investments have been placed. If, in fact, the community at large are quite unhappy about the direction in which those investments are heading, they can make their feelings known through a number of avenues, one of which is the ballot box and another of which is to make representations to members of this place.

It is significant that we have recommended that the disclosure of what is happening is significant. I suggest that, in the absence of definitions, the importance of having what we are doing fully disclosed is sufficient. I find it very difficult, in fact, to legislate against an investment in what is a legal industry in this country and elsewhere as far as the legality in this country is concerned.

If we are so concerned as a community about a particular activity, then it should be illegal. If it is legal, it is an expression by the community that they are happy for that industry to continue. I do not particularly like the coal industry at all. Would I invest in it myself? No, I would not. But would I invest in it on behalf of the community? It depends on the rate of return that I am going to get out of it, because it is not my decision. But I would make it clear to the community that that was what was happening.

Ms Le Couteur, in her dissenting report, makes the point about the fact that we have greenhouse gas emission reduction targets yet happily invest in a coal-fired gas station. I think that is a reasonable point, except to say that I do not think we should ban investment in that. We should make it clear to the community that that is where we are going and that those apparent contradictions in some people"s minds exist, in the same way that we do not necessarily approve or disapprove of the way some companies engaging in legal activities are doing it, just as long as these things are disclosed.

For example, in our Electoral Act we require people to disclose where they receive their money from. The issue is about disclosure, which I was talking about a minute

ago. For example, we require the Liberal Party to disclose that they are receiving money from rents. We require the ALP to disclose that they get money from the club industry. And that should be it, if you follow the tenor of this particular report. This report says that we should not be legislating to stop the government from the acquisition of money through profits from investments. And yet it is interesting that there is a private member‟s bill before this house which would prevent a private entity—a political party—from receiving funds from a quite legitimate business. I see an absolute contradiction there.

I do not see how we can allow a government to invest in an industry which, according to some, will have a detrimental effect on the community at large and then go and legislate to stop it in another arena. That is terrible.

Mr Hanson: It is a leak.

MR HARGREAVES: We always thought it was Mr Hanson who was doing the leaking, but now we have proof positive with all that water on the desk! Mr Speaker, I thank Mr Hanson for livening up what had all the portents of a boring debate.

Mr Hanson: It even woke you up, Johnno!

MR HARGREAVES: It did not wake me up Mr Hanson; I do not think you are capable of waking me up. But I take note of what you said in your introductory remarks this very morning about interjections across the chamber, Mr Speaker.

I recommend this report to the chamber. I think it is a good piece of research distilled beautifully by Dr Cullen, who put together the positions put by Mr Smyth and I. I pay respect to Ms Le Couteur not only for putting her dissenting report together but engaging as we went down the various clauses and struggling with her own method of expressing that dissent—whether she would put it in the body of the report or whether she would put it together at the end. We had, I hope, quite a collegiate approach to that. Mr Smyth and I were very happy for Ms Le Couteur to put her dissenting comments in the body of the report to make sure that the context was there. In the end, it was her choice to consolidate them at the end in a report of its own.

In recommending this report to the chamber and to the community, I put on the record for those media people about that they should not stop after they have read the recommendations and that they should actually read the body of the report. If they do not, they might miss out on some of the good bits, and certainly they will miss out on Ms Le Couteur‟s dissenting report if they just read the recommendations and stop. I would like to see the chamber and the community make a judgement on this based on the total views expressed in this report.

Mr Speaker, as I said, I find a decided inconsistency between this report as produced by Mr Smyth and the private member‟s bill being proposed by Mrs Dunne. I am perfectly consistent on that: I do not think you can legislate against making money out of a legitimate business.

MS LE COUTEUR (Molonglo) (10.28): I would like to start by thanking my fellow committee members and, of course, Dr Cullen for her great work in putting this report together. I have put forward a dissenting report because I fundamentally disagree with recommendation 1, which is to reject the whole bill. However, I am very pleased to say that I think a lot of the rest of the report is not consistent with the first recommendation. In fact, there are some very positive things in the report.

First, I should deal with the matter, which I mentioned in my dissenting report, that was dealt with in the main report of any perceived conflict of interest I may have. I will say it again so that it is on the public record: I hold 4.98 per cent of the shares in Australian Ethical Investment and I was executive director for 17 years. I clearly have an interest in ethical investment, but in the terms of this debate it is not in any way a financial interest.

Everyone agreed that there was no likelihood or possibility that, were this bill to be passed in any form, it would be of any particular financial advantage to me. Also, I did consult with the ethics adviser who felt that the major issue for me from an ethical point of view in being involved with this inquiry was whether or not I had an open mind about whether doing this was the right thing or the wrong thing for the ACT government. I think that is true. I did have an open mind about it. I would also like to put on the record that I do not claim all of my investments are ethical. I certainly have money in some superannuation funds for which I am sure some of the investments would not fit the requirements of Ms Hunter"s bill.

That having been said as introduction, the majority of the committee recommended that the bill not be tabled and that if it were tabled, it not be supported. As I said, the bill has merit in that many of the recommendations of the committee are in fact consistent with the broad direction of the bill. So I think that actually the rest of the report is not consistent with recommendation 1.

What I think is going on here is that we have all got very hung up with the word "ethical". A lot of the discussion in the committee has been around what we mean by "ethical". If that is the real debate, I think that in fact it would have been much better if the committee made recommendations to amend the bill. The first and most obvious recommendation would be to change the name of the bill—maybe to the "socially responsible investment bill" or the "doing well by doing good bill" or the "responsible investment bill". On the basis of the committee"s discussion, that seemed to be the most major issue.

I personally think that ethics are involved in politics. I looked at the dictionary definition and ethics are "moral principles that govern a person"s behaviour or conducting of activity". In the same way that we have ethics as individuals, as groups we can have ethical ideas. I spoke about a couple of examples in my dissenting report, but I think maybe another example would be the ALP conference over the last weekend.

The two big issues that made the news were clearly, I think, somewhat ethical issues. Gay marriage—what other sort of issue is it if it is not a moral and ethical issue?

Selling uranium to India—I am not sure whether people disagreed with this on the basis of how much money it was going to make for Australia. I think that ethics were involved in that discussion as well. I think that we are just playing games with words if we think that ethics are not involved in what we are doing here. We have some differences and some of them are on ethical grounds.

I think the majority of the committee seemed to think that ethics in public policy could only be a very narrow thing as far as "ethics equals good administration". I have quoted in my dissenting report from Andrew Podger, who was the public service commissioner from 2002 to 2004. He wrote:

> In managing ethically, public servants are required to be impartial, to exercise procedural fairness, and to support equity in employment.

I agree with all of that. I am sure we all agree with that. I think that that is where the majority of the committee thought that ethics should stop. I guess what I would say, and I think what the bill would say, is that the word "ethics" goes further than that in terms of the moral and value questions that we deal with. But as I said earlier, I actually do not think that is the relevant question.

The majority of this report does seem to make it quite clear that the idea of choosing our investments on the basis of something other than financial return is quite acceptable. If we want to call that the XYZ investment theory, it does not really make any difference. As I said, we could call it the "socially responsible bill", the "responsible investment bill", the "XYZ bill". I think it would have been much more constructive and consistent with the rest of the report if we had done that.

The idea that there can be things ethical, that things have to be either black and white, that they are ethical or unethical—we all know as a matter of principle that that is not how we believe things. We all know that this is one of the things as children we do fairly early. Is it 100 per cent right or 100 per cent wrong? Does it go tit for tat? No, it is not as simple as that.

It is possibly easiest to look at ethics from a utilitarian point of view, which some people do and I do on occasions—the greatest good for the greatest number of people. You could say that that is what we are doing in terms of how we look at tobacco sales. Tobacco is legal. It is legal to sell tobacco. It is legal to consume tobacco. This Assembly has made decisions which restrict where you can consume tobacco. We did that I think in only the last Assembly. We said that you cannot consume tobacco in enclosed cars with children in them. We did that, I believe, on utilitarian, ethical grounds. We thought that the greatest good for the community, which included those young children, was to ensure that they were not exposed to passive smoke. I think these are ethical decisions that show we care about human rights and the greatest good for the community.

Moving right along with the report, in general I agree with the recommendations. Recommendations 2 and 3 are for better reporting on our current investment practices. I would have to agree with Mr Hargreaves's comments that better reporting is sort of in general always a good thing. It is unfortunately obvious from the reporting that we

have had to date that although the ACT government has signed up to the United Nations Principles for Responsible Investment, the signing up has not made any practical impact.

I have asked Treasury, and my colleague Ms Hunter has asked on many occasions, what investment decisions have been made as a result of this. What engagement with companies has been made as a result of this? The answer has basically been none. This is incredibly disappointing. One of my concerns is that this report will have the same level of impact on our investments as our decision to sign up with UN PRI. I would like to see it make a lot more impact and I am hopeful that possibly it will.

Recommendation 4 is coming on to be a very useful recommendation. It says:

> The committee recommends that the ACT Government, as an institutional investor should actively pursue a policy of responsible investment with selective use of exclusion-based or negative screening strategies in the context of public policy.

This is an excellent recommendation and it is one that I one hundred per cent agree with. It is one that is totally consistent with the thrust of Ms Hunter"s bill, which is why I am surprised by recommendation 1. I one hundred per cent agree with this.

The thing that becomes very unclear, though, in the majority of the committee"s report is on what basis we are going to do the exclusions or the negative screening. Ms Hunter"s bill did propose a methodology. She proposed a list of areas which we would not invest in. One of the pieces of evidence we got suggested that it might be better if, rather than that being in the bill itself, it be a disallowable instrument. I think that that is an idea that does have some merit. That was a suggestion of Mr Scott Donald. I think that idea of a disallowable instrument does have merit.

Turning to what the majority of the committee looked at, they are saying that norms-based investment criteria are the appropriate way by which governments, as institutional investors, should do this because they are founded under universally agreed and accepted principles. If they are universally agreed and accepted principles, why are they not listed in the report? The report gives us no guidance as to what these universally agreed and accepted principles might be. The committee says in paragraph 4.11:

> Norms-based investment criteria or principled based investment criteria are essential for any form of EI or SRI responsible investment by governments.

Then in that paragraph it says these criteria:

> … rest on universally agreed and accepted principles, in the form of international standards, treaties and conventions …

Which international standards, treaties and conventions are we planning to actually use? There are hundreds and hundreds of them. There are thousands of international treaties and conventions. What are we actually meaning by this? It just does not really make an awful lot of sense. It would appear that possibly what would happen here is

that some bureaucrats in Treasury get to decide what our investment norms are. That does not seem to me the direction that we should be going on something as important as this—that we have a backroom process that has no public scrutiny deciding on what basis we are going to exclude things from our investment universe.

But that is what the majority of this report is saying. They do not like the idea that we publicly discuss what we would wish to exclude. We would like to do it in some backroom process based on unspecified, universally agreed principles. It sort of does not make sense to me, I have to admit. I fear that possibly by producing an alternative method that lacks transparency what the committee is really saying is: "We do not want to do it. We will make a methodology that does not work so it will not actually happen."

The other possibility I thought of in relation to norms is that the committee were possibly saying that they support best of sector investing. Best of sector investing is saying that we will invest in every sector but we will always invest in the company that does things best, that follows best practice. I think that could be what they are trying to say. On the other hand, they did also talk about negative screening, which is not consistent with that.

I need to hurry up because I have only two minutes remaining. I support recommendations 5 and 6. Recommendation 7 is the key recommendation. I do support it. I have my concerns about norms-based, as I have said, but the idea of annual reporting, disclosure and reporting annually to the Assembly I think is a really positive step forward that I would like to support.

Recommendation 8, which relates to an annual list of shareholding, is a very good idea. It would give us a list of what the government is doing. I move to recommendation 9. It says:

> … that the ACT government … sponsor or co-sponsor public engagements and shareholder resolutions on matters of concern.

That is a very useful recommendation. We have had considerable discourse with Treasury about how Treasury votes our shares. It is clear that Treasury, while it may get some reports afterwards about what happens, does not appear to be engaged in any way with how shares are voted, contrary to the UN PRI.

This seems particularly strange when we are voting against things that, it seems, even the Treasurer would disagree with. Ms Hunter has asked questions on notice about how the government exercises its shareholders‟ rights. It appears that the territory in fact voted against a resolution put to ExxonMobil to prohibit discrimination based on sexual orientation, gender identity and expression.

I think this is a fairly clear ethical issue, at least for the ALP. It was a major part of their annual conference, at least as far as the press went. This is an ethical issue. It is an issue which this Assembly has debated. We have a human rights framework in the ACT but we are not prepared to vote consistently with our ethical beliefs. *(Time expired.)*

Question resolved in the affirmative.

Climate Change, Environment and Water—Standing Committee
Reporting date

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Climate Change, Environment and Water. I wish to add to my previous statement that the Standing Committee on Climate Change, Environment and Water was inquiring into and reporting on the ecological carrying capacity of the ACT and region. The committee expects to report to the Legislative Assembly in early 2012.

Justice and Community Safety—Standing Committee
Reporting date

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

> That the resolution of the Assembly of 28 October 2010 concerning the inquiry into the form and operation of the *Prostitution Act 1992* by the Standing Committee on Justice and Community Safety, be amended by omitting the words "by the end of 2011" and substituting "by the end of February 2012".

Committees
Membership

Motion (by **Mr Corbell**) agreed to, pursuant to standing order 223:

> Dr Bourke be discharged from the Standing Committee on Education, Training and Youth Affairs and Ms Porter be appointed in his place.
>
> Dr Bourke be discharged from the Standing Committee on Health, Community and Social Services and Mr Hargreaves be appointed in his place.
>
> Dr Bourke be discharged from the Select Committee on ACT Supermarket Competition Policy and Mr Hargreaves be appointed in his place.

Government office building
Statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.46), by leave: On 24 August a motion was passed in this place about the government"s office accommodation strategy and future office buildings in Gungahlin and Civic. The motion called on the government to ensure that feasibility studies and market testing for the government office accommodation in Gungahlin and Civic included examination of adaptive reuse of existing office buildings and consideration of the options for an ACT government office precinct, as opposed to just a single building model, to ensure that the whole of life cycle analysis of environmental impact is considered and to finalise the government office accommodation strategy.

As I noted in my original speech on this motion, the ACT government"s immediate priority is the delivery of the Gungahlin office accommodation. The government is committed to stimulating the economic base of Gungahlin by providing long-term employment opportunities in the town centre. The proposed government office in Gungahlin will have a direct and positive effect on Gungahlin businesses. It will create jobs directly and indirectly in the Gungahlin town centre as a result of relocation of staff and act as a drawcard to illustrate the benefits of locating jobs in the town centre.

The registration of interest for the Gungahlin office block was opened last month. The ROI is the first stage of the process to realise the government office building in Gungahlin. It will be used to establish a short list of up to five tenderers who may be invited to submit a tender when the request for tender is announced. Only registrants under the ROI will be considered for the subsequent request for tender phase. The RFT will specify in detail the requirements of the ACT government in a functional design brief for the base building. A separate procurement process will be conducted for the fit-out of the building. In parallel to the ROI, as I have outlined previously, Cox Architecture has been engaged to undertake the feasibility for the project.

In amending the motion the Greens sought to ensure that feasibility studies and market testing both include an examination of adaptive reuse of existing buildings and consideration of an office precinct and that the whole of life cycle analysis of the environmental impact be considered. In terms of the government office in Gungahlin, adaptive reuse is obviously not an option because it is a new town centre. It is hoped that the new government office building in Gungahlin will act as a catalyst for other employers to establish their office in this town centre, thus creating more of an office precinct.

Obviously, though, the Civic office building is a different prospect. As I stated in the original debate, a range of options were analysed and evaluated in determining a way forward for the Civic office building and this included the adaptive reuse of buildings and the whole of life cycle analysis—as with any project that the government pursues. The analysis by the government and our consultants has determined that a new government built and owned office block is the best option, both environmentally and economically.

However, Cox Architects are leading a team of consultants examining the adaptive reuse of existing office buildings and consideration of the options for an ACT government office precinct. The buildings being examined for adaptive reuse and consolidation into a campus-style precinct are located close to the Legislative Assembly. We will also be testing the delivery of a Civic office building in the market in 2012.

We will welcome any proposal from industry that demonstrates that an adaptive reuse of existing buildings or an office precinct is indeed a better environmental and economic option. The government will, however, make a final decision based on the best overall value for the ACT taxpayer. The best value will be based on build cost, environmental performance, occupational health and safety for staff, running costs and efficiencies to be gained from having key public servants in the same location.

Currently a number of ACT government-owned buildings are reaching a point in their life cycle where they require significant capital investment. All of the leased buildings are reaching the end of their lease term. Additionally, only eight per cent of the entire property portfolio is classified A grade, none is green star rated and approximately 10 per cent has a NABERS environmental rating. As such, an opportunity now exists to consider a better long-term solution for the government‟s accommodation portfolio.

As I have said repeatedly, the government is committed to accommodating our public service in buildings which will maximise productivity and provide safe and professional workplaces for the staff who serve our community, meet our responsibility to the environment and our greenhouse gas reduction targets and deliver the most financially responsible option for the budget and territory taxpayers. These principles underpin the government‟s office accommodation strategy.

As I have advised the Assembly previously, this strategy is indeed influenced by the government‟s decision to locate facilities in Gungahlin and the need for a CBD presence. This will see significant consolidation in the current office accommodation and changes our previous requirements for refits, refurbishments and relocations. The whole-of-government accommodation strategy is being finalised in association with consultants peckvonhartel and KPMG. I am anticipating its completion before the end of this calendar year.

As I have outlined previously, the strategy will include an analysis of all of the owned and leased properties to assess their compliance with the government‟s objectives for office accommodation. It will include recommendations about whether or not these properties should be retained. In addition, the strategy will examine whether the government‟s office utilisation standards are still appropriate and reflect best practice. The strategy will make recommendations for the composition of the government‟s property portfolio and assess the advantages or otherwise of whether the assets in the portfolio should be leased or owned.

MR SPEAKER: Are you prepared to table the statement, Mr Barr? Then we can have a discussion on it.

MR BARR: Yes, I am happy to do that.

Mr Hanson interjecting—

MR SPEAKER: Thank you, Mr Hanson; the commentary is not necessary.

MR BARR: I table the following paper:

> Government office block project—Statement.

I move:

> That the Assembly takes note of the paper.

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

Weston Creek community festival
Statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.54), by leave: In the last sitting a motion was moved that required me to report back to the Assembly on the ACT festival fund and funding for the Weston Creek community festival. I now report to the Assembly against that motion. The motion called upon the ACT government to firstly provide clear public information about the methodology for ranking applications. It advised the Assembly that applications to the ACT festival fund are assessed by an assessment panel brought together specifically for the fund.

The panel comprises five members who have specific festival interest, knowledge and experience as well as broad industry and business knowledge. Each application is assessed by every panel member against all of the assessment criteria as defined in the ACT festival fund information booklet. The booklet provides all the details for applicants regarding the fund, including the detailed selection criteria to be addressed. Applications are then ranked comparatively with other applications received in the round.

Group assessment meetings are then held for all panel members to attend. The group"s discussion is based on the individual assessment rankings by each panel member. The panel determines each application"s final ranking after making comparisons against each of the criteria as defined in the booklet and against other applicants to the round.

A final decision is reached and feedback for each applicant is recorded by Australian Capital Tourism events unit staff members who are in attendance. Staff from the events unit attend group assessment meetings to ensure that the relevant policies articulated in the booklet are adhered to and they also provide information on the process to the committee.

Letters are provided to all applicants, whether successful or unsuccessful, detailing the results of the funding round. All applicants are encouraged to seek a feedback session with the events unit staff. The booklet articulates a time line for the feedback process. Applicants have 60 days in which to arrange a feedback session with events staff. The methodology of ranking applicants against provided criteria, along with the requirements of applicants to robustly substantiate their claims, is consistent with grants programs across the ACT government.

The second part of the Assembly motion was to provide a simplified process for festival fund applications designed to result in lower rates of non-compliant applications. I can advise the Assembly that the ACT festival fund has been running since 2002. Historically there has been a very low number of complaints or negative issues raised by applicants. The booklet clearly outlines the process for which applications can be made to the fund. The existing process is robust, ensuring equity and the best use of taxpayer funding. Applicants are strongly encouraged to meet with the ACT festival fund officer prior to submitting their application to the fund. This allows for a full discussion of the purpose, criteria, process and administration of the fund, ensuring the requirements of applicants are fully understood.

Communication and promotion of the fund are undertaken through a variety of channels for approximately four weeks. This allows adequate time for the applicants to contact events staff and arrange meetings to discuss the festival fund process and criteria prior to making a submission. Advertisements are placed in the *Canberra Times*, *CityNews*, *Canberra Weekly*, *Chronicle*, Community Noticeboard and through whole-of-government messages to direct applicants to the www.events.act.gov.au website. Here the booklet and relevant application forms can be downloaded. Information on the website also provides a contact phone number and email address to which applicants may phone or email for inquiries about the fund. Canberra Connect are briefed with information and advice and inquiries regarding the fund may be forwarded to the events unit. Alternative formats are also available by phoning the ACT festival fund officer on 62052579.

The fund is open for approximately four weeks. An independent panel assesses applications. Panel members have extensive experience in festivals and events and have a breadth of knowledge and understanding of the sector. Recommendations made by the panel as a result of the assessment process are provided in an information brief to the Minister for Tourism, Sport and Recreation. In 2011 this brief was provided on 12 September.

The third part of the Assembly resolution was that we actively engage with the Weston Creek Community Council and other unsuccessful applicants and advise of any additional information required to support their funding request for the second round of funding. All applicants are strongly encouraged to meet with the festival fund officer prior to submitting applications to the fund. This allows for a full discussion of the purpose, criteria, process and administration of the fund, ensuring the requirements of applicants are fully understood.

Unsuccessful applicants from round 1 were sent a letter of information on Wednesday, 16 November informing them of the opening of round 2, along with the round 2 information booklet and relevant application forms. The round 2 booklet again articulates the selection criteria and states:

> … it is strongly recommended that, before applying for assistance, you make every effort to discuss your project and application with the relevant staff. Appointments can be arranged by contacting the ACT Festival Fund Officer on (02) 6205 2579 or via events@act.gov.au

The fourth part of the Assembly motion was that the government review the decision to not provide funding to the Weston Creek Community Council for the purpose of supporting the community festival with a view to providing adequate funding that would allow the festival to occur. The methodology of ranking applicants against the provided criteria, along with the requirement of applicants to robustly substantiate their claims, is consistent with grants programs across the ACT government.

The Weston Creek Community Council applied for a grant of $20,000. The ACT festival fund booklet clearly states that where applicants are requesting amounts over $20,000, the application will need to extensively meet the assessment criteria.

Applicants are strongly advised to meet with special events staff to discuss the proposal before lodgement. The Weston Creek Community Council did not seek a meeting with the events staff prior to making their submission. The submission did not adequately address selection criteria outlined in the festival fund information booklet.

Following my announcement on 15 November advising of the ACT festival fund round 2, unsuccessful applicants from round 1 were sent a letter on Wednesday, 16 November informing them of the opening of round 2, along with the round 2 information booklet and relevant application forms. An advertisement appeared in the *Canberra Times* on Saturday, 19 November to announce the opening of round 2, along with announcements on the events website and through social media. The booklet has been updated and is available on the events website. Reminding members again, it is www.events.act.gov.au and the booklet is available in alternative formats by phoning 6205 2579.

Round 2 is open to the broader community, including unsuccessful applicants from round 1, for four weeks, which is consistent with the time allotted for round 1. So round 2 applications will close on 16 December 2011. I am advised that as of this morning the events unit staff have not received a meeting request from the Weston Creek Community Council to discuss applying for the festival fund round 2.

The final part of the Assembly motion was that I report to the Assembly in the December sittings on the progress that has been made on subparagraphs (2)(a), (b), (c) and (d). I have just done that, Madam Deputy Speaker.

Mr Hanson: Madam Deputy Speaker, I ask that the minister move that the statement be noted.

MADAM DEPUTY SPEAKER: Thank you, Mr Hanson.

MR BARR: I table the following paper:

> Weston Creek Community festival—Funding—Statement.

I move:

> That the Assembly takes note of the paper.

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

Human Rights Act—declaration of incompatibility
Statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development), by leave: Members may be aware that I intervened in 2010 in relation to an application for bail by Mr Isa Islam, which was originally made in 2009. The application involved a challenge under the Human Rights Act 2004 to provisions in the Bail Act 1992

dealing with a presumption against bail in relation to serious offences including attempted murder.

On 19 November last year Her Honour Justice Penfold issued a declaration of incompatibility under the Human Rights Act in relation to those provisions. This was the first such declaration in the ACT and the second in Australia. The only other declaration of this type was made by the Victorian Court of Appeal in relation to a drug prosecution in which the accused was convicted under Victorian criminal law. The case is known as the Queen v Momcilovic (2010) 265 ALR 751. That decision was subsequently appealed to the High Court of Australia.

In response to the decision in Islam, I tabled the declaration of incompatibility in the Assembly on 15 February this year. I subsequently tabled a government response to the declaration on 28 June this year, as required under section 33 of the Human Rights Act. I also filed an appeal against the decision, pending the outcome of the challenge in Momcilovic. I undertook to make a further statement to the Assembly within six months of the conclusion of the court proceedings in Islam.

Since that time, Mr Islam has been convicted of the offence for which he sought bail. The issue of bail which was the subject of the matter is no longer a live issue.

The appeal against conviction in Momcilovic was upheld this year by the High Court. The High Court indicated, in six separate judgements, that the Victorian Charter of Rights and Responsibilities validly conferred on Victorian courts and the High Court obligations to interpret Victorian laws consistently with the protected human rights. None of the judges considered that a declaration of incompatibility involved the exercise of judicial power, while a majority held that, whatever its character, it was compatible with proper judicial functions.

In light of the fact that Mr Islam is now serving a sentence of imprisonment, together with the views of the High Court in relation to the status of a declaration of incompatibility, I have decided to no longer pursue the appeal in Islam. The Solicitor-General on my behalf withdrew the appeal on 31 October this year. Mr Islam‟s lawyers and the Director of Public Prosecutions have also been advised of the withdrawal of the appeal.

As I have previously advised the Assembly, I will respond to the declaration of incompatibility within six months. Issues around bail are serious and complex and not to be dealt with lightly. Rather than a quick response, I intend to provide a considered response with an opportunity for consultation with the community and key justice stakeholders. With the court proceedings now concluded in the Islam matter, this means that I will provide a response by the end of April 2012.

Work Health and Safety (Consequential Amendments) Bill 2011

Dr Bourke, by leave, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (11.08): I move:

> That this bill be agreed to in principle.

I rise to commend the Work Health and Safety (Consequential Amendments) Bill 2011 to the Assembly. The bill flows from the passing of the Work Health and Safety Act 2011 by this Assembly in September. The bill is not controversial in that it seeks to repeal legislation that will become redundant when the new legislation comes into effect on 1 January 2012. This is necessary to provide certainty and clarity to employers and workers as to which laws apply.

With that objective in mind, I am in a position to advise members that the Work Health and Safety Regulation 2011 will be made shortly. I will also notify several codes of practice developed through the national harmonisation process as well as retaining current ACT codes of practice on bullying and the sexual services industry, pending the completion of national work in this area. These codes will be notified under the Work Health and Safety Act when it commences on 1 January 2012.

The bill also amends 13 other pieces of legislation that referred to the Work Safety Act 2008 so that they will now reference the new act. If necessary, I will speak more to the bill when it is debated later this week. I would like to take this opportunity to thank members for allowing the bill to be considered during the last sitting week of the year.

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

Race and Sports Bookmaking (Validation of Licences) Amendment Bill 2011

Ms Burch, by leave, 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 Gaming and Racing) (11.11): I move:

> That this bill be agreed to in principle.

Prior to September 2001 bookmaking in the ACT was regulated under the Bookmakers Act 1985 which included a scheme for licensing race and sports bookmakers and their agents. The Race and Sports Bookmaking Act 2001 commenced on 8 September 2001 and replaced the Bookmakers Act 1985 at that time.

The Race and Sports Bookmaking Act 2001 included transitional arrangements that provided for bookmaker licences issued under the Bookmakers Act 1985—the old

act—to be equivalent licences under the Race and Sports Bookmaking Act 2001—the new act. Thus bookmakers‟ licences current at the time of transition from the old act to the new act would continue to exist as though they had been issued under the new act.

However, the transitional arrangements also included a provision that allowed the relevant regulations to change the transitional provisions in the act. This provision, introduced by the former Liberal government, is unusual in that it purports to provide that a subordinate law can amend a principal act.

On the basis of the powers conferred under the transitional arrangements in the new act, section 9 of the Race and Sports Bookmaking Regulation 2001 amended the transitional provisions in the new act to include a maximum validity period for the old licences of six months after the commencement of the new act. Such a provision does not seem to have taken into account the fact that a licence may have just been issued under the old act. Race bookmakers and race and sports bookmakers‟ agents were often issued a licence for five years while sports bookmakers were issued a licence for a period of 15 years.

Following a search of territory records it appears that bookmakers‟ licences were in fact not reissued within the six-month transitional period—that is, before 8 March 2002—as required by the regulation through its amendment of the transitional provisions of the act. This raises the question of the standing of the licences that were due to expire after the six-month transitional arrangements but were not reissued under the new act within the six-month period.

The Gambling and Racing Commission, through the Government Solicitor‟s Office, has obtained senior counsel advice that indicates that the bookmakers‟ licences that were not reissued under the new act before 8 March 2002 are likely to be invalid based on the operation of section 9 of the regulation.

On the basis that doubt exists as to the validity of transitioned bookmakers‟ licences an urgent clarification is required. While all race bookmakers‟ licences and the agents‟ licences have expired and many of them have since been renewed, some several times, the question of legitimising the operation of those licences while they were purported to be current still remains.

Further, as sports bookmaking licences are issued for a 15-year period, some licences are still current, such as ACTTAB, and require legitimisation so that they may continue to operate in the manner that the wagering providers, punters and regulators have assumed in good faith.

Advice from the Government Solicitor‟s Office, backed by senior counsel, has suggested that the only feasible way forward is to enact retrospective legislation that validates the bookmakers‟ licences from 7 March 2002 as the last date that the regulation allowed the licences to be valid. This would ensure that all bookmaker activity and tax collections undertaken after that date under licences that were assumed to be valid were in fact legitimate.

The proposed bill has been drafted to restore the position of the licences as close as possible to that contemplated by the amending regulation in relation to the reissuing of the licences. This has been achieved by deeming the transitional licences to have commenced under the new act on 7 March 2002—that is, just before the proposed expiry date of 8 March 2002—for the full term of licence that would normally be issued.

However, the bill provides that those shorter term licences—standing licence, bookmaker"s agent"s licence or sports bookmaker"s agent"s licence under the repealed act—are taken to have expired less than the maximum period of five years if the original licence expired earlier. This drafting respects the decision of these bookmakers to choose at the time a shorter period for their licence. This provision does not relate to sports bookmakers as they have a fixed 15-year term.

Legislation that has a retrospective application should not be detrimental to any affected party. On the basis that all stakeholders, including wagering operators, punters, the gaming regulator and numerous businesses and financial institutions have assumed in good faith that the wagering licences purported to be issued were valid, it is considered that no party would be worse off by the decision to legitimise the licences. However, for complete certainty, the proposed bill does not continue any licence that was cancelled, surrendered or expired by means other than by the section 9 transitional regulation. I commend the bill to the Assembly.

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

Standing and temporary orders—suspension

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

> That so much of the standing and temporary orders be suspended as would prevent the Race and Sports Bookmaking (Validation of Licences) Amendment Bill 2011 being called on and debated forthwith.

Race and Sports Bookmaking (Validation of Licences) Amendment Bill 2011

Debate resumed.

MR SMYTH (Brindabella) (11.17): Madam Deputy Speaker, this seems to be a reasonable approach and the opposition will be supporting the bill.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.18): The ACT Greens will be supporting this amendment bill today. It will fix a problem that has existed. It will ensure that all licences were valid for the period of time. Certainly one of the things we need to be very careful about with retrospective legislation is that it does not have any negative impacts on anyone. The minister in her tabling speech went through quite clearly that no party would be worse off by the decision to legitimise these licences. I would also like to thank the office of the former gaming

and racing minister, along with the Gambling and Racing Commissioner, for a briefing on this matter.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (11.19), in reply: It goes without saying that I appreciate the support by all members which has meant we have moved very quickly, probably in record time, in supporting this bill. I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Freedom of Information Amendment Bill 2011

Debate resumed from 17 November 2011, on motion by **Mr Barr**, on behalf of **Mr Corbell**:

> That this bill be agreed to in principle.

Motion (by **Mrs Dunne**) put:

> That the debate be adjourned.

The Assembly voted—

Ayes 9		Noes 6	
Ms Bresnan	Ms Le Couteur	Mr Barr	Ms Porter
Mr Coe	Mr Rattenbury	Ms Burch	
Mrs Dunne	Mr Seselja	Mr Corbell	
Mr Hanson	Mr Smyth	Ms Gallagher	
Ms Hunter		Mr Hargreaves	

Question so resolved in the affirmative.

Debate adjourned to the next sitting.

Electricity Feed-in (Large-scale Renewable Energy Generation) Bill 2011

Debate resumed from 17 November 2011, on motion by **Mr Barr**, on behalf of **Mr Corbell**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (11.25): The Canberra Liberals will not be supporting this bill today. This bill does not support the economic development of the ACT; it does not support the families of the ACT; it does not support the environment or reduce emissions. What it does is give Simon Corbell a blank cheque to fund his headlong pursuit of a headline. At best, it is a clumsy way to expand a scheme that has already proven unmanageable and unaffordable, not just in Canberra but around the country. At worst, it is a very expensive way to do very little.

Under the current legislation before us this is what could happen: we could have renewable energy produced in Bega or Young or Yass. We do not know where, and Simon Corbell cannot tell us. That operator can charge us for power we do not use and do not need and, most damningly, at a price we do not know, and Simon Corbell cannot tell us. That power is fed into the grid to be used by polluters in New South Wales or in Queensland, exactly where we do not know, and Simon Corbell cannot tell us.

For all that, we get some certificates that Simon Corbell can use to claim to have reduced emissions without any change to behaviour in the ACT or anywhere else. We do not know how many, and Simon Corbell cannot tell us. In fact, with our 40 per cent emissions target, this renewable energy which is produced in New South Wales and fed into the grid can be used to reduce our emissions only to allow New South Wales to emit more than it otherwise would have due to the operation of the carbon tax and the ETS. Canberrans are left to foot the bill. How big a bill we do not know, and Simon Corbell cannot tell us.

There is the potential under this bill that not one dollar is spent here in the ACT, not one job is created and not one industry attracted. The Canberra Liberals do not believe that Canberra families should foot the bill so that New South Wales businesses can build their businesses and other states can keep polluting and polluting more.

Some in this chamber are fond of saying that there is no economy without the environment. It is just as valid to say that without a healthy economy we cannot save the environment. I say this because, off the back of what many now claim to be a dismally mismanaged smaller micro solar feed-in tariff that saw the demise of industry in the ACT, long installation delays and untold millions of taxpayers‟ money wasted, the government is telling us today that it is ready to implement a large-scale feed-in tariff seven times larger than the one it has just bungled.

In fact, the mismanagement was so bad in the last program that Minister Corbell had to axe the program in the dead of night not once but twice. In fact, even today we do now know exactly how much the government had over-committed in its 30 megawatt cap, and it still cannot tell us the actual amount this incompetently managed program is costing Canberrans today.

It is telling to see the long list of failed Labor initiatives across this country. As recently as 24 November the New South Wales Auditor-General, Peter Achterstraat, heavily criticised the New South Wales Labor government‟s feed-in tariff scheme, saying it will end up costing the state up to $1.4 billion. Additionally, the New South Wales scheme was also known as a cause for electricity price increases.

What about federally? We have seen a climate change foundation campaign that gave activist groups approximately $13 million. We have seen the pink batts debacle, and you wonder that if Labor cannot put pink batts in people"s roofs properly, which saw the deaths of four installers and approximately 200 house fires, how will they manage the massive carbon tax? We have seen Labor"s green precincts fund which saw a $1.2 million grant to the Sydney Theatre Company to save about $100,000.

The list continues. We saw the axing of the $8,000 solar rebate program, the discontinuation of the solar rebate for remote areas program, the suspension of solar schools, the citizens assembly that never materialised, the $300 million botched green loans program, not to mention the flawed green start program that was later called the green stop program.

What about the track record of ACT Labor? I think my earlier comments about the government"s mismanagement of the small and medium-scale feed-in tariff programs say it all. Even today my office still receives complaints about the government"s development and mismanagement of this initiative. We have seen an unsustainable local solar panel industry wither because of this government"s incompetence. In the ACT in the 12 months to June this year 7,169 solar sites in the ACT produced 0.28 per cent of the ACT"s electricity requirement whilst adding approximately $1 million to the cost of electricity in the ACT with negligible emissions reductions.

Graham Downie of the *Canberra Times* characterised it best when he wrote that the ACT"s feed-in tariff is the most inefficient and inequitable method of producing electricity. What we have here is expensive tokenism, driven by the need to tout green cred rather than find real and tangible solutions. In fact, it was just last week that we learnt from the minister that his Environment and Sustainability Directorate purchased 64 per cent more energy than it uses. Let me refresh the chamber"s memory. Mrs Dunne asked:

> So … you bought more power than you used?

The directorate said:

> That is correct ….

I asked:

> Would it not make more sense to purchase 100 per cent green power and then purchase the most cost effective offsets …

The response:

> That would be one approach.

I then asked:

> How much cheaper would that be?

The minister replied:

> We would have to provide you with some assessment of that …

This government chooses the most expensive way to reduce emissions at every turn. This is nothing more than irresponsible spending of taxpayers" money.

So we come to the specifics of this legislation. The government wants us to agree to a large-scale scheme. Referring to the bill, we asked the government how this would minimise costs to electricity consumers, and we were told that this is a statement referring to value for money in procurements. That is the vaguest of assurances.

We were concerned about how the cap was managed. We were given assurances that the first tranche of 40 megawatts to be auctioned has to be in the ACT, but, of course, the bill does not specify that. We were previously told by this government that it had a plan for a $30 million grant, which, of course, fell over and it moved to a feed-in tariff scheme. There is nothing in this bill that ensures that even one megawatt of the 210 megawatts has to be produced in the ACT. That was confirmed yesterday in a briefing. There is nothing in this legislation that would see even one megawatt have to be produced in the ACT. This bill allows all of the electricity to be generated outside the ACT, and I think even outside what most people would see as our immediate region.

When asking about criteria for direct grant or competitive process on tariff capacity releases, we were again told that this was a value-for-money procurement consideration. The minister could grant all 210 megawatts without any competitive process. When asking how much this initiative will cost, we were told the government does not know. We were advised that the government has a cost estimate on the 40 megawatt first auction but that this is cabinet-in-confidence. We were told there is no estimate for the 210 megawatts. All we have is the $225 per year government estimate that has been put forward before.

We asked about what technology would qualify under this scheme but were not given a conclusive answer. We also asked why interstate generators were allowed to participate in this scheme, concerned about what this would mean for local business opportunities, and we were told that interstate generators would be limited to the ACT region, a region, as I understand from what we were told in the briefing, that could extend down to the Victorian border. This was not the government"s concern. Rather, its primary interest was to be able to claim generation credits through renewable energy certificates. When we asked about how tariffs for this scheme and supporting payments were to be calculated, the government"s answer left more questions to be asked.

What can be gleaned from this is that Canberrans stand to be left with supporting companies and multinational corporations that do not make a direct contribution to our local economy. They could be hundreds of kilometres away, producing renewable energy that is then fed into the grid that we pay over the odds for with no benefit to the local economy. In paying over the odds in order to achieve a 40 per cent emissions target, we will allow other states to emit more. Those are the facts.

That is the scheme we are being asked to approve today, and we are being asked to approve that scheme in the context of a government that has completely mismanaged the solar feed-in to date. We are being asked to approve of such a scheme in light of the numerous failures of feed-in tariff schemes around the country and other green schemes which were well intentioned but which ended up costing taxpayers far too much for little or no environmental benefit. Again, what we are being asked to do today is to sign a blank cheque for a minister who has proved that he cannot be trusted in delivering on these things.

This is a very dangerous scheme. In the briefing yesterday we were told that this goes back to the government‟s election promise. Of course, their election promise was significantly different. In the context of what we are being asked to approve today, it seemed to have more merit. It was certainly more tangible. It promised a $30 million contribution to the initiative. It was real; taxpayers could see where their money was going. Its aim to provide electricity to approximately 10,000 homes was clear, and its specification for a solar panel of at least 30 megawatts was generally understood.

If I recall correctly, 23 proposals were submitted for this project. The director for the ANU centre for sustainable energy systems, Professor Andrew Blakers, saw the solar fund as a potential educational testing and certification facility with industry development potential. This was shelved in favour of the government‟s mismanaged feed-in scheme. This was a broken promise on the part of the government.

So we are left with the questions of what this legislation will do and whether we should approve it. The Canberra Liberals‟ position is that we should not, for a few reasons. We should not be giving a blank cheque to the government on feed-in tariffs. We should not approve a scheme that will allow generation to take place well away from the ACT, therefore limiting any economic benefit to the ACT as a result of that activity, and that will allow that electricity to be fed into the grid so that Canberra families are forced to pay more for their electricity to fund generation over the border so that we can have a target eight times the national average which will allow other states to emit more. That is what the 40 per cent target does, and that is what the solar feed-in does, particularly in its current form in the way that it is being presented to us today.

We were told there would be all sorts of benefits to the local economy as a result of this. This legislation does not provide for that. We have no confidence that this government will be able to keep this scheme in check. We do not know what the price will be. We have no idea how much it will cost. This government cannot tell us how much this scheme will cost. The Canberra Liberals will not sign a blank cheque for this government. We will be on the record in this place as opposing this because it is Canberra families who will suffer as a result. They will suffer for no environmental benefit. They will suffer so that Simon Corbell can get a headline claiming to be doing something.

Let us put into context what he is doing. What will be approved today by the Assembly if this legislation goes through is a blank cheque for Simon Corbell. It is no guarantee that one part of renewable energy will be produced within the ACT or even

necessarily very close to the ACT. It will do nothing to reduce the emissions profile of Australia. Those are the facts, and for all of those reasons the Canberra Liberals will not be supporting the legislation.

MR RATTENBURY (Molonglo) (11.39): The Greens welcome the debate on this bill today and believe it is another step towards building the Canberra of tomorrow, a city that will be sustainable, a city with new and emerging employment opportunities, a city that thinks about the long term as well as a city that delivers on the needs for today. The bill is about delivering large-scale renewable energy installations. These are the sorts of installations we need to start investing in now as part of a long-term goal and vision to move to fossil-free energy production in this country.

There is across this country a great deal of enthusiasm for the investment in renewable energy. Groups such as Beyond Zero Emissions have done scenarios where they envisage Australia being able to achieve 100 per cent renewable energy in a time frame of the next 10 to 15 years and with an economic cost that, with political will, is manageable. So they are the sorts of visions that are out there. For the ACT to be embarking on this sort of legislation and this endeavour to get this level of investment in our community in renewable energy, I think, puts us at the forefront of where some of the more innovative thinking is in this country.

This bill and the many other initiatives that sit alongside it are of course part of our response to reducing the ACT's greenhouse gas emissions and playing our part in tackling global climate change. It certainly reflects the necessity for us as human beings to change how we treat our planet and how we, I guess, power the lifestyle that we choose to lead.

We have of course set ourselves an ambitious target in the ACT to reduce our emissions by 40 per cent below 1990 levels by 2020 and to strive for carbon neutrality by 2060. And this is a level of ambition that reflects the science, the science that has been studied meticulously over recent decades and spells out what we need to do to avoid dangerous climate change. That target necessitates fundamental changes to how we derive our energy.

Just yesterday new research came out from the Global Carbon Project on their findings for 2010, which was published in the journal *Nature Climate Change*. What they found was some very disturbing trends in greenhouse gas emissions. They found that man-made carbon dioxide released in 2010 reached a record 10 billion tonnes. That was an increase of 5.9 per cent over the 2009 emissions, a staggering growth in global greenhouse emissions in that 12-month period.

They also found that global CO_2 emissions since 2000 are tracking at the high end of the projections used by the Intergovernmental Panel on Climate Change which will result in warming exceeding two degrees Celsius by 2100. They also found that the past decade has seen an unprecedented increase in greenhouse gas released from fossil fuels, deforestation and the manufacture of cement, resulting in an average rise of 3.1 per cent per year, which compares with an annual increase of just one per cent per year during the 1990s. There are a series of other findings which are quite disturbing and certainly put us at the higher end of forecast expectations of global temperature increase.

I thought one of the most interesting analyses was around the situation in the developed world. Of course the developing world‟s emissions have increased quite substantially as well but they found in the developed world carbon dioxide emissions fell by 1.3 per cent in 2008, then fell again by 7.6 per cent in 2009 but then rose again by 3.4 per cent in 2010. And that clearly points to what has been known to be the effect of the global financial crisis and the impact it has had on developed economies particularly in those couple of years.

What was interesting was that in 2009 global emissions fell by 7.6 per cent but when you go to the ACT‟s greenhouse gas emissions inventory our emissions increased by 1.3 per cent in 2009. So at a time when the global economy was experiencing a significant slowdown the ACT‟s emissions continued to rise. I think that underlines the challenge that the ACT faces in turning our emissions around. And I think that is a really important context for this legislation.

I think Mr Seselja‟s entirely ideological speech reflects a failure to accept that very basic science. It was almost as though he said, "Frankly, we should be doing nothing," and the way he spoke in a broader sense about the ACT‟s efforts to turn its emissions speaks to that and, I think, ignores that global scientific consensus and that global scientific reality of the things that we need to do.

The other context I think for this legislation is the tremendous success of the small and medium-scale feed-in tariff scheme. What we now have in the ACT, and is in the process of being installed, is 30 megawatts of installed clean energy generation capacity. That has leveraged private investment from across the community, private investment that has been put on the table to deliver a community good. We have done that in an average pass-through cost of just $27 a year for the average household, somewhere in the region of just over 50c a week.

We have created jobs through that scheme. We have driven innovation and efficiency. And that efficiency has particularly been evidenced by the drop in cost which we saw towards the end of the feed-in tariff scheme where the installers were basically saying that when the scheme started off it took a feed-in tariff of around 50c a kilowatt hour to make the systems viable but, by the end, the installers were arguing to members of the Assembly—and I hear they argued to all the parties in this place—that a feed-in tariff of 25c a kilowatt hour would in fact make the continued installation of systems viable. So that is half of what the feed-in tariff started off at and, I think, underlines the efficiencies that were derived by the industry in the ACT as they increased their capability and increased their expertise. It was obviously also assisted by the federal scheme and the very significant increase in production. But all of these things go together as part of building an industry and building a new way of generating our energy supplies.

I think all of those points that I have just made underline the fact that I believe the small-scale feed-in tariff scheme was particularly successful. I think there were some problems with it in the end. Certainly the federal government‟s alteration of the multiplier had a significant effect of accelerating the scheme in the ACT and I think this was exacerbated by the fact that when the ICRC recommended a drop in the feed-in tariff the minister declined to follow that advice. And I think that was unfortunate. I

think these series of factors really led to a very unfortunate finish to the scheme. I also think that the decision by the Labor and Liberal parties in this place to cap the scheme also created, as I have said in this place before, an artificial barrier that created a most spectacular and unfortunate ending to that scheme.

But I think the success of the scheme demonstrates that the ACT community embrace the idea of solar and renewable energies and they are keen to be part of it. As I have touched on, the volume of private and personal investment that went into that scheme is a testament to that community desire to see a change in the way that energy is generated in and for this territory.

I do note—and it was interesting to see—in last week's annual reports hearings the Environment and Sustainable Development Directorate included the figures up to 30 June for the number of installations per suburb. There has been a bit of a sense that, if I might be colloquial for a moment, the toffs of Red Hill were the ones ripping off the poor burghers of Belconnen because they were ripping all of this money out of the feed-in tariff scheme. The figures really tell a very different story.

The table, which is on page 225 of the annual report, has a suburb-by-suburb breakdown. I have referred to some of these before but it is interesting to reflect that the latest figures show Red Hill has 44 households who have undertaken installation, Deakin 46, Yarralumla 64, Forrest 14, Barton seven and Kingston five. These are the sorts of suburbs that have had that perhaps slightly negative aspersion cast on them. If you go just across the border into Curtin, you get 129. Going deep into Tuggeranong, there are 117 in Gordon, 84 in Conder and 79 in Banks. If you go out to Belconnen, there are 73 in Macgregor and 84 in Giralang. The numbers do vary from suburb to suburb but I think this disproves the general assertion that somehow the wealthy people of Canberra are the only ones benefiting from this.

What the figures actually show is that across Canberra our community know that we need to do it differently and they are prepared to put their money where their mouths are on that one. And I think that is a great reflection on the ACT community. That suggests to me that Canberrans will welcome the passage of this legislation.

I would like to turn to the specifics of the bill. There are several key features of the bill, to my mind. The first is that it creates the framework to release 210 megawatts of large-scale renewable generation, a very substantial contribution to creating a clean, green economy in this city, and ensures that our power comes from renewable sources. Secondly, the bill establishes an architecture for the so-called reverse auction, a process that should deliver the best deal for ACT customers and taxpayers. Thirdly, the bill delivers the necessary protections for the territory whilst providing certainty and a stable investment environment to encourage industry to come to this region.

These features really highlight the central focus the Greens have for this legislation. We believe it must ensure the delivery of significant renewable energy generation at the best possible price. That is what this bill is about, and we believe that the way it has been drafted provides the opportunity to deliver that. There is a level of discretion in the rollout of that legislation for the minister to, I guess, administer that process. We think that is a necessary flexibility because, as we have observed, just in the last

three years the market has changed quickly and it is perfectly reasonable for the minister to take on that responsibility, with the advice of his or her department, and those flexibilities in the legislation, having closely examined the detail, are ones that we think are reasonable.

We note that there are a series of points in the legislation for disallowance by the Assembly. That provides this parliament with an opportunity to curtail the minister‟s activities if we feel that they are unreasonable, and certainly I know my colleagues and I will be looking very closely at those decision points. We certainly would not want to find ourselves in the situation of having disallowed it, but I think there is an accountability there for the Assembly to hold the minister to account and to ensure that the territory does continue to get the best value for money.

I am optimistic about the price that the bids will elicit through this reverse auction process. As I touched on already, the small-scale industry has demonstrated the advances that can be made in efficiency and in price improvements, and I think the large-scale industry has the ability to deliver similar gains. Certainly the reduction in panel price has changed the economics of the equation substantially already and I think we will continue to see those benefits flow through.

The other thing that particularly attracts the Greens to this model is that the reverse auction should draw out both the most efficient and the most innovative industry players. And I think that is the real beauty of this model. What it says is that the government is not offering a price. The government is saying that it is intending to release a certain amount of entitlement to a feed-in tariff and through that process it invites people to essentially bid for that entitlement. What this will mean is that people will come forward with their various bids. They will put out the price they think will help them win that entitlement, and those who deliver the best deal for the territory will be the ones to win that entitlement.

In my mind, and certainly in discussions I have had with the government, that will not necessarily be the cheapest. We also need to take into account the reliability of the players, their ability to install, and so, as any procurement does, we will be weighing up a set of factors around reputation, capability to deliver, as well as price. And I think that that is an appropriate approach for the territory to take.

The other attraction in this of course is the 20-year fixed price, and I believe that this will offer great value to the territory and its residents as we go forward. Most of us accept—and I think somewhere in Mr Seselja‟s world he can control electricity prices—electricity prices will increase over the next 20 years. It is one of the few things we can probably guarantee. We have certainly seen it in other states where the price has gone up substantially. Here in the ACT we have been insulated against that to some extent by the fact that we have not had the necessity to so substantially upgrade our network infrastructure, which is what has driven a lot of the price increase in the other jurisdictions.

The prices will go up, and if the ACT has contracts for 20 years at a fixed price there is no doubt that somewhere down the track there will be a crossover point where the territory will be doing very well under those contracts and the residents of the ACT

will be thanking this Assembly for putting in place this legislation that saw us getting those economic benefits in 10 years time, 12 years time. It is not exactly clear when the crossover point will come, but it will come and the territory will be all the better off at that point for the decision we are set to take this week.

We do have some concerns about the legislation. There are some issues we have raised and we are having ongoing discussions with the government. We will be moving to adjourn the debate today so that we can come back on Thursday to finalise some of those amendments.

I have a particular concern about the restriction on the minimum size of the installation. At the moment the legislation requires a minimum of two megawatts. We understand that to be at the point of connection under the national electricity market rules. We do believe that that is an unnecessary restriction. As I have touched on already, the very rationale of the reverse auction process is to draw out the players to come and put the best deal on the table that they think they can offer. To our minds, the government needs to explain why, if a proponent can do a good price through, say, a series of 300 kilowatt systems or 500 kilowatt systems, this is not acceptable.

There have been some technical issues raised and I think these are serious issues. But I think that we need to upgrade our grid. There are clear advantages in decentralised systems. There are clear advantages in diversifying the way our electricity is provided. We are going to have to upgrade our grid at various points, and I think that that can help assist in overcoming the concern about having a series of smaller installations.

Perhaps even more important to me, having this restriction seems to preclude valuable roof space across this territory. We have a large number of roofs that cannot fit a two megawatt system onto them, and we will be ignoring that opportunity. I would rather see us, as a policy focus, filling up roof space before filling up the paddocks of the territory. There are a limited number of sites available in the ACT, and we should be harvesting those sites, particularly those roof spaces. Land is a really valuable commodity in this territory and rather than necessarily just taking up ground space through installation we should be first looking at our roof space. There are plenty of players, we gather, who are interested in taking that approach and that is the thing we should be looking for. So I will flag now that in the detail stage we will be moving an amendment to this effect.

I am concerned that—and this is the second point I want to raise—there is no obligation for the release of further tranches under this legislation. It is left entirely to the discretion of the minister. I accept at some level that is a positive for the territory and that we want to be able to control the timing and the release, but we will be watching very closely to ensure that further tranches are released and they do not simply disappear into the ether.

The third issue is one that Mr Seselja has touched on already, although without any sense of solution, and that is location. We are keen to see the installation of these facilities in and around the ACT. I think to simply keep it within the ACT borders is too narrow. As I have touched on already, we have a limit on space. We also, as members know, have a limit on wind resource. And I think it is important that we particularly ensure this capacity is open to other technologies.

We have suggested to the government that the Australian capital region may be an appropriate definition so that we actually still keep it in our region where I think we are increasingly operating on a regional basis. I think the region is an appropriate context to operate in. With the establishment of a wind farm at Crookwell or Lake George, the benefits still flow to our region and that is an appropriate context. I look forward to seeing the amendments on Thursday and continuing the discussion with the government on that one.

I should briefly comment on Mr Seselja"s entirely ideological speech that I believe demonstrates a complete lack of engagement in this legislation. The fact that the Liberal Party took a briefing on this late yesterday, I think, demonstrates the fact that actually they did not care really what the detail was. I think Mr Seselja"s speech was perhaps largely written before that briefing.

Anyone who does understand the legislation will appreciate, from some of the things he said, the lack of grip of the details was quite clear and frankly almost embarrassing. Some days it must be quite depressing to see the world through Mr Seselja"s eyes. It is a world that is fairly bleak and I think the complete lack of any suggestion of solutions or amendments underlines that lack of commitment to finding a better path forward.

In conclusion, I would like to thank the staff in the department for the detailed discussion we have had since this bill was tabled just a couple of weeks ago. Alan Traves and Jon Sibley have been very helpful in our discussions. The Greens support this bill in principle and I will be making some further remarks during the detail stage on those specific issues that I have flagged that are of interest to us.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.59): I thank Mr Rattenbury and the Greens for their support of this legislation.

Today I am proud to bring to the Assembly this landmark legislation that will set the standard for renewable energy generation across Australia and deliver upon ACT Labor"s vision of making Canberra the solar capital of our nation. This legislation presents the Assembly and the community with an opportunity—an opportunity to play our role in contributing to a more sustainable future, powered by renewable energy; an opportunity to reflect and implement the aspirations of our community to lead the nation in addressing the challenges of climate change; and an opportunity to move towards a cleaner energy future.

Electricity generation and its use are at the heart of our climate change challenge. It accounts for 63 per cent of our emissions and currently this electricity is overwhelmingly sourced from generators beyond our borders and is overwhelmingly powered by the burning of non-renewable fossil fuels, often heavily subsidised by governments and of course subsidised by future generations in terms of its environmental impact.

The only way to decouple electricity use from the production of dangerous greenhouse gas emissions is to move to renewable energy sources, and that is the

opportunity that this legislation presents today. The bill being debated today builds on the experience of numerous renewable energy support schemes undertaken in both Australia and abroad, including the expressions of interest process the government conducted in 2009 for the development of a 30-megawatt solar power facility. Through that process, the industry advised the territory that lower prices could be obtained by providing a fixed term feed-in tariff that provided revenue certainty for the generator, thereby reducing financial risks and lowering their costs of capital. Through that process we also confirmed that offering a firm and transparent support scheme would provide proponents with the confidence to invest in the development of quality and less conditional solar power proposals with firmer pricing, lower risk premiums and reduced implementation risks.

As a result the ACT Labor government committed to bring forward a large-scale feed-in tariff scheme to support up to 210 megawatts of renewable energy capacity with an initial release of up to 40 megawatts of solar energy to be awarded through a competitive auction process. Today the Labor government is delivering on its policy commitment.

The legislation builds on extensive consultation with industry and market regulators and on specialist technical advice. It represents a significant innovation in the way in which we can provide targeted assistance to renewable energy generators in a way that is efficient and effectively manages commercial and implementation risks for communities.

I want to address some of the criticisms of this scheme that we have heard from those opposite. In particular I want to draw to members‟ attention the absolute policy bankruptcy of the Liberal Party on this issue. We hear the Liberal Party assert that pursuing large-scale solar is an inefficient and costly scheme that cannot be justified. They go on to assert that this legislation means that large-scale solar may be built outside the territory and they go on to say that they do not support the development of large-scale solar here in the ACT.

The hypocrisy of the Liberal Party on this matter is absolutely astounding. I would draw to members‟ attention the policy released by Mr Seselja‟s Liberals on 10 October 2008. It is called “Cleaning up our ACT: Leadership on Climate Change”. What is the cornerstone of the Liberal Party‟s policy on this issue? I will quote from the policy, because it speaks for itself:

> The cornerstone of the policy will include the immediate commencement of a project to develop of Solar Power Plant at the heart of a Renewable Energy Park. A Canberra Liberal Government will go out to the market for expressions of interest in developing a solar power station. We will commit $13.4 million to establish the roadworks and the utility connections to the power grid, to make a centre viable for investors.

Contrast that with what Mr Seselja has been saying for the last four years—that large-scale solar is inefficient, that it is too costly, that it imposes pain on Canberra households, that the Canberra Liberals will not support it and they will not support this bill today. Their hypocrisy is clear on this issue. At the last election they went to

this community and said, "We believe that large-scale solar is essential." Let me highlight a bit more what they said:

> Canberra is a city blessed with high levels of sunshine all year round …
>
> Canberrans are enthusiastic early adopters of new technology, and there is a great opportunity and increasing desire for us to take a leadership role in the development of renewable technologies …
>
> Our vision is to establish a renewable energy centre of excellence—the ACT Renewable Energy Park—with a large solar power plant at its heart.
>
> A Canberra Liberal Government would partner with leaders in the field to support the development of a solar power plant, preferably a base load plant, which would provide renewable energy for a substantial proportion of Canberra"s energy needs.

Whatever that means; "substantial", though, must be pretty big; it must be a pretty big power plant.

Today they are presented with the opportunity to support legislation that will deliver a large-scale power plant, renewable energy power plant, for this city. And what are they going to do? They are going to vote no. They are going to oppose this scheme. They are going to oppose a piece of legislation that allows the implementation of large-scale solar in this city, in direct contrast to their policy—the hypocrisy, the political and policy hypocrisy, of those opposite is laid bare.

Only the Labor government has demonstrated its ongoing and consistent commitment to the delivery of large-scale solar for this city. Only the Labor government has shown the courage of its convictions and put on the table of this place nation-leading legislation that will deliver large-scale renewable energy plants for our community. We are proud of that work and we urge the Assembly to support it today. In particular we urge the Liberals to have the courage of the convictions they expressed so eloquently on 10 October 2008 and make Canberra the solar capital. It is in their policy: "Solar Canberra: Creating a Centre for Excellence in Renewable Energy in Canberra." There it is; and where is their commitment today? They have none and they are politically bankrupt as a result.

This legislation builds on extensive consultation, and market regulators and specialist advice. It represents a significant innovation in how to provide targeted assistance to renewable energy generators in a way that is efficient and that effectively manages commercial and implementation risks. The government has determined that unlike small-scale schemes any obligation on local electricity retailers to purchase their power from large-scale solar generation proponents could lead to significant distortions in the retail electricity market, undermining competition and threatening future market development.

Micro and medium feed-in tariff standing offers are supportable by retailers because the retailer usually has an existing customer relationship with the person installing the generator. The instantaneous generator output is of a similar quantity and variability

to the instantaneous load connection point and schemes do not significantly disadvantage a retailer relative to its competitors. Conversely, retailers may not be willing to purchase electricity from large-scale facilities as the output of the generator is many times larger than micro generators, creating substantial commercial imposts associated with the provision of subsidy support payments and/or the output of large facilities is not easily assigned to retailers in proportion to their share of supply, creating substantial commercial risks associated with the retailer‟s participation in wholesale spot markets and contract markets.

In response to these issues and the unique circumstances of the ACT, a first of its kind feed-in tariff has been developed to deliver large-scale renewable energy generation to the ACT while minimising these risks. Under the legislation a fixed feed-in tariff granted to the generator is constituted by two variable components: the value obtained by the generator through selling this electricity on the national market, and a price support payment paid by the distributor topping up this value to an agreed maximum level.

The legislation does not prescribe the terms of sale or interfere with the commercial or technical operation of the generation or otherwise interfere with the usual energy market operation. As a result we have a piece of legislation which provides a high degree of certainty.

I want to address a number of the other critiques made by the Liberal Party. First of all we heard from the Liberal Party that a large-scale feed-in tariff may see development occur outside the territory. In fact this is not the case and indeed in relation to the first tranche auction it is very clear that the terms of the tender, the terms of the auction, require that the first 40 megawatts be developed explicitly within the ACT. It is, however, sensible to make provision potentially for some development to occur outside the ACT at some future time if there is a paucity of sites in the ACT suitable for large-scale facilities. We are a geographically confined jurisdiction and we do have some limitations on available land. But we do not envisage this being an issue for the first auction; indeed the first auction will explicitly require that development occur in the ACT.

It is also worth making the point, conscious of the claims of those opposite, that the large-scale feed-in will be additional to other emissions reduction activities through the surrender of renewable energy certificates. That means we get real environmental benefit. We get abatement over and above other emission reduction activities. The auction process will establish costs under value for money criteria. The government is not obliged to accept any price if significant benefits to the territory are not proven.

The other point that is worth making about this is that, as electricity prices continue to rise as a result of carbon pricing and as a result of demand, the generation of renewable energy through solar power plants will become more and more cost efficient. The government, through this reverse auction process, is developing a mechanism to ensure that as the wholesale price of electricity rises the feed-in tariff falls as the wholesale price grows, because the return by the electricity generator reduces.

If those opposite really had any serious commitment to addressing the issue of affordability they would recognise that this is the mechanism that makes it happen; they would support legislation that drives down the subsidy as the cost of electricity increases. But they are not even prepared to support the legislation on that basis. What do they say they will do? All they are saying they will do is build a large-scale solar power plant capable of powering a substantial proportion of Canberra"s homes. But they have no pricing mechanism in place, they have no legislative response in place and they have no detailed costing in place. All they have is the hypocrisy of saying, "We want to build large-scale solar but we oppose this legislation." They have no credibility on this issue whatsoever—no credibility whatsoever.

In contrast, ACT Labor is proud to be putting this legislation on the table today. It means the creation of the solar capital in the ACT and I commend the legislation to the Assembly. *(Time expired.)*

Question put:

That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Sitting suspended from 12.20 to 2 pm.

Questions without notice

Hospitals—waiting times

MR SESELJA: My question is to the Minister for Health. According to the Australian Institute of Health and Welfare report *Australian hospital statistics 2010-2011: emergency department care and elective surgery waiting times*, the ACT now has the longest emergency department waiting times and the longest elective surgery

waiting times in the country. Minister, given that you have now been minister for six years, do you take responsibility for the ACT achieving the longest emergency department waiting times and the longest median elective surgery waiting times in the country?

MS GALLAGHER: I thank the Leader of the Opposition for the question. Yes, I do take responsibility for the wonderful public health system that we have here in the ACT, including the incredible performance that emergency department staff are putting in across both our public hospitals; and the committed staff in both the public and private systems are working to improve our elective surgery performance.

One thing that is interesting in the report that Mr Seselja quotes so gleefully from—because nothing gives the opposition more pleasure than the ACT scoring poor performances in national data sets; we notice how much excitement the opposition has—is that if you actually read the Australian Institute of Health and Welfare report closely you will see that in relation to elective surgery there are very different ways that jurisdictions manage their waiting lists. For example, I think about 10 per cent of New South Wales category 3 patients get their surgery within five days. That is people that are classified in the category where you must have your surgery within 365 days. Ten per cent of them are getting it within five days, which would lead some to believe that perhaps they only go on the list when they have got a date for surgery and then they are removed from the list very quickly. What the AIHW report shows is that you cannot in elective surgery measure apples with apples. No other jurisdiction is actually reporting as we report, which is that people go on the list regardless of whether they have a date for surgery or not. Indeed, if they require two operations, they remain on the list.

In relation to emergency department figures, I would ask that the Leader of the Opposition go and have a look at the WA performance report for major metropolitan hospitals and what that shows. That actually shows that a busy metro hospital like the two that run in the ACT is delivering worse outcomes—40 per cent timeliness as opposed to the improvements that we are seeing in our emergency departments here. Again, when you measure like with like, you get a totally different story.

Wouldn"t it be nice if those opposite actually recognised the hard work that is being done in our public hospitals to continue to provide excellent service to the ACT community? Indeed, I was contacted by one of the emergency department specialists last week bemoaning how awful it is to constantly read in the paper that we have the worst emergency department in the country—

Members interjecting—

MR SPEAKER: Thank you, members.

MS GALLAGHER: And how much that impacts on staff morale. I think that we need to be starting to talk about all the good things that are happening in our hospitals and seriously acknowledge that AIHW"s reports do not measure apples with apples.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, according to the report, the median waiting time for Canberrans in the emergency department is 40 minutes and in New South Wales it is 19. Are you responsible for Canberrans waiting twice as long as New South Wales residents?

MS GALLAGHER: Again, going on the discussion that we have just had, I do take responsibility for all aspects of the ACT public hospital system. But I would also draw to members' attention the fact that the ACT, unlike New South Wales, does not have small country hospitals which may have only one or two presentations or a handful of presentations to their emergency departments each day. That actually improves their average waiting time.

I know Mr Smyth understands that. I know, indeed, that all of them over there understand that. A jurisdiction like the ACT, where both of our hospitals are incredibly busy, where Calvary hospital this year alone has seen increases in the order of seven per cent in its presentations every day, are actually improving their timeliness. That is what we are seeing. The latest result at Canberra hospital is absolutely astounding and shows a significant improvement in waiting times.

Mr Hanson: That's not true.

MS GALLAGHER: It is true, Mr Hanson. As much as you do not want to believe it, both emergency departments are improving their timeliness in the latest data that I have seen, despite Calvary having a seven per cent increase in their presentations and Canberra having an increase in the order of three per cent.

A lot of work is being done to continue to improve it, but the ACT will never, I think, be able to compete on a national data set where there are small hospitals which allow larger jurisdictions to improve their performance. Go and have a look at WA. It just makes my point. It is all there; it is on their website. You can see the country and regional EDs and, when measured against the metro, it shows the difference that exists in ED performance.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, our health staff are dedicated and committed. Why are they not provided with adequate support to ensure that they can achieve best health performance measures in the country?

MS GALLAGHER: They are.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Through you, to the Chief Minister: acknowledging that on a daily basis the emergency department—

MR SPEAKER: Preamble, Mr Hargreaves.

MR HARGREAVES:—saves lives, including my own, would the minister please tell us what feedback she has received from the Canberra community on the performance of the emergency department?

Mr Seselja: Only the good stuff.

MS GALLAGHER: No, it is not only the good stuff, thank you, Mr Seselja. I get a range of feedback from people who have used the emergency department. Some of it will be concerns around the wait involved. Some of it will be around not seeing a doctor, maybe seeing the physio. Some will be around the system of triaging and admin that operates there.

Yes, I do also get compliments because it is a first-rate public health system and people who are treated at the emergency department get access to an excellent standard of care. Yes, I get a range of feedback. I think the hospital has worked very hard, from the executive director level down, to make sure that where feedback is provided, patients and their families who have used the emergency department are provided with an adequate response, even if that response is: we had 190 people present on that day. We had two car accidents. We had someone flown in from the coast on SouthCare and yes, that did impact on the timeliness with which you were seen. But I would believe that most people, including everybody in this place, would understand that those who are in most urgent need are treated first in an emergency department setting.

Superannuation funds—ethical investments

MS HUNTER: My question is to the Treasurer and concerns the way the territory is voting in shareholder resolutions. Minister, you recently answered a question I asked on notice about the way the territory voted on a number of resolutions put by shareholders at annual general meetings. In that answer you indicated that the territory had voted against a resolution put to ExxonMobil to amend its written equal employment opportunity policy to explicitly prohibit discrimination based on sexual orientation and gender identity or expression. Minister, why did the territory exercise its right as a shareholder in this way?

MR BARR: I thank Ms Hunter for the most predictable question of question time this week, with the forewarning of issuing a press release on this topic. I note Ms Hunter‟s concern in relation to these matters. I am advised that there are many thousands of these sorts of resolutions that are put before shareholders across the world each year. So it is simply not possible for me as Treasurer to be able to issue voting advice on every single resolution that is possibly moved by shareholder activists across every single company in the world that from time to time the ACT government, through its superannuation portfolio, may have investments in.

With this particular vote, had I had the opportunity to exercise a personal influence, there is a question here, of course, that goes to the heart of the Assembly committee

inquiry. I note they reported today, and I will look forward to being able to examine the detail of the report and the recommendations made. There are clearly a number of issues that we have to consider. Firstly, the question of whether the personal views of the Treasurer of the day should be taken into account in the voting across all of these issues is indeed a question that we need to consider. I do not think, Ms Hunter, that it is fair to suggest that I in some way authorised this vote, given I was not aware of it. But there is also a question as to whether it really is appropriate for the views of the Treasurer of the day to be taken into account.

I have a broader perspective on these matters and recognise the complexities of the issues that are raised. I look forward to reading the detail of the committee"s inquiry into these specific matters and think, in the context in which this issue is raised, that it is appropriate that we take the time to examine the Assembly committee report"s findings. In terms of the cheapness of the political point that I think is trying to be scored, I think those who are aware of my record on issues of discrimination would find this to be perhaps just a little childish.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Treasurer, in what circumstances is it acceptable to discriminate against people based on sexual orientation and gender identity or expression when making employment decisions, and what message does this send to the community?

MR BARR: In the context of Australian law, and particularly as it relates to government employment, I do not believe in any circumstance. But I do recognise that in the context of existing Australian law and indeed in a large amount of international law there are exemptions in certain circumstances for private organisations.

MR SPEAKER: A supplementary, Ms Le Couteur.

MS LE COUTEUR: Minister, has your directorate acted consistently with their obligations under section 40B of the Human Rights Act which provides that it is unlawful for the territory to act in a manner incompatible with a protected human right?

MR BARR: I understand that that is the case, that the territory has acted on that basis, but I am happy to seek some further clarification on that matter. And if my initial answer is incorrect I will advise the Assembly.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: What action does Treasury take when they become aware that the territory has supported the breach of a protected human right and what action do you intend to take to ensure that, should this resolution be put again next year, the territory supports it?

MR BARR: I think I have answered this question in relation to the initial question from Ms Hunter. I will examine the recommendations of the Assembly committee but, again, I make the point that I think this is a fairly tawdry exercise from the Greens in

relation to this matter and, frankly, I am a little disappointed that they would go down this childish path.

Education—priorities

MR HARGREAVES: My question is to Minister Bourke in his capacity as Minister for Education and Training. He promises to be the best education minister since Andrew Barr.

Opposition members interjecting—

MR SPEAKER: Thank you, members. Order! Mr Hargreaves has the call.

MR HARGREAVES: Thanks very much, Mr Speaker. That took 15 seconds for those people to make geese of themselves—

MR SPEAKER: Mr Hargreaves, the question, thank you.

MR HARGREAVES: Fifteen seconds—a bit slow.

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: Can the minister advise the Assembly on his priorities as Minister for Education and Training?

DR BOURKE: I thank Mr Hargreaves for his question. I am particularly excited by my portfolio responsibilities. Of course my primary responsibility will be as Minister for Education and Training but I can see great opportunities for developing linkage between all four of my portfolio areas.

As Minister for Education and Training I believe that we must use our existing assets in the knowledge economy to build the clever capital where ideas are grown and then marketed to the world.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth! Order! One moment, Dr Bourke. Stop the clocks, thank you. Mrs Dunne.

Mrs Dunne: On a point of order, Mr Speaker, I seek your guidance on whether it is appropriate to ask a minister what his personal priorities are. Any minister is responsible for the administration of his portfolio but I am wondering whether it is appropriate to ask about the priorities.

Government members interjecting—

Mrs Dunne: Not government priorities; his priorities.

Mr Hargreaves: On the point of order, Mr Speaker, when a minister is appointed under the AAOs, the minister has no personal views; they are the views of the government of the day. And when we have a new minister the community is entitled to know the government of the day"s priorities—have they changed or have they not? So my question to the minister is: what are those priorities?

MR SPEAKER: There is no point of order. Minister Bourke, you are free to continue with your answer.

DR BOURKE: Thank you, Mr Speaker. As Minister for Education and Training I believe that we must use our existing assets in the knowledge economy to build the clever capital where ideas are grown and then marketed to the world. Just this week we have seen media coverage about the development of knowledge and business innovation in the ACT. Canberra is uniquely placed to do this as it is home to at least five universities, depending on how you count, the CSIRO as well as other research institutions, and the Canberra Institute of Technology.

Education is about more than the tertiary sector. One of my priorities is to see continued innovation and choice for families. We now have public schools in the ACT which offer early childhood education and care, preschool and junior primary school. Playgroups and parent groups are also supported. We have started a seamless approach to education from cradle to work, and I want to ensure that we continue to meet the emerging needs of families.

Our P-10 schools offer continuity. Students are able to complete their primary and high school education with the same cohort of peers. For many students the transition from primary to secondary is more stable and secure. It is a feature which many parents find attractive in Canberra and it has always been available to those attending some non-government schools. It is now a part of Canberra"s public school system and adds to the options available for families, providing diversity and choice.

Another priority is continuing the good work that has already been done in helping to close the gap in educational outcomes for Aboriginal and Torres Strait Islander students. I am pleased that the portfolio of Aboriginal and Torres Strait Islander Affairs is also one of my new responsibilities. I look forward to continuing the work of the previous minister Andrew Barr and working with the education directorate, schools, principals and teachers to continue to deliver the best public education system in the country.

I also acknowledge the excellent work done in non-government schools and will continue to foster interactions between the two systems.

MR SPEAKER: Supplementary, Mr Hargreaves.

MR HARGREAVES: Minister, since you mention closing the gap as one of your priorities, what is the ACT doing about closing the gap in educational outcomes between Aboriginal and Torres Strait Islander students and non-Aboriginal and Torres Strait Islander students?

DR BOURKE: I thank Mr Hargreaves for his supplementary. In 1997 the ACT government established an Indigenous education consultative body. I joined this body because of my commitment to the improvement of educational outcomes for Indigenous children, and I still have this commitment. My priorities for Aboriginal and Torres Strait Islander students include increasing their attendance rates and ensuring that their school experiences are positive. I have begun discussions with the directorate in this regard.

In the ACT Aboriginal and Torres Strait Islander students continue to out-perform the mean for Australia in literacy and numeracy, but the gap between Aboriginal and Torres Strait Islander students and other students remains. Similarly, in the ACT Aboriginal and Torres Strait Islander students continue to complete year 12 at the highest rate in Australia, but the achievement gap persists. I am pleased to see that there is a trend to increasing retention for ACT Aboriginal and Torres Strait Islander students from year 10 to year 12, but I am concerned that the attendance rates for Aboriginal and Torres Strait Islander students are below those of other students. This is where I want to focus my attention.

MR SPEAKER: A supplementary, Ms Porter.

MS PORTER: Minister, what initiatives are already in place to encourage students from an Indigenous background to progress to university?

DR BOURKE: The ACT government currently provides scholarships to students in years 11 and 12 who wish to progress to university to pursue a career in teaching. It also offers three university scholarships to year 12 graduates to undertake a teaching degree. I have been advised that this year six scholarships have been awarded to students starting year 11 in 2012. This is a total of 11 scholarships to support students with their college education. The scholarship recipients are able to provide a mentoring role to younger Aboriginal and Torres Strait Islander students and provide them with role models. Three scholarships of $10,000 each have also been awarded to Aboriginal and Torres Strait Islander students who are currently involved in teaching degrees at Canberra University. These complement the scholarships available to Indigenous students at the CIT through the Yurrana centre. I plan to encourage other areas to offer similar scholarships.

Mitchell—chemical fire

MR SMYTH: My question is to the Minister for Police and Emergency Services. Minister, there were concerns about the process used to promulgate the emergency alerts during the chemical fire emergency in Mitchell in September this year. In a written answer to a question asked of you on 16 November 2011, you said 14 ESA staff and two ACT Policing staff have completed training in the standard operating procedures for emergency alert. You also said that one emergency alert operator was on duty on the night of the incident. Minister, was the emergency alert operator on duty at the ESA headquarters on the night of the Mitchell chemical fire emergency and, if not, where was that operator on duty?

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

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, why was the emergency alert operator located at a private residence and not at the ESA headquarters during the Mitchell chemical fire emergency?

MR CORBELL: I do not know whether they were or not. I have said I will take the question on notice and provide an answer to the member.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: Keep your head in the sand, Simon. Minister—

MR SPEAKER: Mr Seselja, you can withdraw that and then start your question again.

MR SESELJA: I will withdraw. Minister, what is the policy of the ESA in relation to the location of staff who have been trained in the standard operating procedures for emergency alert?

MR CORBELL: It is an operational matter for the ESA. I am happy to take the question on notice and provide an answer to the member.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, why does the ESA"s policy permit staff who are trained to operate the emergency alert to be on duty at other than the ESA"s headquarters?

MR CORBELL: I am not going to rely on what Mr Seselja says is the situation. I am going to seek advice from the ESA on their operational policies and provide an answer to the member.

Alexander Maconochie Centre—prisoner tattoos

MR HANSON: My question is to the Minister for Health. I refer to your latest plan for the prison where you propose free tattoos for prisoners. In the *Canberra Times* article titled "Push for free tattoos", at ACT jail, published on 26 November 2011, it is stated that a professional tattooist may be used. Minister, would the Rebels or another outlawed motorcycle gang be eligible to tender for this service, given their dominance in the field of professional tattooing in the ACT?

Mr Hargreaves: Point of order.

MS GALLAGHER: The usual—

MR SPEAKER: One moment, Chief Minister. Stop the clock, thank you.

Mr Hargreaves: Mr Speaker, I wonder whether your ruling is that—

MR SPEAKER: Sorry, Mr Hargreaves. Start again.

Mr Hargreaves: I seek your ruling on whether that question is seeking a hypothetical response from the Chief Minister.

MR SPEAKER: There is no point of order. I think the Chief Minister has the relevant decision-making power here to set the criteria, so the question can proceed.

MS GALLAGHER: Thank you, Mr Speaker. I draw Mr Hanson"s attention to the fact that this should not have come as a surprise to the opposition, if it has, because it was a recommendation of the Hamburger report. Investigating a regulated tattooing service, Mr Hanson—

Members interjecting—

MS GALLAGHER: You ask a scaremongering, pathetic question. You could at least give me the respect of allowing me to actually answer it. We know what you are about, Mr Hanson. We know that you are the head in the sand and do not want to deal with tough issues that might make you have to take a stand, have to stand for something—

Members interjecting—

MS GALLAGHER: Oh, there; he is standing for something. Maybe you will tell us.

Mr Hanson: Mr Speaker, you asked Mr Seselja to withdraw the phrase "head in the sand". I seek that you apply the same ruling here.

Mr Hargreaves: On the point of order, Mr Speaker.

MR SPEAKER: Yes.

Mr Hargreaves: I am fairly well acquainted with those unparliamentary phrases and I do not recall that anything about sticking one"s head in the sand is on that list.

Members interjecting—

MR SPEAKER: Order, members! Mr Hargreaves, resume your seat. There is no point of order. Members are well aware that the use of a certain phrase is very much about how it is used, the timing used and the tone in which it is used. It is quite clear from factors—

Members interjecting—

MR SPEAKER: Order, members. Ms Gallagher has the floor.

MS GALLAGHER: Thank you, Mr Speaker. If it assists with those opposite, I will withdraw the reference to "head in the sand", but I would then go on to say that Mr Hanson"s position on blood-borne virus management in a correctional setting is one where he refuses to acknowledge the seriousness of the issue. One of the responses that I have as minister is to actually deal with these issues—even if there might not be agreement, even if there actually are difficult issues to grapple with—

Mr Hanson: Point of order, Mr Speaker.

MR SPEAKER: One moment, Ms Gallagher. Stop the clocks, thank you.

Mr Hanson: Could you stop the clocks, thanks.

MR SPEAKER: Mr Hanson, I will decide when the clocks get stopped. Thank you for your free advice.

Mr Hanson: I asked that the clocks be stopped while there was the time to do so.

MR SPEAKER: You do not need to ask. It is fine. Just continue—

Members interjecting—

MR SPEAKER: Order! Let"s just go to the point of order.

Members interjecting—

MR SPEAKER: Order! Sit down for a moment, Mr Hanson; I will come back to you. Mr Seselja, I do not appreciate your running commentary. If you have a point to make, stand on your feet and have the decency to say it openly.

Mr Seselja: I seek your ruling as to what Mr Hanson did wrong.

MR SPEAKER: I simply suggested to Mr Hanson that it is at the Speaker"s discretion whether the clocks get stopped or not. I had already called for the clocks to be stopped; I do not need guidance from Mr Hanson every time he thinks I should be stopping the clocks. That was the observation I was making. It was not a ruling; you know that as well as I do. Mr Hanson, you have the floor for your point of order.

Mr Hanson: My point of order is on relevance. The question I asked is about whether the Rebels would be eligible to conduct the tattooing. It is not about the relative merits or not of the actual program that the minister is—

Members interjecting—

MR SPEAKER: Minister, could you also address Mr Hanson"s specific point in your response, thank you.

MS GALLAGHER: Thank you, Mr Speaker, and I am getting there. Before the opposition start their campaign against the tattooing service or investigating regulating a tattooing service, I think again we need to put the facts on the table. There is a serious issue around hepatitis C at the jail. It requires a comprehensive blood-borne virus management strategy. Some of that may be met through a safe exchange program for needles; some of it will be around education for staff; some of it will be around education for prisoners; some of it will be making staff accountable for blood-borne virus management within the jail. Some of it may be dealt with through a regulated tattooing service. Based on the information we have, we are aware that needles are being used as tattoo guns and that that is presenting considerable risk to prisoners within the jail, with very high levels of hepatitis C. We know that of those tested, of those who participated in a screening test, about 60 per cent test positive for hepatitis C—

Mr Hanson: Mr Speaker—

MR SPEAKER: Order! One moment, Chief Minister. Stop the clock, thank you. Yes, Mr Hanson.

Mr Hanson: On an earlier ruling, I asked—

MS GALLAGHER: I am coming to the point.

Mr Hanson: I ask that she does that.

MR SPEAKER: Chief Minister, you only have 39 seconds left. Could you respond to Mr Hanson"s specific question, thank you.

MS GALLAGHER: I would have about a minute and 39 seconds if I had not had all the points of order raised. If the government decides to implement a safe tattooing service at the jail, there would be a very clear and thorough proposal put about how that was to be run. I would suspect that background checking on who would be able to perform that would form part of the due diligence of implementing a program like that.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: The cost of an average tattoo ranges from $100 to $700. Who will bear the cost of paying for a professional tattooist of this amount per prisoner who is tattooed?

MS GALLAGHER: It does appear that Mr Hanson has spent more time researching tattoos and the cost of tattoos than he has the cost of hepatitis C on the community and the impact that actually has, because you will find that that is quite a bit more than the tattoo. The government is investigating the possibility of looking at a regulated tattooing service. Of course the costs of that would be clearly identified, they would be transparent and it would be a matter that would be discussed here in the Assembly.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, in the article you stated that there is a problem with prisoners branding themselves with gang affiliations. How will you control what tattoos prisoners receive?

MS GALLAGHER: No, I do not think I said there is a problem with prisoners doing it. I said we would have to examine potential problems with implementing a safe tattooing service such as this—not that this was happening but that this would be something that we would look at as part of a decision about whether or not it could or should be implemented at the AMC as part of a blood-borne virus management strategy.

I do not know how many meetings Mr Seselja has had around a needle and syringe exchange program, how many Mr Smyth has had or indeed how many Mr Hanson has had. But I have had many meetings on this, and with public health experts. Indeed a highly respected infectious diseases expert has put to me that we should look at this as part of our response and that it may have as good effect as a needle exchange program. But one thing I will not do is be bullied by the crazy hysteria of those opposite into saying that this is something that is too hard to tackle.

Opposition members interjecting—

MR SPEAKER: Thank you members. Order!

MS GALLAGHER: I tell you, Mr Hanson—

Opposition members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: it might be easy for you to start talking about bikie gangs and all the rest of it; it might be really good for you, Mr Hanson, but it will not deal with the issue at the jail.

MR SPEAKER: Members, you know my views. The Chief Minister should not be shouted down. Have you finished, Chief Minister?

MS GALLAGHER: Thank you, Mr Speaker.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, will ACT Health—

Mr Hargreaves: On a point of order, Mr Speaker, you asked Mr Smyth, with time to run left on the clock, whether he wished to continue. He stood up and then said, "A

supplementary." You did not give the rest of the chamber an opportunity—

MR SPEAKER: I think you misheard me, Mr Hargreaves. I actually said, "Chief Minister, do you wish to continue?" and she said no.

Mr Hargreaves: I did rise on my feet earlier on, Mr Speaker, to seek the opportunity for a supplementary.

MR SPEAKER: I have given Mr Smyth the call, Mr Hargreaves.

Mr Hargreaves: I wish to register that protest with you, Mr Speaker.

MR SPEAKER: Mr Smyth, you have the supplementary.

MR SMYTH: Minister, will ACT Health bear the cost of treating any prisoners suffering from infected tattoos?

MS GALLAGHER: ACT Health currently meets the costs associated with infections in prisoners for a variety of different sources and reasons. They are the health provider at the jail. They also fund the considerable cost—not only the cost for the places on the program but the management of all prisoners at the jail, including the large number who have hepatitis C. They are all costs that the ACT community pays through the health system, and that should be no surprise to those opposite.

Planning—Kingston foreshore

MS LE COUTEUR: My question is to the Minister for Environment and Sustainable Development and concerns development along the Kingston foreshore. Minister, on 14 November you issued a regulation to exempt third party appeals from a precinct within the Kingston foreshore. Why has the Kingston arts precinct been included in the exemption area, given that last sitting period, on 16 November, you stated that the exemption was about commercial rivalry?

MR CORBELL: In determining the regulations, I took the view that it was appropriate to include all of the Kingston foreshore development area.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: Minister, is the reason that you have not presented the third party appeals exemption regulation to the Assembly yet to stop potential appeals of the recently approved DAs for Quayside and the Fitters Workshop?

MR CORBELL: I am required to table the regulation within a prescribed period of time—that is what I will be doing—and the answer to the rest of Ms Le Couteur's question is no.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what consultation and coordination is undertaken by your directorate with the LDA to ensure that any approved developments are consistent with LDA contractual and lease conditions for the Kingston foreshore area?

MR CORBELL: Appropriate interaction exists between the two government agencies in relation to that matter.

MS BRESNAN: A supplementary.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, given that the Kingston arts precinct master plan has not yet been finalised, is it appropriate that third party appeals for the area have already been precluded?

MR CORBELL: The two issues are not related. I note that the Greens are concerned about this issue, but of course it was the Greens that left a fabulous community arts centre, Megalo, to hang out to dry. The Liberals and the Greens left Megalo to hang out to dry when they decided to stop Megalo moving into the Fitters Workshop at Kingston. The Greens took action that meant that Megalo has had to cancel a whole range of very important activities.

Ms Bresnan: A point of order.

MR SPEAKER: Yes, Ms Bresnan. One moment, minister.

MR CORBELL: It is directly relevant, Mr Speaker.

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

Ms Bresnan: My question was actually about the master plan and if it was appropriate for third party appeals for the area to have been precluded.

MR SPEAKER: Minister, it has been suggested to me that you are reflecting on a previous vote, which I am sure you are not seeking to do. It would be unfortunate if you did.

MR CORBELL: I am not reflecting on the vote, Mr Speaker. I am simply making the point that a decision by the Greens to refuse Megalo moving into the Fitters Workshop had a direct impact on Megalo. And there is no doubt about that.

In relation to the question that has been asked of me, the answer is that, yes, it was entirely appropriate to exclude third party appeals in that area. But that does not preclude community consultation. That does not preclude community notification. It is a great pity that the Greens did not engage in that sort of consultation and notification themselves before they decided to shut out Megalo from the Fitters Workshop.

Mitchell—chemical fire

MR COE: My question is for the Minister for Police and Emergency Services. Minister, during the hearing of the Standing Committee on Justice and Community Safety on 7 November you told the committee that no-one had raised with you any issues about the personal protective equipment which was available for ambulance officers at the Mitchell fire. Minister, did staff or a union raise their concerns with you about the availability of personal protective equipment for ambulance officers during the Mitchell chemical fire emergency?

MR CORBELL: Not that I can recall.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, you told the standing committee that this concern had not been raised with you. Are you sure that this is the case?

MR CORBELL: It sounds like it is one of those trick questions. I can only give a truthful answer. It is: not that I can recall.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, what are your reasons for attempting to downplay the concerns of ambulance officers about the availability of personal protective equipment during the Mitchell chemical fire emergency?

MR CORBELL: I did not play it down. I was asked a question: had the issue been raised with me. I said, "Not that I could recall."

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, will you now check your diary to see whether you have had meetings to discuss such an issue and, if so, will you then correct the record?

MR CORBELL: I love how I have to correct the record in advance of checking the facts. My answer has been consistent throughout. I cannot recall—

Opposition members interjecting—

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

MR CORBELL: I cannot recall any—

Mr Coe interjecting—

MR SPEAKER: One moment, Mr Corbell. Stop the clocks, thank you. Mr Coe, you are now warned. I just asked to be able to hear the minister and as soon as he started again you shouted straight across the chamber. You leave me very little choice. Minister, do you have anything further to add?

MR CORBELL: No.

Hospitals—waiting times

MR DOSZPOT: My question is to the Minister for Health. The ACT emergency department report card August 2011—

Members interjecting—

MR SPEAKER: Order! Let us hear Mr Doszpot's question.

Mr Barr interjecting—

MR SPEAKER: Order, Mr Barr, thank you.

MR DOSZPOT: Mr Barr, it is going to be wonderful if I can ask some other questions later but I will take my time—

MR SPEAKER: Mr Doszpot, thank you, the question.

MR DOSZPOT: The ACT emergency department report card for August 2011, which you released on 30 November, shows that overall presentations to the emergency departments in the ACT seen within the clinically recommended time have decreased from the same period measured last year. Why has the number of patients being seen on time decreased in the ACT?

MS GALLAGHER: The government has agreed to release the report card, in addition to the elective surgery report card, to be very clear with the Canberra community about the performance of our two public hospitals. As members would be aware from reading the report card, there were some reductions in timeliness at Calvary hospital. We have been looking at those closely. It does appear that there are some data reporting analysis.

Mr Smyth: She has contradicted herself, has she?

MS GALLAGHER: No, I have not contradicted myself. If you look at the latest data that I have available to me, which is October—and it goes through some verification process before it is released—there is improvement from both public hospitals, indeed, building on the August 2011 report. That information will be released to the community when it has gone through the necessary processes. But the latest data—

Mr Hanson: A secret report.

MS GALLAGHER: Mr Hanson, are you alleging that there is something shonky going on with health data? If that is the interjection—

Mr Hanson interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: Is that what I just heard you allege?

MR SPEAKER: Order, members! Ms Gallagher, let us focus on the question.

MS GALLAGHER: The snide, constant interjections from those opposite are making serious allegations against the credibility of data used for health reporting. Mr Hanson just accused us of fiddling the data to make it look good, and I would say that if he is going to make those allegations, he should stand up and use any evidence he has to prove them or he should not make those allegations in the first place.

Mr Hanson: Is this a point of order?

MR SPEAKER: No. Mr Hanson, sit down. One moment. Stop the clock, thank you. Mr Hanson, when the Chief Minister has finished, you can avail yourself of standing order 46 if you feel the need. Chief Minister, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. In the year to October 2011, category 1, 100 per cent; category 2, 83 per cent, which is four per cent above last year's data at the same time; category 3, 60 per cent; category 4, 54 per cent; category 5, 80 per cent; and overall, all categories on target, 63 per cent. So there is significant improvement. There is an issue at Calvary which we have been working with Calvary to address because there was a noticeable decline in their performance, which you can actually see from the report card. But I think, overall, the EDs are well on track to meeting the government priority which we have established at 70 per cent of all presentations being seen on time.

Mr Smyth: On a point of order, Mr Speaker, under standing order 213, would the minister now table the document she was just quoting from?

MR SPEAKER: Chief Minister, do you have a document you were quoting from?

MS GALLAGHER: I am happy to provide members of the Assembly with the year-to-date figures to October 2011 on the emergency department performance. These are my private notes—

Mr Hanson: Oh, they're private.

MS GALLAGHER: No, I am not going to. The data, I will table. The data that I read out, I will table.

Mr Smyth: Just on the point of order, I will read the standing order in full:

> A document quoted from—

which is what the minister did—

> by a Member may be ordered by the Assembly to be presented; the order may be made without notice immediately upon the conclusion of the speech of the Member who has quoted from the document.

She quoted from a document. Under the standing orders, I am entitled to ask. I would now ask that the member table the document in accordance with the standing orders.

MR SPEAKER: Mr Smyth, you actually need to move a motion.

Mr Smyth: I will in a moment.

Mr Corbell: On the point of order, I note that the convention of this place, and indeed as is outlined in the members handbook, is that if ministers are referring to private notes then that is a convention that has been respected in this place. It was established by previous Assemblies that private notes should not be captured by the provisions of this standing order, and that has been the convention of this place. Even though, technically, the document can be ordered, the convention in this place is that it will not be ordered because it is private notes of the minister.

MR SPEAKER: Mr Seselja, on the point of order.

Mr Seselja: The minister is now making up conventions. The standing order is crystal clear. Mr Smyth has availed himself of the standing order. It is exactly for this kind of thing, where a minister is claiming something and having a go at another member. She should therefore be asked to table it. We can understand why she does not want to table it, but the standing order is crystal clear. She should now table the document she was quoting from.

MR SPEAKER: Members, my understanding is that this is not a decision for the Speaker. This is a decision for the chamber. What will happen now is that I will invite Mr Smyth to move a motion and the Assembly can debate that motion, if it wishes, and the Assembly can then vote on that motion as it wishes.

MR SMYTH (Brindabella) (2.45): I move:

> That Ms Gallagher (Minister for Health) table the document she was quoting from.

Mr Speaker, the standing orders are quite clear, and we just cannot stand in this place and make interpretations as Mr Corbell attempted to do. If Mr Corbell goes back to the *Companion to the Standing Orders*, he may find that what I have asked for is entirely within order. From my view here they are printed notes in the Chief Minister's question time briefing folder. They are not private notes that the Chief Minister has made. They are not notes that, from what I can see of them here, have

scribblings on them that would make them private notes. Therefore, within the context of 213, it is entirely appropriate to ask for those notes.

The purpose of this standing order is particularly for when a minister has access to information that the rest of us do not, so that we can verify that what the minister is saying is absolutely true. We have all been here, particularly when the previous Chief Minister, Mr Stanhope, was here, when he would read a single line out of a bit of legal advice that would suit his purpose, but on either side of it might be information that would change entirely the perception of what was being said.

The point here is that the Chief Minister, in her defence of the questions the opposition have asked, is not referring to the bulletin on hospital figures that was released last week or the week before; she is now quoting from figures that she has for the following months—so not the September figures but the October figures—that we do not have access to. If we want to verify what we are being told is correct then it is more than appropriate to ask for the document to be passed to the Assembly under standing order 213. It is what it was designed for.

The Chief Minister‟s rebuttal of Mr Hanson‟s question is "I‟ve got later data". But if you have got later data and you are sure of the accuracy of the data then you should table it. If you are not sure of the accuracy of the data, you should not use it. So the Chief Minister has put herself into a dilemma that I believe actually contradicts the ministerial code of conduct, where it says, "Ministers should take all efforts to make sure that the information that they present to the Assembly is accurate when they present it." It is not a matter of saying, "When we verify it later on in a process and choose whether or not to release that information."

So the Chief Minister has this bastion of "I‟ve got data" that she builds around herself to construct this castle of credit, as it were, to say, "Oh, you‟re all wrong because you‟re out of date, but by the way, I‟m not going to share the data with you because the data—

Ms Gallagher: That‟s not what I said.

MR SMYTH: Well, you have just said you will not table the document. So are you withdrawing that; you are going to table it now? So the Chief Minister contradicts herself again, Mr Speaker. And this is the dilemma for the Assembly. This is why this standing order was put in place. This is why this document should be tabled and we should not actually be having this debate at all. If you are going to come into this place and quote data that there is doubt over, when its reliability has not been guaranteed, when it has not been verified, you cannot use it as a defence and say, "Oh, I‟ll get it to you later." If you are going to use that data as a defence, you have to be willing to table it, because this place holds the ministry to account. This place, on behalf of the people of the ACT, is entitled to ask the questions that check whether you are doing your job properly.

I have to say, Mr Speaker, that over the last 10 years of Labor government, particularly the last almost six years that this minister has been the Minister for Health,

in the main we have seen a deterioration over a very long period of time of health stats. And suddenly the Chief Minister produces a set of stats that contradicts that trend.

Mr Hanson had open on his computer the statement that was released publicly, and it showed a significant decline in the numbers at Calvary. Ms Gallagher gets up and says: "Oh no, you're wrong. My numbers say it's improved." We do not have access to those numbers. The test for you, minister, is, if you are sure of your numbers, table them. If you are not sure of your numbers, you should not use them; it is inappropriate. So if you are going to quote it, be prepared to table it. This document should be tabled now, Mr Speaker.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (2.49): I have said I will table the table—

Mr Seselja: No, the one you were quoting from.

Mr Smyth: No. I want the document.

MS GALLAGHER: So now you do not want the information that I read out.

Mr Smyth: No. I want the document.

MS GALLAGHER: I am happy to give you the information. I am very happy to give it to you. The page I was reading from has a number of my doodles on it. I have a few flowers. I have a few triangles that I have covered in. I have even written the word „AIHW" down. I am merely saying that I am happy to table the report with the data that I read from. I am happy to do that. I will have it provided before the end of question time.

Mr Hanson: Just table the document. What else is on it?

MR SPEAKER: Order!

MS GALLAGHER: Nothing.

MR SPEAKER: Mr Corbell has the floor.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (2.50): I think the Chief Minister has indicated her desire to try and facilitate access to the information that Mr Smyth seeks. It is not necessary to order the tabling of the document in the way proposed by Mr Smyth. I draw to members' attention the companion to the standing orders produced by the Assembly Secretariat and, in particular, to page 260 that deals with the issue of the application of standing order 213 and the tabling of quoted documents.

It is worth highlighting that in 1995 the companion notes that the then Minister for Education and Training—I believe it was Mr Stefaniak—made the following point:

> There has been an informal agreement in this place that members are entitled to read from briefs or speaking notes without having to table those notes. Where a member reads from, say, a letter or a document, that is another matter. Members would certainly expect to have to table that document … This is a speaking note prepared for Mr Stefaniak in his Office …

So there is an informal convention in this place. The companion goes on to note:

> Members accepted in principle the distinctions outlined above between supporting documents and speaking notes.

It did, however, in that instance argue that the document should be tabled because it was a ministerial statement. That is clearly not the case here. If it is going to be the case that the Assembly orders the tabling of every speaking note prepared for every member in this place, the place will quickly become unworkable. The key issue here is for the minister to facilitate access to the information that is being sought by the member. The Chief Minister has indicated her willingness to do that and it is completely unnecessary, and indeed arbitrary, to order the tabling of the document in the manner that Mr Smyth has proposed.

MR SPEAKER: Ms Bresnan, you have got the call, but just one moment. Can I just clarify for everybody"s benefit: Mr Smyth, the Chief Minister has offered to table the document. Are you satisfied with that? A yes or no answer will suffice.

MR SMYTH: No. The standing order is about the document that is being read from. The problem in the past is that documents have been selectively quoted and when you get the full document you get a very different story. That is the point. If afterwards the Chief Minister also wants to table a document with this document she should feel quite free, if she is allowed to under the standing orders.

MR SPEAKER: Members, that was outside the standing orders. I was just trying to work out where we were up to. Ms Bresnan, you have the call.

MS BRESNAN (Brindabella) (2.53): This motion from Mr Smyth is unnecessary. The minister has said that she is prepared to table the very data which Mr Smyth has referred to in speaking to this motion, saying that he wants to see. The minister has said she is prepared to table it. I do not think it is necessary to be telling members to table their personal notes. Mr Corbell has read out the convention, which I also understood was the process in this place. We all quote from personal notes and briefs that have been prepared for us by officers and staff and by ourselves. I think we are getting into a particularly murky area if we start asking members to table their personal notes. We should accept that the minister has said she will table the data. She said she is prepared to do that. We accept that. We do not think the motion moved by Mr Smyth is necessary.

MR SPEAKER: Mr Hanson, on the question that the motion be agreed to.

MR HANSON (Molonglo) (2.54): Absolutely—on the question of open and accountable government, Mr Speaker. What this comes down to is the point that quite

clearly the minister is quoting from a document. Mr Smyth has asked under the standing orders for her to table that document and she is refusing to do so but offering up another document. That is not good enough because what we want is the document that the minister was speaking from. If that is an entirely innocuous, superfluous or irrelevant document that you were not actually quoting from, why have you resisted tabling it? If all it has is triangles, doodles and flowers on it, what is wrong with tabling that?

The point is, minister, that you spend your time repeatedly talking about open and accountable government. But when it comes to a simple test like this where all you are going to be providing us is something that you have said has got nothing on it other than triangles, doodles and flowers, you are refusing to do so and you are offering up something else. This is the point: when it comes to these statistics, what happened last week is that the AIHW put out a report that showed that the ACT has the worst results for elective surgery and emergency departments in the country. And within hours there was a report put out by the government that showed some other statistics and Katy Gallagher said, "No, this is what is happening now."

So we have been through that document—and that caused a lot of confusion in the media—and that report is the subject of the questions that we have asked here in the Assembly. And now we are asking questions about that report she is again saying: Oh, no, no, that"s not the latest. There is something else; there is another report and it is all much better." So she is in the Assembly today saying, "Calvary is doing a lot better." But the report that she tabled just last week shows there has been a 19 per cent deterioration since this time last year. So what we are finding is that we are constantly chasing our tails because whenever we come up with a report, be it from the AIHW or a report that is tabled by the minister herself, there is always another report—"But you can"t see that one," or, "We"re going to release it at the tenth hour or the eleventh hour."

The point is that if the minister is serious about open and accountable government this is a very simple test: in accordance with standing orders, you quoted from a document saying that these new figures are great, and if they are so great simply table it. It is not a very difficult thing to do.

Ms Gallagher: I am trying to.

MR HANSON: No, you are not. This is the point, Mr Speaker, on the interjection: there are two documents here. There is a table that provides a figure and a document from which Ms Gallagher was quoting. They are two separate documents; otherwise she would not have been refusing to table that document and be furiously, as we have been speaking, doodling on it, drawing triangles, flowers and other things, to make it appear like it is some sort of note. Clearly there is some information there that she is resistant to table. Why won"t she? That is the question. We ask her to, in the spirit of open and accountable government.

Question put:

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

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Dr Bourke	Ms Hunter
Mrs Dunne		Ms Bresnan	Ms Le Couteur
Mr Hanson		Ms Burch	Ms Porter
Mr Seselja		Mr Corbell	Mr Rattenbury
		Ms Gallagher	

Question so resolved in the negative.

MR SPEAKER: We will now return to the conduct of question time. Mr Doszpot has a supplementary question to Ms Gallagher.

MR DOSZPOT: Minister, the report card shows that for category 2 patients across both emergency departments the number seen on time has decreased. Why has the number of category 2 patients being seen on time decreased in the ACT?

MS GALLAGHER: I just table the table I was quoting from in answer to the earlier question, for the information of members:

> ACT public hospitals—year-to-October 2011—timeliness—table.

What members will see is, in the year to October 2011, an improvement to category 2s of 83 per cent being seen on time, from 79 per cent the previous year.

MR SPEAKER: Do you need the document for your answer?

MS GALLAGHER: No, that is fine, thanks. I am not going to read from anything ever again in here, for fear that I might have to table the whole thing.

Members interjecting—

MS GALLAGHER: It is all those notes I have written about you, Mr Smyth, and your outbursts and the conspiracy theories that Mr Hanson peddles. I have got a little list of them going—private notes, my private memoirs. You will have to wait till I am out of here to get a good look at them. But thank you very much, Mr Speaker.

There is an issue that we have been working at Calvary on around some deterioration in their performance. I think that is largely down to a data recording issue and also the increased activity they are seeing. But the latest information I have is that we are four per cent above target—actually a bit higher: 83 per cent for category 2 for the year to October 2011.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, how many category 2 patients are from New South Wales and what influence does the government have over the influx of people from New South Wales?

MS GALLAGHER: In the emergency department the impact from New South Wales is the lightest in all of the specialities. In cancer I think it can be up to 50 per cent; in elective surgery it is around 30 per cent. I think the latest information—I will check this—is that emergency presentations from New South Wales are about 15 per cent of all presentations. They are in the more serious categories—category 1 and category 2—because they are the patients that will be transported quickly from other hospitals to the ACT if they need a higher level of treatment.

It does impact. We are remunerated for that through the cross-border health agreement, but again I think it is a very important principle of emergency department management that those who are sickest get seen first and so categories 1 and 2 are the patients that are seen ahead of categories 3, 4 and 5. It does mean at times that the less urgent categories will be required to wait.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, why is it that only 54 per cent of patients presenting for category 4 are treated within clinically acceptable times?

MS GALLAGHER: Category 3 and category 4 are the areas where the longest waits are incurred. We do meet the performance in categories 1, 2 and 5. When you compare that data with the August data, and indeed the data from the AIHW, you can see that the reforms that are being put in place are improving emergency department performance overall. I think it is heading in the right way but, yes, categories 3 and 4 are the areas of pressure for both emergency departments. We have set ourselves the target in the government priorities to have 70 per cent of all presentations seen on time. That is the national average. This report card and the latest data that I have just provided today show that we are on track to meet that.

Childcare—policy

MRS DUNNE: My question is to the Minister for Community Services. Minister, last week the Productivity Commission handed down its research report titled *Early childhood development workforce*. This report paints a damning picture of a range of issues associated with the Australian childcare sector and the impact on that sector and the families engaged in that sector which will come about when government policy changes in relation to the sector are implemented, beginning on 1 January next year. These include workforce training, the ability of the sector to comply with the new standards, the impact of government policy changes on families and the childcare sector and an increase of 15 per cent in the cost of childcare. Minister, does the Productivity Commission"s assessment of the impact of government policies on families and the childcare sector accord with the government"s assessment? If not, why, and on what basis do you not agree with the Productivity Commission?

MS BURCH: I thank Mrs Dunne for her question. The Productivity Commission provides global information. It looks at national figures. It does not take into account the investment and work that we have done here in the ACT. It is also referring to figures that assume that the changes have come into effect, and does not refer to figures over a significant number of years and over time.

We have done work here in the ACT that looked at fees for service provision through centres that already meet the new qualifications, and there is no discernible difference. In fact, some of those services are cheaper than services that need to do more work to meet the regulations. It is also worth knowing that one of the largest providers in Australia is Goodstart Early Learning, which manages over 650 centres across Australia. Mrs Davison has said that for some Goodstart centres, the impost could be as little as $1 a day after federal government rebates and in some centres they may be out of pocket by $3. She rejected suggestions that parents could be forced to withdraw their children from quality centres. Indeed, she says that from her experience with her own centres, the increase that Mrs Dunne is referring to is just not their reality.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, when can Canberra families get a picture from government about the impacts of the changes and when will the government‟s appreciation of the impacts start to reflect reality?

MS BURCH: I thank Mrs Dunne for her question again. We have worked with the sector over the last two years and have invested significant amounts of money. In workforce training we have put a scholarship scheme in place that will start to support workers from January next year to obtain a certificate III. We have also been working with the workforce about attaining degrees and diploma qualifications. We have brought five sites online to sell to private market to increase the access to childcare. We have put money into investing to build a new childcare centre in Holder and one in Franklin. These are all serious investments about supporting Canberra families. None of those investments have been supported by the Canberra Liberals.

We have also put in place upgrades across community service facilities that will see the increase of close to 180 places. That is a direct benefit to Canberra families. On the other side of the scale, what we have is the Canberra Liberals waiting list. For the life of me I cannot see how a waiting list will support a workforce, attract it, retain it—do those things. I do not understand how a common waiting list will increase the bricks and mortar of childcare—

Mrs Dunne: On a point of order, Mr Speaker, my supplementary question was about the impacts on Canberra families and how the government was going to transmit information to Canberra families. It was not about Liberal Party policy.

MR SPEAKER: Thank you, Minister Burch, if we can focus on the question at hand.

MS BURCH: Thank you, Mr Speaker. There is an underlying bit of information that also needs to be taken into account. The out-of-pocket costs for Canberra families for childcare are 28 per cent lower now than they were in 2007. Canberra families are supported with record investment by the federal government in direct payments and record investment from this government in supporting the workforce, bringing more places online and building more childcare centres.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what assessment have you made of workforce training programs available in the ACT, including the resources available to deliver those programs, and how does this compare with training programs offered in other jurisdictions?

MS BURCH: I thank Mr Hanson for his question. I have worked quite closely with the sector around workforce development. Indeed, conversations at one of the roundtables I convened with the sector delivered nearly $800,000 in workforce development for scholarships for cert III in the workforce. That will come on line in January of next year.

We also work very closely with the professional sector development coordinator and the inclusion coordinator around what are the RTOs, what is the suite of opportunities for people to be trained here. I work very closely with the sector and certainly what I hear is that CIT do a well regarded job but so do other organisations such as Newskills. That is used quite extensively by the workforce here in the ACT.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, when will you admit that changes to government policy do impact on the cost of childcare and therefore on the fees charged to Canberra families by childcare centres?

MS BURCH: I do not think I have ever denied that quality comes with cost. I do not think I have ever denied that the families I talk to welcome the regulation and the quality reforms that are coming through this. What I have also said is that the Productivity Commission and the work that we have looked at previously, which is Access Economics, differ. I have pointed out that they differ because they are looking at federal figures and not at the investment jurisdiction by jurisdiction. I have also pointed out that one of the largest providers in this country is saying that perhaps there could be an increase of $1 or $3 a day.

I have also pointed out, and I have said it a number of times here, that in a review of the average cost of centres that we have undertaken here in the ACT those centres that meet the new requirements are on par and sometimes cheaper than those services that

will still have work to do. All of our services meet the requirements for the over-two. Over 50 per cent meet the requirements for the under-two.

We have made good progress, and the sector has made good progress because this government works with them. This government puts in support for training. This government puts in bricks and mortar support for increased centres. This government puts in bricks and mortar support for upgrading of centres. The Canberra Liberals—every time I say it they stand up to interject—have nothing more than a waiting list which every centre I have spoken to thinks is just the most dismal idea they have heard of.

Industrial relations—work safety

MS BRESNAN: My question is to the Minister for Industrial Relations and concerns the right of inspectors and union representatives to enter work sites when there has been an accident or a health and safety incident. Minister, can you confirm whether, following the Mitchell fire on 15 and 16 September, WorkSafe ACT and union representatives were initially denied entry to the site by the site manager or ACT government employees, despite there being no safety reason to exclude them?

DR BOURKE: I thank Ms Bresnan—

Mr Corbell: The question is about WorkSafe ACT. It is actually my—

MR SPEAKER: Order! One moment, members.

Mr Corbell: On a point of order, Mr Speaker, as Attorney-General I have responsibility for the Office of Regulatory Services, which involves WorkSafe ACT. The question is specifically about activities about WorkSafe ACT and it is therefore within my portfolio responsibilities.

Ms Bresnan: Just on the point of order, I have mentioned WorkSafe, but the issue is actually about right of entry to work sites, which is under the Industrial Relations portfolio.

Mr Corbell: It is about a specific incident, Mr Speaker, which covers WorkSafe ACT.

MR SPEAKER: It is certainly my understanding, and I believe it is the practice of the place, that ministers have a degree of discretion as to which minister answers the question based on their knowledge of who has the most relevant answer. So if Mr Corbell wishes to answer the question, he may do so.

MR CORBELL: I am not aware of any circumstances that saw that play out, Mr Speaker. Obviously the site was under the jurisdiction—

Members interjecting—

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

MR CORBELL: Following the Mitchell chemical fire earlier this year the site was under the jurisdiction of a number of agencies. It was under the jurisdiction of WorkSafe ACT insofar as the dangers posed by the site. It was under the jurisdiction of the EPA in relation to the contamination issues at the site. For a period of time it was also under the jurisdiction of the Fire Brigade because of issues at the site.

If there has been any access barred to the site following the fire, I think there is a pretty obvious explanation for that. The site was hazardous and there was only restricted access to the site following the fire. The site was at the risk of structural collapse following the fire. WorkSafe had put in place a prohibition notice that barred any entry into the building itself following the fire because of the structural damage caused and the risk of structural collapse.

Ms Bresnan has raised a particular circumstance. I would need to seek further advice from WorkSafe ACT in relation to that matter. I will take that part of the question on notice.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, if it is the case that the territory"s own WorkSafe body and union representatives were denied entry to the significant accident site, will you commit to reviewing the right of entry provisions in ACT industrial relations laws and their implementation as a matter of priority to ensure they are clear and robust?

MR CORBELL: It is a hypothetical question at this time. We will need to ascertain exactly whether or not what Ms Bresnan says is correct. Once we have done that, we can proceed to the other matters she raises.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, can you confirm that in recent weeks, following safety concerns with cranes at the Cotter Dam construction site, the ACT"s Work Safety Commissioner was denied entry to the site by the site manager, meaning that the commissioner could not undertake essential safety investigations?

MR CORBELL: No such claims have been brought to my attention.

MS LE COUTEUR: A supplementary, Mr Speaker. Minister, can you confirm whether, following the collapse of the GDE bridge on 14 August—

Members interjecting—

MR SPEAKER: Order members! Ms Le Couteur, start again, thank you.

MS LE COUTEUR: Certainly, Mr Speaker. Minister, can you confirm whether, following the collapse of the GDE bridge on 14 August 2010, both WorkSafe ACT

and union representatives were initially denied entry to the site by the site manager or ACT government employees, despite there being no immediate safety concerns?

MR CORBELL: I would imagine that, following a structural collapse, immediately following a structural collapse, there may very well be safety concerns. Whether or not there were safety concerns in the particular circumstances that Ms Le Couteur raises is a matter on which I will seek further advice from the Work Safety Commissioner.

Murray-Darling Basin Authority—report

MS PORTER: My question is to Minister Corbell in his capacity as minister responsible for the Murray-Darling negotiations. Minister, the Murray-Darling Basin Authority has in the past week released its draft report and it appears that the ACT has received a good outcome. Can you please outline what the report contains for the ACT?

MR CORBELL: I thank Ms Porter for the question. It is the case that, following the tabling or the release of the draft plan for the Murray-Darling Basin, released by the Murray-Darling Basin Authority, we have seen a significant improvement in the allocation for water proposed by the MDBA, compared to the previous guide to the draft plan released by the authority last year. In its most recent proposal, the Murray-Darling Basin Authority proposes that the ACT have a sustainable diversion limit of 40.5 gigalitres. This is a very pleasing outcome and one that I have been working very hard on for the last six months.

Originally, the draft guide to the basin water plan proposed SDL reductions in the order of 33 per cent or down to the mid 20s in terms of the number of gigalitres available to the ACT. This would have had a very severe impact on the ACT economy. We could have seen a $220 million a year impact and stage 3 or stage 4 water restrictions as the norm under those proposed SDL reductions.

I am very pleased to say that since that time my officials and I have worked closely with the Murray-Darling Basin Authority—me, through discussions with the chair of the authority, Mr Knowles, and with the federal minister, Mr Burke; and my officials, through discussions with their relevant counterparts in the authority—to secure an outcome that sees the ACT's record as a good and responsible water user appropriately recognised. We now have a proposal for a long-term average sustainable diversion limit of 40.5 gigalitres. That 40.5 gigalitres is sufficient for current and medium-term growth purposes.

The draft plan also proposes that the ACT have 7.25 gigalitres a year of available groundwater, which is an increase in the volume proposed from the previous basin guide. Of this, the ACT can extract 1.7 gigalitres a year. However, this proposal is sufficient when compared to our long-term historical use of around half a gigalitre every year.

Thanks to the hard work of my officials and the hard work of the government as a whole, we have been able to secure an SDL for the ACT and a water allocation for the

ACT that meets our needs for the short and medium terms. This is a very important recognition by the MDBA and one that I am very pleased to endorse in this place.

MR SPEAKER: Supplementary question, Ms Porter.

MS PORTER: Minister, what process of negotiations did you and your officials enter into with the Murray-Darling Basin Authority to secure this outcome?

MR CORBELL: I would encourage those opposite to be a little bit more magnanimous about this issue. They were the ones—indeed Mrs Dunne was the one—that said, "Let‟s work together on this issue; let‟s adopt a cooperative approach on this issue." And we get a good outcome and all they can do is harp and criticise. But that is the sort of commentary we have come to expect from those opposite.

The types of processes that the ACT entered into to secure this very important outcome have involved, as I have said previously, extensive negotiation between me and the chair of the Murray-Darling Basin Authority, Mr Knowles, as well as a series of meetings with the federal environment minister, Mr Burke. In addition to that the ACT through its officials has participated in the Murray-Darling Basin Authority‟s basin plan working group, a technical group consulting on the chapters of the draft basin plan. This group has engaged in intensive consultation over the last five months on the drafting instructions that have formed the basin plan as a legislative instrument.

The ACT has also participated in the commonwealth basin plan strategy working group which deals with the overall implementation aspects covering not only the basin plan but also the supporting commonwealth government policies and programs that will bridge the gap between the baseline diversion limits and the sustainable diversion limits to be set out in the final basin plan. Importantly, through our participation in these working groups we have been able to ensure that the MDBA is reliant on the latest data when it comes to water use in the territory. This was a problem in the guide to the plan and resulted in a series of factual errors in the data and therefore the assumptions used. In particular, the government has been able to highlight that we are the most responsible water user in the basin; that we use approximately 35 gigalitres—*(Time expired.)*

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: Minister, as there have been some reports that the ACT has been unfairly rewarded at the expense of irrigators downstream, is this outcome unfair, and is it likely that the outcome you have secured for the ACT will change in the final report?

MR CORBELL: Nothing is certain until the instrument is presented to the federal parliament and the federal parliament makes its decision as to whether or not it will agree to or disallow the proposed plan. That is the way the commonwealth legislation operates. But I have every confidence that the ACT has put a very strong case. It is not the case that the ACT is being unfairly rewarded. In fact, what we are seeing is a proposal that recognises that the ACT is the most efficient user of water in the basin, that our per capita water use is the lowest in the basin and that we return over half of

all the water in the territory back into the basin. That is now being appropriately recognised in the SDL proposed for us in the draft basin plan.

What this means for the territory is greater security around our water supply. It means we can plan with much greater confidence for population growth, not just in our city but also in Queanbeyan and Jerrabomberra, which of course are also serviced by this same sustainable diversion limit. We have delivered certainty and confidence for those communities, and that is the very important achievement by this Labor government, one that we have been proud to work with the federal Labor government on, to achieve this very important outcome for water security for our community.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, are you aware of any views that would contradict the government"s view that this is a good outcome for the ACT?

MR CORBELL: I am sure that there are other views out there. I am certainly conscious of your views, Mr Speaker, in relation to this matter. Indeed, Mr Speaker, I saw you suggest that we should be taking a reduction in our sustainable diversion limit. Quite frankly, that position is untenable. How is it that the Greens can take the view that there should be a reduction in the amount of water available to this community and that that reduction comes in the context of growing population? It is this hairshirt approach to the issue of water supply.

What we need is a sustainable diversion limit for growth. We are one of the fastest growing urban centres in the basin. We are the largest urban centre in the basin. Our population growth is driven overwhelmingly by natural increase. It is not about immigration; it is about natural increase. We need water supply for the future. To suggest that there should be a reduction in the total amount of water available to the territory is simply untenable. Mr Speaker, I am very pleased that the Murray-Darling Basin Authority does not concur with your position.

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

Rostered ministers question time
Minister for Police and Emergency Services

Mitchell—chemical fire

MS LE COUTEUR: Following the Mitchell explosion earlier this year and the discovery of the limitations of the emergency warning system which uses text messages to mobile phones and automated calls to phone lines, you have commented publicly that you will be discussing the problems with the federal government. Can you please update the Assembly on those discussions?

MR CORBELL: I thank Ms Le Couteur for the question. I did raise these issues with my ministerial counterparts, including the federal attorney, Mr McClelland, at a

meeting of commonwealth, state and territory police and emergency services ministers in Auckland on 11 November.

As a result of my proposals and a motion put by me at that meeting, the standing council on police and emergency management agreed that the system operator of emergency alert was to examine and provide jurisdictions with further advice about congestion management, system enhancement and reporting issues for the emergency alert system to allow for better planning of campaigns and that the national Emergency Management Committee was to investigate options to improve the integrity of static data used by the emergency alert system.

I have also written to the commonwealth Attorney-General in relation to the recent use of emergency alert in the ACT. The territory‟s representative on the national Emergency Management Committee has also raised the ACT‟s experience at the most recent meeting of that committee in Brisbane. As a result, a number of system improvements have already been agreed to. These include that the default campaign time for emergency alert be extended from 30 minutes to 60 minutes, that the number of retries for telephone numbers be reduced from two to one, and that attempts be made to adjust business rules to exclude invalid numbers or multiple calls to the same street address.

MR SPEAKER: Supplementary, Ms Le Couteur.

MS LE COUTEUR: In the event that the emergency warning system needs to be used over the current bushfire season, what strategy is in place to avoid the issues that arose during the Mitchell explosion?

MR CORBELL: The ESA has always been very up-front in acknowledging that a number of the issues associated with the use of emergency alert were due to their practices and procedures. They have significantly revised their practices and procedures, and refreshed them, to ensure that they are up to date and that the lessons from the Mitchell incident are fully taken into account.

ACT Policing—Operation Unite

MS PORTER: ACT Policing participated in Operation Unite on the weekend. To what extent can it be said that this operation was successful?

MR CORBELL: I thank Ms Porter for the question. Operation Unite is a cross-jurisdiction policing initiative driven by all state and territory police services, and indeed by the police service in New Zealand. This is the fifth Operation Unite that ACT Policing has participated in. ACT Policing deployed 65 personnel to Operation Unite in monitoring alcohol misuse across the ACT, including the deployment of beat patrols, random breath testing, mobile traffic, alcohol crime targeting and youth engagement.

During Operation Unite, ACT Policing conducted 584 random breath tests, with four people detected for drink driving—a very pleasing figure overall. Thirteen people were arrested for alcohol-related offences, three were arrested for assault, three were

arrested for underage drinking, and seven were taken into protective custody. In comparison to Operation Unite in December last year, when 26 people were taken into custody, there were 13 this year, a decrease of 50 per cent. Police detected 31 drink drivers during Operation Unite last year, compared to only four this year.

This is great work by ACT Policing and very positive results in terms of the related crime incidents they have had to deal with this year.

MR SPEAKER: Supplementary, Ms Porter.

MS PORTER: Minister, how did the ACT compare to other states and territories involved in Operation Unite?

MR CORBELL: What is particularly noticeable in comparison to other jurisdictions is the use of our alcohol crime targeting team. The deployment of the alcohol crime targeting team has meant that we were able to give attention to alcohol-related crime and violence throughout the year, not just having to rely on an operation like Operation Unite. Since last year we have seen a decrease of 21 per cent in the number of alcohol-related arrests, a 12 per cent decrease in alcohol-related assaults and a 17 per cent decrease in the number of people taken into protective custody. This is a very pleasing result, and a direct result of this Labor government‟s reforms in the operation of liquor legislation.

Bushfires—Victoria

MR SMYTH: Minister, the final report of the royal commission into the Victorian bushfire disaster of February 2009 was released late in 2010. What has the ACT learnt from that report?

MR CORBELL: The government has examined closely the final report of the royal commission into the Victorian bushfire disaster, which was made public on 31 July last year. We have considered every recommendation of the final report in the context of our community and environment and existing bushfire management policies and programs. In August this year, as part of the government‟s open government initiative, the government released its progress report on implementation of the recommendations arising out of the Victorian Bushfires Royal Commission interim and final reports. I draw Mr Smyth‟s attention to this report. It is on the Justice and Community Safety Directorate website.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, when will the changes that you foreshadow be put in place and how will you assess the effectiveness of such changes?

MR CORBELL: A large range of the measures that have been recognised as needing to be put in place have already been put in place. Overall, it is very pleasing to see that many of the issues raised by the Victorian royal commission were the same issues raised in the context of the McLeod inquiry into the 2003 bushfires and also by the

coroner in her investigation into the same incident. As a result, the ACT is extremely well placed.

Some of the issues that we have already implemented as a result of Victoria include the adoption of the national framework for bushfire scaled advice and warnings to the community; the adoption of stay and go or prepare, from "stay or go" to the "prepare, act, survive" message; the adoption of the emergency alert telephone system; the updating of community education, information and literature, in line with revised and nationally adopted bushfire warning systems; the establishment of the elevated fire danger plan; the establishment and delivery of the national arson research program; the establishment of a significantly increased fuel management program in the ACT over the next 10 years, as identified in the territory strategic bushfire management plan version 2; and fire management zoning and the development of detailed regional fire management plans that provide for a significant increase in the extent of prescribed burning in the territory.

Emergency Services Authority—headquarters

MRS DUNNE: Minister, in answer to questions asked about access to the new headquarters for the ESA in October, you said that "the north access road has not been built" and that "there is alternative emergency access should it be required". Minister, what is the nature of that "alternative emergency access" for the new ESA headquarters?

MR CORBELL: There are two alternative exit routes mapped from the ESA headquarters at Fairbairn. Both of these roads are across commonwealth Defence land. The roads have been identified by Defence for the same purpose, providing Defence personnel with alternative emergency access and egress. One road is to the north, with an exit onto Majura Road; the second road is to the east, with an exit onto Pialligo Avenue, to the east of the Glenora Drive intersection. The ESA will determine which alternative route to use, dependent on the nature of the incident it is seeking to deal with.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, is each of these roads an all-weather road and are there any obstructions like locked gates on these roads?

MR CORBELL: There are locked gates on these roads, but I understand that arrangements are in place to facilitate access. These are emergency alternative access; appropriate arrangements are in place to facilitate access.

ACT Policing—recruitment

MR HARGREAVES: Minister, in the past few weeks the first group of officers have graduated from the AFP college that were recruited under the "you would make a great cop" campaign. Can you outline what this campaign is about and why it is so notable that this group has now hit the street?

MR CORBELL: I was delighted to attend the attestation ceremony of the first graduate recruit class of 24 individuals selected to undergo and graduate from the AFP recruit training course earlier this month. That was the first group of candidates from the "you would make a great cop" campaign. This is a specific initiative of the Chief Police Officer to encourage recruitment of ACT Policing officers directly from the community in which they will serve. As a result, we have seen some very well-qualified, experienced and high-quality candidates graduate through the AFP college at Barton.

Another such course is scheduled to begin in January 2012. This group of officers has now hit the street. As a result of their 25-week initial training, they will begin a two-week rotation through the traffic area within ACT Policing. This will bring the officers into frequent, direct contact with the public, allowing them to practise the skills they have learnt as well as further develop the knowledge and personal qualities which have already earned them a place within the ranks of ACT Policing.

On completion of this rotation, the new officers will be deployed to Gungahlin, Belconnen, Woden, City and Tuggeranong police stations. I am very pleased to say that these new officers were also involved in last week"s Operation Unite campaign, which we discussed earlier.

MR SPEAKER: Supplementary, Mr Hargreaves.

MR HARGREAVES: Minister, given this government"s record of continually increasing the number of ACT Policing positions in the ACT over many years, how many new positions in ACT Policing have been funded under the ACT Labor government?

MR CORBELL: I thank Mr Hargreaves for the supplementary. Since 2008-09 the ACT Labor government has funded 63 additional full-time equivalent positions for ACT Policing. This comes on top of the increase of over 100 officers that was funded in the period before and leading up to the last ACT election.

Ten additional police have increased our overall patrol strength. Twenty-seven police officers have been deployed to ensure that the Gungahlin police station can operate 24 hours a day, seven days a week, implementing a Labor election commitment to provide a full-time police station in Gungahlin. Three have been deployed to monitor the CCTV network during high-activity periods. There have been 10 additional police to inspect and enforce responsible service of alcohol and other provisions of the new liquor legislation; six additional police to establish a dedicated automotive number plate recognition team to improve road safety enforcement; two additional unsworn officers to deal with the reforms following the security industry reforms; and three additional sworn officers to enhance traffic operations to implement random roadside drug testing.

The Labor government has a strong commitment to investing in additional police; I think our record speaks for itself.

Answers to questions on notice

Question No 1889

MS HUNTER: Under standing order 118A, I seek an explanation from the Minister for Community Services in relation to unanswered question 1889 regarding annual review reports in the Children and Young People Act.

MS BURCH: I apologise for that. I did sign off a few, but I will track it down and make sure it gets to you in the next day or so.

Question No 1885

MS BRESNAN: Under standing order 118A, I seek an explanation from the Minister for Environment and Sustainable Development as to why question on notice 1885 has not yet been answered.

MR CORBELL: I apologise to Ms Bresnan for the delay. This question is in relation to the transport for Canberra plan. The question was a very large multipart question that has required coordination across a number of government agencies to deliver the answers Ms Bresnan was seeking. That has taken longer than usual. Unfortunately, it was necessary to take that time. The question is now with my office for final signature. I expect it will be provided to her shortly.

Personal explanation

MR HANSON: Mr Speaker, I seek your leave to make a personal explanation under standing order 56.

MR SPEAKER: Is this in relation to the earlier question?

MR HANSON: Yes, it is.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: During question time it got quite heated. Some barbs were thrown across the chamber, including some accusations from the health minister that essentially I was myself making accusations that information was being doctored or manipulated by ACT Health officials.

It is important for me to point out that this is not any attack on anyone‟s integrity or implication that health staff are doing the wrong thing. This is drawn from the fact that earlier this year we had an Auditor-General‟s report that made findings in relation to elective surgery where issues were raised and the minister continually denied that there were problems with the way that health information was being presented and reported. The Auditor-General found:

> Current practices in compiling the waiting lists have compromised the policy intention of promoting clinically appropriate, consistent and equitable management of elective surgery waiting lists. In particular, downgrades of

> patients" urgency category, often without documented clinical reasons, raised considerable doubts about the reliability and appropriateness of the clinical classifications for patients on the waiting lists.

My point is that it is very important to me that it be clear to everybody in the community, particularly people working in ACT Health, that my interest is in making sure that information provided by ACT Health is in accordance with health policy. As has been highlighted by the Auditor-General, that has not always been the case.

Papers

Mr Speaker presented the following papers:

> Standing order 191—Amendments to:
>
> Crimes (Penalties) Amendment Bill 2011, dated 21 November 2011.
>
> Statute Law Amendment Bill 2011 (No 2), dated 22 November 2011.
>
> ACT Legislative Assembly Secretariat—Annual Report 2010-2011—Erratum, dated 29 November 2011.

Executive contracts

Papers and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): For the information of members, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Alison Purvis, dated 28 October and 24 November 2011.
>
> Calvin Robinson, dated 14 June 2011.
>
> Leanne Power, dated 18 September 2009.
>
> Michael Trushell, dated 21 April 2011.
>
> Paul Ogden, dated 8 February 2011.
>
> Paul Peters.
>
> Short-term contracts:
>
> David Read, dated 14 November 2011.
>
> John Meyer, dated 21 November 2011.
>
> Scott Brown, dated 3 and 15 November 2011.
>
> Contract variations:
>
> Fiona Barbaro, dated 15 November 2011.
>
> Megan Brighton, dated 15 November 2011.

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

Leave granted.

MS GALLAGHER: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all director-general and executive contracts and contract variations. Contracts were previously tabled on 15 November 2011. Today I present six long-term contracts, three short-term contracts and two contract variations. The details of contracts will be circulated to members.

Papers

Ms Gallagher presented the following papers:

> Administrative arrangements—
>
> > Australian Capital Territory (Self-Government) Ministerial Appointment 2011 (No 3)—Notifiable Instrument NI2011-711 (Special Gazette No S4, Wednesday 23 November, 2011).
> >
> > Administrative Arrangements 2011 (No 3)—Notifiable Instrument NI2011-712, dated 22 November 2011.
> >
> > Administrative Arrangements Amendment 2011 (No 1)—Notifiable Instrument NI2011-745 (Special Gazette No S5, Monday 5 December, 2011).

Public Accounts—Standing Committee
Report 18—government response

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (3.44): For the information of members, I present the following paper:

> Performance Reporting—Government response.
>
> ACT Government Agencies' Environmental Performance Reporting—Report on an Audit/Assessment, prepared by Dr Maxine Cooper, Commissioner for Sustainability and the Environment, dated 22 October 2010—
>
> > Part 1—Report.
> >
> > Part 2—Appendices.

I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

Papers

Ms Gallagher presented the following papers:

> Intergovernmental Agreements—

List of agreements signed by the ACT Government—As at November 2011—Update.

Ministerial level negotiations—Schedule—As at November 2011.

Australian Health Practitioner Regulation Agency—annual report

Paper and statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): For the information of members, I present the following paper:

Australian Health Practitioner Regulation Agency—Annual report 2010-2011.

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

Leave granted.

MS GALLAGHER: I table the 2010-11 annual report of the Australian Health Practitioner Regulation Agency, also known as AHPRA. In accordance with the Health Practitioner Regulation National Law Act 2009, the national law as in force in each state and territory, AHPRA is required to submit an annual report for the financial year to the ministerial council by 30 September. The ministerial council is to make arrangements for the tabling of the annual report, including the report of the auditor with respect to financial statements, in the parliaments or assemblies of each participating jurisdiction and the commonwealth.

AHPRA"s submitted annual report relates to the national registration and accreditation scheme, NRAS, for the period ending 30 June 2011. This is the first annual report provided by AHPRA since the national registration came into effect on 1 July 2010. Currently 10 professions are registered nationally: chiropractic, dental practice, medicine, nursing and midwifery, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. A further four professions—Chinese medicine, occupational therapy, medical radiation practice and Aboriginal and Torres Strait Islander health practitioners—will be entering the scheme from 1 July 2012.

On 30 June 2011 there were more than 530,000 health practitioners from 10 professions registered under the NRAS. One in 44 Australians, or one of every 20 working Australians, is a registered health practitioner. The ACT had a total of 8,183 registered practitioners as at 30 June 2011 across all registered professions: 51 chiropractors, 326 dental practitioners, 1,638 doctors, 15 midwives, 3,824 nurses, 660 nursing and midwifery dual registrations, 64 optometrists, 30 osteopaths, 373 pharmacists, 416 physiotherapists, 42 podiatrists and 744 psychologists.

The 2010-11 AHPRA annual report includes information relating to AHPRA"s performance of its functions, a report from the national boards about the performance of board functions, financial statements, data on health practitioner regulation including about the profile of practitioners per state and territory and per profession as evidenced by the registration data.

Papers

Ms Gallagher presented the following papers:

> Estimates 2011-2012—Select Committee—Report—Appropriation Bill 2011-2012—Recommendation 99—Progress of the Calvary Health Care ACT staff entitlement issue—Update on health-related recommendations.

Mr Barr presented the following paper:

> Auditor-General"s Act—Auditor-General"s Report No 6/2009: Government Office Accommodation—Government response.

Government—invoices
Papers and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation): For the information of members, I present the following papers:

> ACT Government—Payment for goods and services—Outstanding ACT Government Invoices, as at 31 October 2011—Revised, pursuant to the resolution of the Assembly of 26 October 2011.
>
> Directorates—Unpaid invoices—Answer to questions on notice Nos. 1869 to 1877—Revised.

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

Leave granted.

MR BARR: Mr Assistant Speaker, during the last sitting I tabled the government response to the Assembly resolution on the payment for goods and services. The calculation of the overdue invoice information in the response required an intensive manual process. I regret to advise the Assembly that an error occurred in the compilation of the information and as a result several invoices that were actually not due for payment by 31 October were included in the overdue statistics. In fact, the number of invoices that were overdue on 31 October is actually 229 or 15 per cent lower than I originally advised. This makes the total of the overdue invoices 1,273.

I apologise to the Assembly that this information was incorrect. Amendments have been made to the figures in what I have tabled to the Treasury and Justice and Community Safety directorates. I again apologise to the Assembly for this incorrect information but am pleased that in fact the number of outstanding invoices was lower than originally thought.

Performance in Aboriginal and Torres Strait Islander education—annual report
Paper and statement by minister

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections): In accordance with the resolution of the Assembly of 24 May 2000, as amended 16 February 2006, I present the following paper:

> Indigenous Education—Aboriginal and Torres Strait Islander Education—Annual report 2010-2011.

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

Leave granted.

DR BOURKE: I am pleased to present to the Assembly the report on Aboriginal and Torres Strait Islander education for the period January 2010 to June 2011. Members will recall that reports were submitted annually and covered the period January to December, but in future reports will be presented on the same cycle as the directorate"s annual report—that is, on a financial year basis.

In 2010 the Education and Training Directorate commenced the development of a comprehensive strategic plan on Aboriginal and Torres Strait Islander education thereby aligning the priorities outlined in "Everyone Matters—ACT Education and Training strategic plan 2010-13" with those contained in the national Aboriginal and Torres Strait Islander education action plan 2010-14. The result was "Aboriginal and Torres Strait Islander education matters: strategic plan 2010-13".

This plan, which was launched by the previous minister in 2010, in September, presents priorities and actions for Aboriginal and Torres Strait Islander education in ACT public schools. The Aboriginal and Torres Strait Islander education matters: strategic plan 2010-13 provides clear direction for closing the learning achievement gap between Aboriginal and Torres Strait Islander students and other students.

Priorities contained in the plan and the achievements against these priorities are highlighted in this report. These include work on developing Aboriginal and Torres Strait Islander perspectives within the curriculum and developing draft guidelines for personalised learning strategies that will contribute to improved literacy and numeracy, engagement with Aboriginal and Torres Strait Islander communities and retention of students to year 12. This report also outlines key actions that will be undertaken during the 2011 to 2012 reporting period.

In the learning and teaching domain, the directorate developed curriculum materials that incorporate Aboriginal and Torres Strait Islander perspectives celebrating the centenary of Canberra. These materials were distributed to ACT schools in 2011. Professional learning was also provided to teachers with a focus on understanding the land through the eyes of the Ngunnawal people, a local resource developed in

collaboration with the Ngunnawal elders, education and training providers and government agencies.

In this reporting period a total of $380,000 in supplementary funding was provided to high schools and colleges to allow for the delivery of subject specific tutorial assistance for Aboriginal and Torres Strait Islander students from year 7 to year 12. An additional $60,000 was provided to Gugan Gulwan Youth Aboriginal Corporation to allow for after-school academic support for Aboriginal and Torres Strait Islander students in the Tuggeranong area—your electorate, Mr Assistant Speaker.

MR ASSISTANT SPEAKER (Mr Hargreaves): Indeed.

DR BOURKE: In the school environment domain, the directorate work extensively with the Aboriginal and Torres Strait Islander education consultative group and branches from across central office to develop the directorate"s reconciliation action plan. The ACT became the second education and training system to launch a reconciliation action plan in July 2010.

In April 2011, 22 school leaders attended a conference on supporting Aboriginal and Torres Strait Islander students at key transition points in their schooling from preschool to year 12. This has since become a priority for action in the north Canberra and Gungahlin school networks.

A particularly positive initiative to which I draw members" attention is the aspirations program. This program supports students through to successful completion of year 12. The program is based on the tenet that high expectations for Aboriginal and Torres Strait Islander students" learning is essential to achieve increased rates of year 12 completion.

In the student pathways and transitions domain, the directorate commenced tracking the progress of year 12 graduates in their post-school destinations. During 2010 initial interviews were conducted with 34 year 12 students to identify their destinations for 2011. In 2011 a total of 131 Aboriginal and Torres Strait Islander students were supported by the aspirations program coordinators and their contact teachers in high schools and colleges to complete their college enrolments.

In August 2010, as part of the leadership and corporate domain, 65 representatives from primary schools, high schools and P-10 schools attended a workshop to develop strategies for their local priorities in Aboriginal and Torres Strait Islander education. In February 2011 a total of 222 non-teaching staff participated in a series of workshops focusing on cultural competency. This was followed in June 2011 with 67 principals and managers participating in a similar program. A further workshop for deputy principals was held in November 2011 and the details will be published in the next report to the Assembly.

This report is structured in a way that identifies achievements against specific actions outlined in the plan and articulates how those achievements will be sustained across all sectors of the Education and Training Directorate. Examples of key actions to be undertaken in the 2011-12 reporting period include finalising guidelines for the

development of personalised learning strategies, delivery of cultural competency training for classroom teachers and non-teaching staff, professional learning for teachers to effectively include and deliver Aboriginal and Torres Strait Islander perspectives in the curriculum programs, implementing guidelines developed in collaboration with the Ngunnawal elders for the consistent use of protocols for "welcome to country" and "acknowledgement of country", partnering with the national Aboriginal and Torres Strait Islander education working group to research best practice in improving Aboriginal and Torres Strait Islander student attendance rates, supporting aspiring school leaders to undertake leadership training provided by the Stronger Smarter Institute in Indigenous education and collaborating with the Ngunnawal elders to develop a cultural competency program for the directorate"s senior executive team.

There is significant work being undertaken across all sectors of the Education and Training Directorate to improve outcomes for Aboriginal and Torres Strait Islander students. There is also substantial effort being made to provide opportunities for all students and staff to learn about the richness of Aboriginal and Torres Strait Islander Australia. Today I have presented a summary of some of that work and the achievements being experienced and, therefore, I commend the first report on Aboriginal and Torres Strait Islander Indigenous education matters, strategic plan 2010-13, to the Legislative Assembly.

Alexander Maconochie Centre—drugs
Paper

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections): Pursuant to a resolution of the Assembly of 21 September 2011, I present the following paper:

> Alexander Maconochie Centre—Procedures and practice for the administration of medication—Government response, dated December 2011.

Supplementary answer to question without notice
Mitchell—chemical fire

MR CORBELL: I wish to respond further to a question I was asked during question time today. Mr Smyth asked me about the operator of emergency alert at the ESA headquarters. The answer to Mr Smyth"s question is that the emergency alert operator initially undertook the emergency alert campaign for the Mitchell chemical fire from their place of residence. The operator of emergency alert met all requirements for rostered call-out arrangements and recalled to duty on the night of the Mitchell chemical fire. The officer was not required to be located at the ESA headquarters to undertake an emergency alert campaign but did come to her office workplace in the early hours of the morning.

Emergency alert allows for use via a remote access device which can be operated as effectively at ESA headquarters or other locations, including, for example, at a forward control point. ESA operating arrangements allowed for the use of emergency

alert at ESA headquarters or an alternative location. In this instance—that is, the Mitchell chemical fire—it was deemed appropriate, given the need for urgent provision of timely advice, that the campaign be initiated using the remote access device from the operator"s place of residence.

All operating arrangements for the use of emergency alert have been reviewed by the ESA as a result of the issues arising from the Mitchell chemical fire. This is an appropriate after-action review common amongst all emergency services. The ESA maintains a number of duty officer arrangements to provide a range of different functions in the event of emergencies or incidents.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Animal Diseases Act—

Animal Diseases (Endemic Diseases) Declaration 2011 (No 1)—Disallowable Instrument DI2011-297 (LR, 17 November 2011).

Animal Diseases (Exotic Diseases) Declaration 2011 (No 1)—Disallowable Instrument DI2011-296 (LR, 17 November 2011).

Canberra Institute of Technology Act—Canberra Institute of Technology (Advisory Council) Appointment 2011 (No 8)—Disallowable Instrument DI2011-298 (LR, 24 November 2011).

Civil Law (Wrongs) Act—

Civil Law (Wrongs) Law Society of South Australia Scheme 2011 (No 1)—Disallowable Instrument DI2011-293 (LR, 10 November 2011).

Civil Law (Wrongs) Professional Standards Council Appointment 2011 (No 3)—Disallowable Instrument DI2011-285 (LR, 27 October 2011).

Civil Law (Wrongs) Professional Standards Council Appointment 2011 (No 4)—Disallowable Instrument DI2011-289 (LR, 3 November 2011).

Climate Change and Greenhouse Gas Reduction Act—Climate Change and Greenhouse Gas Reduction (Climate Change Council) Appointment 2011 (No 1)—Disallowable Instrument DI2011-288 (LR, 28 October 2011).

Court Procedures Act—Court Procedures Amendment Rules 2011 (No 3)—Subordinate Law SL2011-33 (without explanatory statement) (LR, 24 November 2011).

Domestic Violence Agencies Act—Domestic Violence Agencies (Council) Appointment 2011 (No 1)—Disallowable Instrument DI2011-292 (LR, 7 November 2011).

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Regulated Water and Sewerage Services) Terms of Reference Determination 2011—Disallowable Instrument DI2011-287 (LR, 27 October 2011).

Major Events Security Act—Major Events Security Declaration 2011 (No 1)—Disallowable Instrument DI2011-294 (LR, 8 November 2011).

Planning and Development Act—Planning and Development Amendment Regulation 2011 (No 1), including a regulatory impact statement—Subordinate Law SL2011-30 (LR, 14 November 2011).

Public Place Names Act—Public Place Names (Kingston) Amendment Determination 2011 (No 1)—Disallowable Instrument DI2011-299 (LR, 24 November 2011).

Public Trustee Act—Public Trustee (Investment Board) Appointment 2011 (No 2)—Disallowable Instrument DI2011-290 (LR, 3 November 2011).

Racing Act—

Racing Appeals Tribunal Appointment 2011 (No 2)—Disallowable Instrument DI2011-300 (LR, 24 November 2011).

Racing Appeals Tribunal Appointment 2011 (No 3)—Disallowable Instrument DI2011-301 (LR, 24 November 2011).

Racing Appeals Tribunal Appointment 2011 (No 4)—Disallowable Instrument DI2011-302 (LR, 24 November 2011).

Racing Appeals Tribunal Appointment 2011 (No 5)—Disallowable Instrument DI2011-303 (LR, 24 November 2011).

Road Transport (Driver Licensing) Act and Road Transport (General) Act—Road Transport (Driver Licensing) Amendment Regulation 2011 (No 1)—Subordinate Law SL2011-31 (LR, 17 November 2011).

Road Transport (Driver Licensing) Act and Road Transport (Public Passenger Services) Act—Road Transport Legislation Amendment Regulation 2011 (No 2)—Subordinate Law SL2011-32 (LR, 24 November 2011).

Road Transport (General) Act—

Road Transport (General) Application of Road Transport Legislation Declaration 2011 (No 6)—Disallowable Instrument DI2011-286 (LR, 27 October 2011).

Road Transport (General) Application of Road Transport Legislation Declaration 2011 (No 7)—Disallowable Instrument DI2011-262 (LR, 3 November 2011).

Road Transport (General) Application of Road Transport Legislation Declaration 2011 (No 8)—Disallowable Instrument DI2011-291 (LR, 4 November 2011).

Road Transport (General) Act, Road Transport (Mass, Dimensions and Loading) Act and Road Transport (Vehicle Registration) Act—Road Transport (Vehicle Registration) Amendment Regulation 2011 (No 1)—Subordinate Law SL2011-28 (LR, 31 October 2011).

Regional collaboration
Discussion of matter of public importance

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Mr Hargreaves,

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

> The importance of regional collaboration to the ACT and the region.

MS PORTER (Ginninderra) (4.01): Regional collaboration is an important issue for the ACT. As we know, the nation"s capital is an island within New South Wales, intrinsically linked to the surrounding region. But, just as importantly, the surrounding region is intrinsically linked to Canberra, as the service centre of the entire south-east—an area that contains some of the fastest growing cities in the country.

It is a relationship that is unique in Australia. It presents great opportunities. But in order to realise those opportunities it is essential that we work in concert with our neighbours, not in isolation.

As Canberra heads into its second century as a city and as we seek to safeguard our prosperity and our liveability, it is crucial that our mechanisms for engaging and collaborating with the region are based on an agreed vision and agreed outcomes. The signing last week of a memorandum of understanding on regional collaboration by the Chief Minister and the New South Wales Premier is a sign of the importance that both governments place on effective collaboration and engagement. I am sure the Chief Minister will speak in more detail about that signing and what it means for the people of Canberra. It is work that takes our regional engagement to the next level, building on some solid groundwork and investments by the ACT Labor government over recent years as well as some extremely significant investments by the commonwealth and by the private sector.

The ACT government is making historic investments in water security and the health system, for example, both of which have clear benefits and implications for the region. The recent decision by the commonwealth to jointly fund the Majura parkway is another major investment with regional impact for both local freight movements around the region and general domestic traffic in and out of the capital.

The growth in our post-secondary education sector, and the consistently high quality of our tertiary institutions, positions us as a natural magnet for the best and brightest from our region to pursue further education. And of course the huge private sector investment in facilities at the airport is positioning Canberra as a much more significant player in passenger and freight movements by air, with fantastic opportunities for the region and for existing and potential industries.

The time is right to take the relationship between the ACT and the surrounding areas of New South Wales to the next level. There are some solid foundations upon which to build, as I said previously. One of the most recent of these foundation relationships is the eastern regional transport task force, made up of representatives from the New South Wales government, the Queanbeyan City Council, the federal government"s department of infrastructure and the ACT government directorates of TAMS, CMCD, ESDD, Treasury, and Economic Development.

The task force has been working collaboratively since 2010 to improve transport links and infrastructure between Canberra and surrounding New South Wales, including looking at opportunities to improve public transport links. About 20,000 New South Wales residents cross the border each day to work or study in Canberra; a much smaller number, but still in the thousands, cross in the opposite direction. In a practical sense we are a single community in the way we move around. There are no boom gates regulating movement, no toll gates—nothing beyond the occasional road sign—to signify that someone has crossed from one jurisdiction into another.

In the same way in the health portfolio ACT and New South Wales health agencies have been examining cross-border delivery of health services. The joint ACT-New South Wales coordinated regional health service working group has been examining options for joint service planning, the potential for a regional health network including Queanbeyan District Hospital and ACT hospitals, and the possibility of greater use of the Queanbeyan and Yass district hospitals by ACT Health.

As they are with transport, the boundaries are artificial ones when it comes to health. A quarter of all occasions of care in our public hospitals involve New South Wales residents, a third of those on our elective lists are from New South Wales, and up to half of those receiving cancer treatment are also from New South Wales.

We often forget that this regional role has brought great benefits to all of us—ACT residents and our regional neighbours. It has given us a public hospital system that is able to offer services that we might not be able to offer if we were confined to servicing just our own community rather than a community of half a million or so. Some of us who have lived in Canberra for some decades remember that there was a time when if you needed bypass surgery you had to go to Sydney for it. In fact it has only been since 1998 that heart surgery has been available locally. Yet what we have now, a little more than a decade later, is a modern, high-tech health system equal or superior to anything in the country. We have it because we are a regional provider.

Another collaborative body that has undergone some recent change in its role and composition is the Regional Leaders Forum. Its membership has been enlarged to include the New South Wales minister for regional development, a larger number of NSW local councils, federal and New South Wales state members of parliament and representatives from the recently created Regional Development Australia committees from relevant local government areas. In recent times the Regional Leaders Forum has been co-chaired on an alternating basis by the ACT Chief Minister and the New South Wales minister for regional development.

The ACT government also supports the work of the Regional Development Australia (ACT) board, currently chaired by Craig Sloan. In September this year the Chief Minister launched the RDA ACT‟s regional strategic plan, which articulates a vision of our region as a place with a resilient and diverse economy; a place that is an exemplar when it comes to environmental sustainability, education and opportunity; a connected and empowered community. Significantly, many of the plan‟s priority areas reflect existing priorities of the ACT government. That makes the local RDA, with its links to RDA southern inland and other nearby RDAs, a wonderful conduit into the businesses and boardrooms of the region‟s private sector movers and shakers.

There are a number of other specialised agreements and memoranda that have been signed over the past decade, reflecting the growing need for a closer and more coordinated working relationship between Canberra and the region of which it is the heart. Some, like the Queanbeyan water supply agreement, signed in 2008, formalise entitlements and expectations. Others, like the eastern regional transport task force, which I mentioned earlier, have involved a definite philosophical shift. They reflect a maturing of the ACT‟s role as the service centre of a significant and geographically large region. These recent methods of interaction are not about us and them; they are about us together occupying a part of the nation that holds out great promise for all who inhabit it—promises that can be more easily fulfilled if we work together.

It is a plain fact that many of the daily decisions taken and the daily investments made, whether on this side of the border or on the other side of the border, will have implications that extend beyond the jurisdiction in which the decision is made. Keeping channels of communication open, and sharing information, is crucial. Later this week, for example, ACT government officials will consult surrounding councils on the ACT‟s draft planning strategy. They are having that conversation because we all know from experience that, just as urban development across the border has implications for the ACT, development in the ACT also has potential implications for those who surround us. Maintaining an open and cordial dialogue with the region helps us understand the broader implications of the urban planning decisions we take.

Regional collaboration is becoming more important, not less, with the passage of time. Canberra‟s role has evolved. We are still, and proudly, the nation‟s capital, but more recently we have evolved as the capital city of our own region too: the economic and service heart of a region that is home to upwards of half a million people. Fulfilling this function requires us to lift our sights and look beyond our borders. That is exactly what this Labor government is doing.

MR SMYTH (Brindabella) (4.12): In a way this is an important issue. But, as is so often with some of these MPIs, it is also a very sad MPI. It is sad not for what it says but for what it hides. This MPI is a shallow matter being raised by a shallow government.

Of course we need collaboration between the ACT and New South Wales. Of course this collaboration will be important to the ACT. The problem the ACT faces is that this government has neglected this very important relationship for a very long time and an MPI is not going to affect that. Indeed the MPI, as Mr Quinlan was fond of saying, really is just a statement of the bleeding obvious.

Perhaps we need a short history for those that forget what happened 10 years ago. More than 10 years ago, under the leadership of the then Liberal Chief Minister Kate Carnell, there was a strongly developing relationship between the ACT and the New South Wales governments at the state level and at the local council level. We realised that the potential from this relationship was enormous. Some of the benefits have been seen in tourism, with collaboration on promotion and marketing activities.

But what happened with the advent of the Stanhope government in 2001? Much of that which had been achieved changed. Yes, there were lots of words from the

Stanhope government on its way into office; the former Chief Minister was very good at talking. The reality, though, was somewhat different, as collaboration virtually withered on the vine.

Yes, the ACT is an island within New South Wales, and to this extent there must be all possible collaboration across our border with the New South Wales government, with businesses operating in New South Wales, with communities in New South Wales, and in utilising our region"s wonderful natural features in developing tourism and associated activities. Unfortunately, reality appears to be at odds with this intention or objective.

Possibly the biggest obstacle to effective collaboration between the ACT and New South Wales concerns differences in regulations in each jurisdiction. I am not aware of any instances of regulations operating in the ACT and New South Wales having been made identical or repealed. There has been considerable work harmonising payroll tax regimes across Australia, but unfortunately, if you are a business, harmonising means that each jurisdiction will agree to make some features common while retaining features which are unique to the individual jurisdictions. The consequence is that, despite all the talk, a business which has activities in the ACT and New South Wales still has to operate two separate payroll tax systems. Until this type of regulatory nonsense is removed the achievement of effective collaboration is a pipedream.

Let us go to the matter of taxation. How does the ACT"s record of collaboration stand up in considering taxing matters? Not very well, actually. We have just seen the conclusion of a challenge, stretching back over more than three years, by the Queanbeyan City Council to the ACT government"s silly and complex utilities tax. This ended up in the High Court and the court found in favour of the ACT government in October this year. So in an era of collaboration across our border the ACT community and the Queanbeyan community have been subject to the substantial legal costs associated with this challenge—and all over a tax that is one of the most complex and inefficient in the history of taxation.

One can only question or ask what collaboration there was between the ACT Labor government and the surrounding Queanbeyan shire over this matter. And the answer is absolutely no collaboration whatsoever. Collaboration should be about working together to achieve positive outcomes. We have had enough ineffective talking about regional collaboration. It is not enough to sign a document to say that you are going to collaborate. This government and this Chief Minister, like the previous Chief Minister of this Labor government, will be judged, I suggest, very poorly in history. It is time for this government to get involved in meaningful collaboration which will facilitate economic cooperation and development between the ACT and New South Wales. Then we will have something to talk about.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.16): The Greens very much agree that regional collaboration is absolutely vital for the ongoing prosperity of the territory and the greater region. We do need to recognise that we are part of the region. While, of course, we are limited in the direct impact we can have,

we equally should not underestimate our capacity to influence change and the need to work with our regional partners.

The ACT participates in a number of regional forums, and recently a revised regional partnership framework agreement has been entered into by the ACT and New South Wales governments. These agreements, as well as regular meetings, are very important and I do not think anyone doubts the importance of ensuring that we have a coordinated approach on issues that affect our whole region. We have an inquiry into the carrying capacity for the ACT and region, and we have had many people in to give evidence. We have become aware of a range of different forums and organisations that are working to improve planning and cooperation and collaboration across the region.

Ms Porter mentioned the Regional Leaders Forum. There is also RDA (ACT) that recently released their strategic plan, and there is the initiative put together by the ANU and University of Canberra, the Canberra and Urban Regional Futures group which is looking at some very exciting work about how we can highlight the issues that we need to be addressing together across the region. Already we do have a good level of interaction, and this is certainly something we should build on.

The Commissioner for the Environment completes state of environment reports for each of the surrounding regions as well as the ACT, and this is of course very useful for developing our response to the environmental challenges that we face. We are part of the Murray-Darling Basin and we have a responsibility to participate in the negotiations about the way water is used and to play our role as part of the region in conserving water and ensuring that water is returned to the environment to ensure the health of the river. As I said, the inquiry into the ecological carrying capacity is concerned with our role in the region and the resources available, and this has illustrated how much we rely on and are integrated with the broader region.

I would like to pull out a few issues and talk about them. One is transport. The Greens believe that that cooperative governance between jurisdictions is necessary to improve public transport and transport in general. And one example that we strongly support the ACT government taking action on is to improve that cross-border transportation between Queanbeyan and Canberra. Around 65 per cent of Queanbeyan city workers commute to the ACT and the fact that the vast majority use their private motor vehicle has a major impact on parking, congestion and of course on the environment. Yet each city‟s public transport services generally operate as if the other city does not exist. Cooperation in service provision between the cities is becoming increasingly important as our populations grow.

We have advocated for bus priority measures for Canberra Avenue, and this was an issue we started pushing prior to the 2008 election. We are pleased that we are now seeing community consultation on Canberra Avenue bus priority measures occurring in mid to late 2011. One unfortunate thing, though, is that it remains unclear when and if these measures will be implemented. One positive feature of the priority signals and transit lanes is they can be introduced quickly and deliver immediate benefits. In our view, there should be faster progress to implement these transport initiatives. And the

same is true on other transport routes such as Belconnen to Civic, Gungahlin to Civic, and south and south-east Canberra to Woden and Civic.

I would also like to use this opportunity to encourage the government once again to engage in the federal government‟s new liveable cities program. My colleague Ms Bresnan has raised this with the government. This basically is a program that does have money attached to it so that major regional cities that are experiencing population growth pressures, housing and transport affordability cost pressures can put up a project, and we really believe that the cross-border transport project is a perfect project to put forward for the liveable cities campaign to attract some funding.

I would also recommend to the government that the funding for the Canberra Avenue project be accompanied by revised bus operations to create a more cooperative and unified cross-border bus network, and this should include improvements such as consistent fares and free connections between the two jurisdictions. We want to make sure that it is a seamless system between Queanbeyan and Canberra, and we should also be looking at the benefits of park and rides as part of this initiative. This really needs to be talked about and discussed at the eastern regional transport task force. I know that my colleague Ms Bresnan has raised issues about the task force. There are some concerns that some of these issues are not being discussed and then progressed so that we get some real outcomes, some real cooperation on the transport issue.

Another transport issue is around rail, and we need also cooperation across borders. We need to take up the considerable opportunities to advance rail services in the ACT, including light rail, high speed rail, rail freight and regional rail. We need to prioritise sustainable freight transport by developing a rail precinct in the vicinity of East Lake and Fyshwick, and this must include rail freight facilities. Freight transport is a growing problem in Canberra as we are concentrating more and more on road freight. And this is the reason given for building the Majura parkway. At the same time our use of rail freight is declining. It appears that ideas for sustainable rail freight have been abandoned.

The Greens also want the ACT government to engage with the New South Wales government and local New South Wales councils to coordinate improved cross-border rail services. This is about regional rail services. This is about being able to get to Bungendore, Cooma and other regional towns and cities near Canberra.

High speed rail is of course something that we support and the federal Greens very much pushed for the feasibility study that we are very pleased to see is in place now. We are entering stage 2 of this feasibility study. We very much support the study. We want to see that first lot of rails put down between Sydney and Canberra, and we urge the government to lead on this, to continue to push that link between Canberra and Sydney as being such an important one if light rail is to go ahead.

Of course, we need to be looking at health in a regional way. There is the national health reform and the introduction of local hospital councils, and we are hoping that the councils could work on a regional rather than just a jurisdictional basis. It is disappointing that this did not happen, as this is the one place where there really would have been a benefit to have a greater regional focus.

We know that New South Wales patients make up a substantial portion of ACT Health patients, and the New South Wales government has not been forthcoming in providing full recompense to the ACT government for those services. We are keen to know what exactly the regional agreement recently signed between the ACT government and New South Wales has been. We really need to find out where we are going to be with health, because we know that those health needs are going to continue to grow in the region and that the ACT, with our hospitals and our other health services, plays such an important part of the response to the health needs of the region.

We also need to be looking at regional collaboration around residential developments. We are seeing increasingly a number of residential developments that are springing up or are being proposed right on the border between the ACT and New South Wales. We need to make sure that this is the right sort of development for the ACT and for the region. We need to ensure that we coordinate with local councils and the New South Wales government in addressing issues like roads, access, infrastructure, sewerage, utilities, water, emergency services, waste management. And the list goes on.

As people straddle the border on a daily basis, we need to ensure that we have firm and equitable arrangements for services, amenities and facilities such as schools, childcare, community health care and hospitals, public transport and more. This can be complex. We are the island within New South Wales but we very much need to be seen as an important partner in the story of collaboration that very much needs to ensure that we do the best by our region, not just economically but we do the best socially and environmentally as well. So we do support and thank Ms Porter for bringing this on today.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (4.26): I thank Ms Porter for raising this matter of public importance today. As Ms Porter mentioned, I did have the pleasure last week of joining with my New South Wales counterpart, Premier O'Farrell, to sign the ACT-New South Wales memorandum of understanding on regional collaboration.

The signing of this formal commitment to greater collaboration builds on a series of extremely cordial and productive conversations and meetings over recent months. During this period we have both been clear about the need to take the working relationship between our governments and our jurisdictions to a new level, a level that acknowledges the reality of Canberra's place and role in the south-east region and also acknowledges the opportunities that await us as a region if we have the vision and the boldness to reach out.

Regional collaboration is nothing new, and it has evolved quite a bit in recent years. Back in 2006 a regional management framework was signed which established mechanisms for formal engagement on subjects like water, catchment management, settlement, infrastructure, economic development, service delivery and emergency services.

As we come to the end of our first century as a city, however, there is a need to take the talk and the action to a new level. There is a need to be smart, effective and mature. Our city is growing, but so is the surrounding region, with some of the nearby local government areas growing at a rate that outstrips our own. The projections are that this growth will persist in the coming decades. As the service centre for the region, particularly in areas such as health and higher education, we need to be in close, confidential and clear conversation with our neighbours about what this growth will mean, how we can collectively meet the demands it will create, and how we can leverage what we do in order to bring prosperity and quality of life to all in our region.

Recent national forums, for example in the area of health, have added impetus to this new mood of collaboration. And there are significant opportunities on the horizon—high-speed rail is one; the national broadband network is another—where speaking with a regional voice, speaking as half a million people in one of the fastest growing regions of the nation, might give us a weight that none of us could muster alone as individual communities separated by distance and state boundaries. But we cannot seize these opportunities or strengthen our voice or our hand in these national conversations unless we have vision enough to rise above parochial parish-pump politics and claim our ownership of the big issues and big opportunities.

There are benefits for both the New South Wales and ACT governments flowing from the signing of the MOU. As our region grows, it is critical that cooperative leadership and management of strategic growth in key population centres throughout the ACT-south-east New South Wales region are pursued. We need to share demographic data and other information earlier and more openly. We need to agree on how to maximise the benefits from the growth of the region. And we need to recognise the mutual interdependencies that exist in service delivery, economic development and resource management.

Ms Porter mentioned the hospital system and the way in which we have leveraged the critical mass of the region to secure a health system we could not have sustained for ourselves. We need to identify other areas where, working together, we might achieve similar results.

The MOU sets out some initial priority areas for collaboration. These include strategic regional direction and priorities, land use planning and infrastructure and integrated service planning initially focusing on health and education, and, I hope, on transport as well. Importantly, this is not just a high-level document which will sit in a drawer somewhere. In the coming months, detailed work programs will be developed for each of these priorities, and these work programs will be publicly released.

The work program for strategic regional direction and priorities will involve the development of a strategic regional directions statement that will articulate the opportunities and priorities for maximising economic development. Our governments and officials will work together with regional stakeholders like the Regional Development Australia boards, the regional organisation of councils for the south-east region and researchers from Canberra Urban and Regional Futures. Each of these

bodies is, in turn, well networked across the region. The result will be a wealth of solid input into joint regional economic development plans.

Land use planning and infrastructure issues are critical for both governments, particularly in light of the projected regional population growth. The MOU will deliver a new strategic plan for land use and infrastructure requirements for the broader region, taking into account the draft ACT planning strategy and the review of the Sydney-Canberra corridor regional strategy.

Each day more than 20,000 people from surrounding New South Wales travel to the ACT for work. New South Wales residents are responsible for a very significant proportion of the health care delivered by our hospitals, but there are other less obvious ways in which we service the region. There are cross-border implications for law and order and welfare, for example. One in 10 of the children in ACT schools live in surrounding New South Wales.

The integrated service planning priority of the MOU will initially focus on health and education. We need to establish a common and accepted database on the trends in demographics and population for the south-east region of New South Wales and the ACT. Once we have this agreed statistical information, the ACT and New South Wales governments can collaboratively map current and anticipated future service demand, identify appropriate sequencing of strategic infrastructure and examine cost-sharing arrangements. There are a number of exciting possibilities for collaboration in the region. Over time, the MOU will allow us to capture and progress many of these opportunities.

The rollout of the national broadband network will deliver a piece of infrastructure that has the potential to change the way residents and businesses operate and interact. The benefits of a high-speed, fibre-based network range from e-health applications to the delivery of educational opportunities, better management of the environment and diversification and sustainability of the local economy. The ACT, with its knowledge economy with internet and computer use rates that are the highest in the country and with a technically savvy population, is perfectly positioned to work collaboratively in the region to see that these benefits materialise.

I spoke earlier about high-speed rail. There is no question that high-speed rail will deliver genuine opportunities to our region. The ACT government has long been a strong supporter of the establishment of high-speed rail. We have also been very clear that any assessment of a high-speed rail network must consider the clear economic benefits of making Canberra and the capital region a crucial and early part of any network.

We would also hope that this analysis would look at the regional and broader benefits of linking the high-speed rail network into the enlarged and enhanced Canberra airport. The federal government has announced an evaluation of possible track alignments and station locations as well as funding options. While the conversation is still in its early stages, we need to be at the table. Both the ACT and surrounding New South Wales need to be in a position to advocate strongly for our inclusion in the

future route design. This means starting the conversation now, not later. Again, it means speaking with a strong and potentially more powerful regional voice.

As we formalise a work program for our agencies and directorates, there may well be resource implications. Costs that cannot be project managed will doubtless be considered through the annual budget process. But there will also be opportunities available to us as a region, through commonwealth regional development programs. We will be exploring those avenues, too, in partnership with our regional neighbours.

I strongly believe that our future as a city cannot be properly envisaged without an acknowledgement of our broader regional role and identity. My vision for Canberra does not stop at the end of Canberra Avenue, at the end of Northbourne Avenue or, indeed, a few miles down the Hume Highway. As a government, we preside over a city that plays an important role in the lives of hundreds of thousands of Australians from beyond our borders.

Mr Seselja interjecting—

MS GALLAGHER: Mr Seselja, we were going pretty well before you turned up and started your rude interjections, as usual.

Last week's signing of the MOU with Premier O'Farrell signals the start of a new area of mature and productive collaboration of a kind that has never been attempted before. I look forward to reporting to the Assembly early next year on the work programs supporting the ACT-New South Wales MOU on regional collaboration. I look forward to the support of the Assembly as we enlarge our vision of who we are and what we can be.

In response to Mr Smyth's very short contribution to this MPI, let me say that I have not worked out why he could only manage a couple of minutes; it is very unlike Mr Smyth. I noticed that he was going on about the utilities tax. We await with eager anticipation the announcement that the Liberals do not support that and will be repealing it, or at least attempting to repeal it. In relation to payroll tax, as Mr Smyth would know, harmonisation across the New South Wales and ACT borders would involve many businesses in the ACT paying payroll tax when they are currently exempt. I do not think it was fair of those opposite to throw those in as a couple of quips in the usual attempt to beat up on the government without any plans or ideas of their own, as usual.

MADAM ASSISTANT SPEAKER (Mrs Dunne): It seems the matter has expired.

Planning and Building Legislation Amendment Bill 2011 (No 2)

Debate resumed from 17 November 2011, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (4.36): I do not know what has gotten under the Chief Minister's skin this afternoon. She does not seem happy.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Seselja, could you just concentrate on the planning and building legislation.

MR SESELJA: I do not know why that is. This is the second PABLAB bill and develops on issues surrounding notification and consultation, which develops on issues debated with the introduction of the first PABLAB bill on 5 May 2011. This discussion was driven by the view of some in this Assembly that there needs to be better clarification on notification and consultation requirements for pre-lodgement proponent-led consultation on certain developments.

From the explanatory statement accompanying the bill, it seeks to initiate three outcomes: it requires a notice about building work to be placed on a block so that neighbours and other interested persons have details about whom to contact and what the building work involves; it requires certain types of building work to have a sign on the block about the work before the work commences; and it requires developers of certain larger scale developments to consult with the community ahead of being able to apply for a development application.

In doing so, it will amend a number of acts. I note that omnibus bills such as this consist largely of technical amendments to several pieces of planning and building legislation and that it has the broad support of industry. Approved government guidelines necessitate that the essential criteria for inclusion of amendments in the bill are that such amendments are minor or technical and non-controversial or reflect only a minor policy change. Based on this benchmark, it can be concluded that PABLAB 2 does not fulfil this criterion of non-controversial and minor policy changes.

As the explanatory statement notes, it will require a sign to be erected for all building work that requires building approval. Our concern regarding this requirement concerns code track applications. Even the former Minister for Planning commented:

> To suggest that the code track should require some form of public notification undermines the intention of this track and the track-based assessment system more broadly. It would unfairly raise the expectation that there is an opportunity to comment on the proposal or influence the development, when there is none. If a development meets all the rules, there is no scope for subjective assessment—it is either yes or no, a tick or a cross. To subject the proposal to notification and public comment will also undermine the certainty that the rules provide to proponents, who have sought to streamline their proposals by adding an additional 10 days to their assessment period.

I am sure the current planning minister would agree with those sentiments.

Similarly, the Canberra Liberals' position is that if a development proposal is in code track, it is basically a complying development and satisfies the zonings, setbacks, heights and other rules, negating the need to delay approval by putting it out to consultation. There appears through this bill to have been a policy change on the part of the government when it comes to these kinds of developments.

Equally, as of yesterday, my office received representations from industry expressing concerns regarding the demerit penalties if a sign is not on display for two days or

more. They also noted the strict liability offence in section 37A(7), which they consider to be quite draconian and that "licensed builders" in section 37A(1) does not make it clear that it takes into consideration "owner builders" who, under the Construction Occupations (Licensing) Act 2004, are required to have a licence.

Industry also voiced their concerns with regard to sections 138AE and 138AF, commenting that pre-community consultation seemed to mark a shift of responsibilities from ACTPLA to the developer. This does not necessarily guarantee the community get a fair hearing should they have concerns.

It is worth while to acknowledge there is also a lack of clarity within the community and industry as to who is ultimately responsible for undertaking consultations. The Canberra Liberals support better information to the community. However, under what is being proposed, the community receives no comfort that sham consultation will not occur. The government needs to do more work on this, and, unfortunately, this is not reflected in the minister"s bill today. Concurrently, noting the government had trialled such consultation since 2010 with apparent success, this Assembly should sincerely ask itself why we are putting this into legislation when we are told by the government that it is working well on a voluntary basis.

It also appears that, through the introduction of section 37(2A), commencement notices for builders to start work will be introduced. There needs to be greater disclosure and transparency on this new process to minimise the possibility of confusion.

I reiterate that this bill is controversial and marks a policy shift for the government. The more unreasonable processes that are placed around developments, the more they affect things such as housing affordability. We should have appropriate consultation and it should not be done in a way that seems deliberately designed to undermine the scheme the government put in place some years ago. For all these reasons, we will not be supporting this bill today.

MS LE COUTEUR (Molonglo) (4.41): The Greens will be supporting this Planning and Building Legislation Amendment Bill today. It is the second ever PABLAB, and I agree that it is a lot easier for us to monitor and raise planning legislation issues through a PABLAB than a SLAB. But this bill had one little surprise at the end—a small amendment for plastic shopping bags regulation. It now seems that the intent of a PABLAB has been extended to include environment legislation, making it more of a PABELAB or maybe an ELAB. I understand, in fact, there is a competition running for the name of such future legislation. I imagine Mr Corbell is taking entries for that.

When we first debated the PABLAB earlier this year I put forward a number of proposals, and I am pleased that the government has taken up the issues I raised and that some of these have been implemented in PABLAB No 2. This PABLAB improves upon some of the consultation and notification requirements in our planning and building legislation, which I believe will help the community and proponents better exchange views on development proposals.

This bill covers two key areas, both of which address key concerns I proposed amendments for in the last PABLAB round. The solutions are a little different from my initial proposal, but they essentially resolve the same issues—I hope. They are improving the pre-development application consultation process and erecting signs where work is being undertaken by a licensed builder in advance of the work being carried out to notify nearby residents of upcoming work as well as requiring that the signage be displayed while the work is undertaken.

In terms of the pre-DA consultation, I note that the ACT Government Architect, Alastair Swayne, said that the development process should be less adversarial and that if developers made more efforts to meet informally with various community stakeholders, planning outcomes would be greatly improved. I agree with this completely. The more the community are informed about a proposal in the early stages, the longer they have to formulate their responses and to get used to the concept of the proposal. Sometimes people just need some time to realise that their neighbourhood is changing and to get used to the idea of what it is about to become.

Sometimes residents have very valid concerns, but at the DA stage they simply do not have sufficient time to gather and formulate their thoughts, including doing relevant research so that their comments to the DA can be meaningful. It also is often far too late by the DA stage for a developer to take on any comments if they would require significant changes, unless they are absolutely forced to by not complying with relevant codes or legislation.

If, however, community comment was given to the developer early in the planning stages before the developer had invested too many resources in the details of the plans, they are far more likely to be able to integrate community comment. That is a way in which the Greens would hope to see pre-DA consultation as a plus for both developers and the community. It is a way of getting the development in a community as close as possible to what the community would like to see.

ACTPLA already has a pre-DA lodgement community consultation form. At present, the form must be compulsorily filled in for a residential building higher than three storeys and more than 50 units, buildings of more than 7,000 square metres and buildings or structures higher than 25 metres. There is no legislative requirement that binds any of the developers to undertake any of the actions listed on the forms. It is bizarre to enforce something by requiring people to fill in a form.

This bill will make the actions mandatory, as well as reducing the triggers requiring the community consultation down to residential buildings higher than three storeys or 15 or more dwellings, buildings greater than 5,000 square metres, and buildings or structures higher than 25 metres above ground level.

The legislation also creates an ability for ACTPLA to create guidelines about how a proponent should consult with the community. I understand ACTPLA will be consulting with various stakeholders over coming months to determine the appropriate level of community consultation for a range of particular instances and types of development.

There are a number of potential ways of consulting which would be appropriate for different types of proposals. They include a neighbourhood letterbox drop, which would obviously need to cover as big an area as appropriate to the scale of the development; provision of email or phone contact details for feedback on the information distributed to the community; holding of community meetings, including meetings with the local community council and any other relevant community groups, to explain the development; hosting a community meeting as promoted in the letterbox drop; and combinations of the above.

It is important to get the scale of the consultation right to ensure that it is not, in fact, too onerous on the proponent while ensuring that the proponent has enough opportunities to hear a range of views from the community and members of the community feel they know what is happening where they live, where they shop and the areas that are important to them. I am very pleased that both developers and the community will be clear on the requirements for pre-DA consultation after this legislation has been passed.

Usually, as you know, the Greens are pretty dubious about supporting legislation when the supporting regulations or instruments are not yet available. However, in this case, it makes sense to improve the legislation now by making consultation mandatory and allowing a few months for appropriate guidelines to be developed in consultation with the community and developers. We look forward to seeing the final guidelines in a few months.

One change from the earlier drafts of this PABLAB is that the city and town centres were to have been excluded from this pre-DA consultation process. However, I am very pleased to see that this has been amended and that residents in these areas will now have the same consultation rights as residents in other parts of Canberra. However, I also note that this bill proposes a number of areas which should be exempt from needing pre-DA consultation as they are essentially greenfield areas. This seems fine at this stage, but I suggest that these areas would need to be revised regularly. I will be moving an amendment to that effect later today.

During the debate on the first PABLAB, I suggested that the level of notification on each development track be increased slightly as I consistently get feedback from the community about insufficient consultation and notification. In particular, one issue which the government has agreed needs improving is what I call the Arthur Dent situation. You may well all recall Arthur Dent, the main character in the *Hitchhiker's Guide to the Galaxy*. At the beginning he wakes up one morning to find the bulldozers are outside waiting to demolish his house to make room for a highway. Not only was his house being demolished, but the whole idea of the story was that Earth was being demolished to make way for an intergalactic space highway.

When Arthur asked the aliens why no-one on Earth had actually been notified, they responded by saying it had of course been in the galaxy notifications and that it was a pity that, unfortunately, earthlings did not really have access to these communication channels. Sadly, this is how many people in Canberra feel about a development or demolition in their neighbourhoods—they do not see them coming. When they ask

about them, they are often told they were on the ACTPLA website and they could have found out about them there. The average Canberran, I am afraid, does not check the ACTPLA website very often—possibly not at all.

The community does not necessarily want a huge level of input into many of these developments, but it is important to avoid the Arthur Dent situation. I had it myself—I came home one day and found that the house over the road just was not there anymore, which was a bit of a surprise. Even if neighbours do not have the right to comment on a development because it is exempt, which includes demolition and development of garages and single-dwelling houses, they certainly have the right to know if the house next to them is about to be demolished and replaced.

This bill has not taken on my proposals to notify neighbours of an impending development via a letter, but it has introduced a requirement for a sign to be erected by a licensed builder where work is to be undertaken in advance of the work being carried out as well as while the work is being undertaken. The sign which will be required around the block where the development will occur will include information and contact details for the builder and the certifier, a description of the building work to be carried out, information about the development approval and the stages of work to be carried out.

I am pleased this signage requirement will now be required by legislation and be consistent across developments. I note that, although this contact detail information is already available to the public, most people would not know how or where to access the information, and this legislation will make it easier for the public. The requirements do not require a 3D representation of the proposal at this stage, but possibly in the future that is something that might need to be added.

Given all these improvements to notification and consultation, I support the contents of the bill before us today, but I would also like to take the opportunity to put forward some small amendments, which I will be moving shortly in the detail stage.

I am glad the fact that I put forward my Planning and Development (Notifications and Review) Amendment Bill for debate in 2009 has meant these issues around community consultation, notification and review processes are getting serious government consideration, and that includes the amendments I proposed but, after negotiation, did not present to PABLAB 1.

I would like to thank the government for seriously investigating and addressing these matters as I believe there are many people in the Canberra community now and in the future who will be very pleased these issues are resolved. I believe, unfortunately, there are still some substantial flaws in our planning processes, and I look forward to these being addressed in future bills.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.52), in reply: I thank Ms Le Couteur for her support of this bill. This bill is an important reform in clarifying pre-DA consultation arrangements for certain types of development.

This issue has been raised with me by community organisations and by other members. I point out to Mr Seselja that it has even been raised by one of his colleagues, Mr Coe, who has highlighted his concerns about who is responsible for what type of consultation on projects such as the Jamison space development near the Jamison shopping centre.

This is an issue that is across party boundaries and, despite Mr Seselja's commentary, I think it is one that all members recognise needs some improvement. That is what this PABLAB is all about doing, and I thank those members who have indicated their support of the bill.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Mr Hargreaves	Mr Coe	Mr Smyth
Dr Bourke	Ms Hunter	Mr Doszpot	
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Ms Porter	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher			

Question so resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MS LE COUTEUR (Molonglo) (4.57): I move amendment No 1 circulated in my name *[see schedule 1 at page 5758]*.

My amendment is very short. It requires that notification of development applications for lease variations actually include some information about what the lease variations are in the notices, on signs and in letters.

The notification of information that is available about DAs in the case of lease variations that in fact go out publicly does not explain what the proposal is in any shape or form, except to say it is a lease variation. It is pretty hopeless. All of us must have walked past the notices and seen where it says "lease variation". You wonder what on earth they are talking about, or it is in the *Canberra Times* and it just says "lease variation". Not everybody is going to ask what that is. It simply says "lease variation".

All my amendment is proposing is to make changes to the notices which go out in letter format, as it does not make much difference to ACTPLA if the letter is a bit longer, and to the sign which is displayed. Given that a few years ago we changed from an A4 sign to an A3 sign, we have actually got enough space on the signs to display more text as long as the fonts are reasonably small.

I am quite happy with the idea that you have to be standing right next to the sign to be able to read it. It does not have to be a large font. The signs are big enough to attract people"s attention. If people are interested they will go up close to it and read it. But it is really frustrating when people go up to a sign only to find they then have to go to a website to work out what the actual proposal is.

If the lease variation is really so terribly long, then this provision in my amendment allows ACTPLA to make a summary of the proposal and a reference the website. I understand that the government may have a different way of achieving the same basic end. I welcome that discussion today.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.59): While the government agrees with the intention of the proposed amendments in relation to the details of lease variation DAs being made available, the government will not be supporting this amendment. The reason for that is that the government believes the same result can be achieved without the need to include such requirements in legislation.

The government would propose instead to use its form-making powers in the Planning and Development Act to require a description or, if necessary, a summary of the proposed lease variation on the physical DA sign and newspaper notice. In summary, the procedure that is proposed would include using the form-making power to prescribe the form of a DA notice for a lease variation; making improvements to the act for websites so that information relevant to a DA for lease variation is more readily accessible; amending the ACTPLA redevelopment form so that proponents fully describe the proposal without needing to attach a separate sheet, although it should be noted that some lease variations are quite complex; and educating and informing major developers in the industry on the new requirements.

The administrative process would include steps such as the DA notice sign and notice in the paper to include the full details of the lease variation, where possible and practical. If the details of the lease variation are too lengthy, a summary of the lease variation DA is to be provided by the proponent.

In these situations, the DA notice and newspaper notification will note that this represents a summary of the proposal and that a full description is available on the website; the proponent would be required to summarise the proposal—this summary will be used on the DA sign; use form making power to prescribe the form of a DA notice that is for a lease variation; make improvements to the website so that information relevant to a DA for lease variation is more readily accessible; as I have said, amending the e-development form to fully describe the proposal without needing to attach a separate sheet; and education of developers and industry.

We believe this is a more reasonable response. I understand the intent proposed by Ms Le Couteur, but we do not believe it is necessary for it to be placed into the act itself.

Amendment negatived.

MS LE COUTEUR (Molonglo) (5.02): I move amendment No 2 circulated in my name *[see schedule 1 at page 5758]*. It is even shorter than my first one. As I noted earlier, there are greenfield areas which are exempted from pre-DA consultation in the bill, which makes sense. If there are no inhabitants, they cannot be consulted with. All my amendment does is say that every five years the authority should revisit these areas just to ensure that the exemptions still makes sense given the state of the community there.

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) (5.03): The government will be supporting this amendment. The government is happy to accept that it would be desirable to review those areas in new development areas that are no longer exempt from requirements for pre-DA notification and consultation, particularly as those areas develop and mature and no longer are seen as part of urban development fronts.

Amendment agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Australian Masters Games
Canberra Institute of Technology—creative industries showcase

MR DOSZPOT (Brindabella) (5.04): At the 2011 Australian Masters Games in Adelaide on 7 to 16 October, the Canberra Old Boys Masters Team won two gold medals in the category of masters soccer. They won gold for the over-55 division as there was only one team entered. Then they were placed in the over-50 division as well and, after recruiting two over-50 players locally, proceeded to put the younger teams to the sword to win their second gold medal—an impressive performance when you consider the team"s average age was 58 and included seven players aged over 60. Over six days, the Old Boys played nine 60-minute games; after losing the first game, the Old Boys won all the rest of the games, scoring 17 goals with five against—great defensive efforts from Bill Hardie, Les Herbert, Woody Elliott, Alan Greenslade, Wally Hoefel and Momo Radulovich.

The Canberra Old Boys are a touring side, affiliated with the Tuggeranong United Football Club. Their motto is "degenerating disgracefully". The Old Boys draw their core from older players of the Tuggeranong United Football Club masters teams and are complemented by other players from around Australia who have links with the team. They have participated in masters tournaments around Australia and overseas every year since 1994 and always play in the oldest age division and on the way have accumulated an impressive medal tally, highlighted by winning the World Masters over-45 division in Melbourne in 2002.

The Canberra Old Boys at the Australian Masters Games in Adelaide 2001 included the following players: Momo Radulovich, Woody Elliott, Ian Ippoliti, Alan Greenslade, Tony Santolin, Wally Hoefel, Rudi Aiono, Alan Froud, Bob Kostic, Bill Hardie, Leslie Herbert, Norm Holcroft, Milan Novakovic, Joe Kaczor, Stewart Leenards, Ken Menser, Pat Sergi and Wally Conlon. The Tuggeranong masters in the 2011 team were Bill Hardie, 64 years old; Alan Froud, 64; Wally Conlon, 62; Alan Greenslade, 62—they were all originals from the first tournament in 1994—Momo Radulovich, 65; Wally Hoefel, 59; Leslie Herbert, 58; Ken Menser, 57; Woody Elliott, 56; Norm Holcroft, 55; Milan Novakovic, 51. I congratulate the Canberra Old Boys for their victorious domination of the Masters Games and congratulate all the players who performed so superbly.

On Wednesday, 23 November 2011, in my capacity as the shadow minister for education, I was pleased to attend the CIT creative industries showcase. The creative industries centre student prizes were sponsored by industry. The following students won prizes on the night: Milo Magnacavello for architectural drafting, Peter Rankin for building design, Lauren Sharman for interior design, Stella Sheppard for interior residential design, Andrew Neilen for graphic design, Byron Carr for digital media, Tara Davey for visual arts, Stephen Corey and Rhys Bell for photography.

I would like to thank CIT for the hospitality, in particular Jenny Dodd, the acting deputy chair and chief executive of education services. Congratulations to CIT and their students for the fantastic effort in putting together the whole creative industries showcase momentum 2011. There were hundreds of people there the night I was there. That presentation of the various different categories and the various different programs on offer by the CIT was on over a number of days at the Kingston markets. It was a very creative use of space as well and it was very much appreciated by the students as well as the people who had the opportunity to have a look at the works of art that were displayed. Once again, my congratulations to the CIT and all of the students, not just the winners but all of the ones who were nominated.

Burgmann College
Belconnen senior citizens club

MR COE (Ginninderra) (5.09): I rise this evening to say a few words about Burgmann college at the ANU, at a very auspicious time in the college's history—their 40th anniversary. Burgmann College was founded in 1971 by five churches, which included the Anglican, Baptist, Church of Christ, Presbyterian and Uniting churches. The founders envisaged a community of young students of all faiths that could live and study together.

Today there are 350 undergraduate and postgraduate students from ANU from all walks of life and from all different faiths fulfilling this vision. Over 7,500 students have called Burgmann home over the past 40 years, including many high achievers. It is worth noting that the Burgmann alumni consistently rank amongst the top in their fields.

Residential staff at the college include the principal, Dr Philip Dutton, and the deans, Mr John Uhlmann, Mrs Shana Uhlmann, Dr Emma-Kate Potter and Dr Stephen Martin. The 2011 Burgmann council is made up of the following members: Mr Len Goodman AO is the chairman; Mr Greg Mills, the secretary; Mr Bruce Calder, the treasurer; and Dr Philip Dutton, the principal. Other members include Reverend Joy Bartholomew, Robin Brown, Katherine Clapham, Dr Gail Clements, Matthew Coulton, Dr Les Davies, Lynne Duckham, Bruce Edgerton, Professor Tom Faunce, Bruce Harvey, Jarrod Hulme-Jones, Gavan Mackenzie, Professor Campbell Macknight, Vincent Margerin, Sarah May, Jan O'Connor, Dr Christopher Peters AM, OI, JP, Dr James Popple, John Quantrill, Craig Rayner, Bettina Soderbaum, Sam Stapleton, Ray Stephens, Paul Street, Dr Rebecca Tan, Mr John Uhlmann, Mr Cameron Wilson, Mr Michael Wright and Mrs Sue Garnett.

Residential advisers at the college facilitate academic and pastoral assistance. I would like to take this opportunity to acknowledge their contribution to the college. They include Michael Wright, Kastoori Hingorani, Patrick Carvahlo, Bradley Kunda, Zemma, Rachael Roberts, Sally Renouf, Alan Pierce, Bin Ben Chen, Eleni Stratton, Michelle Page, Freddie Gollan, Katie Clapham, Sam Stapleton, Mel McLeod, Alex White, Emma Logan, Tom Westland and Siobhan Ion. These individuals have all made their contribution as residential advisers this year.

One of the ways the college engages the broader community is through the annual Ernest Burgmann lecture. In the last couple of years the ANU vice-chancellor and the then senator the Hon Nick Minchin have delivered this address. Nick Minchin joins Peter Garrett and Kevin Rudd as some of the notable alumni of the college. Burgmann promotes an environment which supports academic excellence, co-curricular pursuits, spiritual development and, of course, socialising. I commend to this Assembly Burgmann College and all who contribute to college life.

I pay tribute to the Belconnen senior citizens club, which plays an important role in our community, in particular in my community of Ginninderra. The club was formed in 1982 and has been a place for the almost 300 members to congregate, share stories, meet friends, engage in sporting and social activities, and provide a family—the only family some members have.

I had the pleasure of visiting the club last Friday to see the wonderful community spirit that exists and chat to members about their own stories and their involvement within the club. The president of the club, Mal Grimley, told me that there are members from more than 30 nationalities and the club facilitates the coming together of people from many different walks of life.

The club has a very busy weekly and periodic calendar of events such as bowls, table tennis, dancing, coach trips, excursions around Canberra and many other activities. The club recently held an OAM day which saw no less than seven of its members turn up with their medals, each with a fascinating story to tell.

The club has been very effective in applying for grants through different programs. Recent investments have included upgrading the kitchen and toilet block, and a new floating floor, which I am advised is one of the best dance floors in Canberra. The club is seeking to invest in an automatic front door, amongst other projects. However, it is worth noting that the club operates on a very small budget. It is through the sheer dedication of the committee and other members that the club operates so successfully.

Community groups like the Belconnen senior citizens club do what no amount of money can ever achieve. Money cannot buy commitment, community spirit and a supportive, sociable environment. Whilst money can help with the bricks and mortar, it cannot buy the dedication of the volunteers.

I would like to make mention of the members of the committee who are responsible for the club‟s operation. They are Mal Grimley, Marg Grimley, Jocelyn Duggan, Edgar Crosby, Noleen Simmons, Betty Hardy, Robert Rough, Audrey Rough, Mike Newton, Gloria Bartelos, Gloria Maher and Fulvio Paliaga. Other committee members include Norma Dewick and Helen Savage. I commend and thank them for their service.

I encourage all Canberrans interested in finding about more about the club to visit them on Chandler Street or call 6251 6354. *(Time expired.)*

Australian Mathematics Trust—awards
Kumon awards

MR SESELJA (Molonglo—Leader of the Opposition) (5.14): I had the pleasure recently of attending the Australian Mathematics Trust annual awards presentation along with my wife and son. The Australian Mathematics Trust is a not-for-profit organisation under the trusteeship of the University of Canberra. It administers mathematics and informatics enrichment activities for Australian and international students and publishes books on mathematical enrichment.

We were welcomed by Professor Peter Taylor, Executive Director of the Australian Mathematics Trust, and we were treated to a wonderful speech from Professor Michael Barnsley from the Mathematical Sciences Institute, College of Physical and Mathematical Sciences, Australian National University. Professor Barnsley spoke about how when he was at his home in England at the age of 12, he had an exam and was declared to be the thickest boy in his village. He then had the opportunity to re-sit the exam and they confirmed, in fact, that he was the thickest boy in the village. Of course, he went on to be a professor who has had amazing success. So it was a wonderful, inspirational thing for the kids to see that no matter what your circumstances, you can achieve if you really want to.

I would like to pay tribute to all of the award winners. I will get through as many of them as I can. We had the AIC high distinction awards. The recipients were Michael Robertson from Campbell high school, Shane Arora from Canberra grammar, Mark Glanville from Canberra grammar, Benson Deme from Canberra grammar, Sanjay Farshid from Canberra grammar and Phil Zhu from Canberra grammar.

We had the Prudence awards. The recipients were Emily Luton from Jerrabomberra public school, Benjamin Gianquitto from Kaleen primary, Shriram Vaitheeswaran from Canberra grammar junior school, Michael Seslja from Marist college primary, Jordan Blyton from St Edmund‟s college junior, Jake Wenger from St Monica‟s primary school, Lauen Ducat from Belconnen high, Crystal Choy from Burgmann Anglican school, Bowen Wang from Canberra high school, Samuel Wade from Daramalan college, Josiah Jagelman from Karabar high school, Nisha Gupta from Merici college, Jake Coppinger from Orana Steiner school, James Richards from Radford college, Nikolas Antonakos from St Edmund‟s college, Rebecca Ayun from St Mary Mackillop Catholic college, Riley Attard from Stromlo high, Sam Watson from Lyneham high, Christopher Hann from Melrose high, Alexa Baxter from St Clare‟s college, Ying Zheng from Canberra girls grammar, Diane Premnath from Narrabundah college.

There was also the Australian mathematics competition and the prize winners were George Gabbedy from Jerrabomberra public, Griffith Zerk from Kaleen primary, Deepan Kumar from Canberra grammar junior school, Michael Robertson from Campbell high, Shane Arora from Canberra grammar, Benjamin Mynott from Canberra grammar, Charlie Chen from Emmaus Christian school, Zoe Neil from Lyneham high school, Ranon Chen from Marist college, Nicholas McColl from Radford college, Julian Pratley from Alfred Deakin high school, Mia Huang from Burgmann Anglican school, Joseph Wild from Daramalan college, Ian Mallett from Radford college, Glen Goodwin from St Francis Xavier, Apoorv Sehgal from St Francis Xavier, Chris Naco from Canberra grammar, Benjamin Thompson from Narrabundah. Well done to all of those!

I would like to say a few words about the opportunity I had to go to the Kumon awards ceremony about a week ago. It was hosted by the Calwell Kumon and the Manuka Kumon. Jane Hiatt from Calwell and Llois from Manuka were wonderful hosts. Everything that could go wrong went wrong for poor old Jane. All the technical difficulties that could be there were there but Jane Hiatt did an outstanding job in bringing it altogether.

There were many kids there getting awards and it was a great tribute to Jane Hiatt. It was a great tribute to all the staff and students at Kumon. I do not know a lot about Kumon but I did have the opportunity to visit there in Calwell. What I would say is that I was very impressed with Jane. I was very impressed when I heard stories of kids who in some cases had been struggling. One girl told me about how when she started there she was getting Ds in English. That was in year 7. She is now in grade 9 and she is doing year 12 English level. There was another young lady who was presenting a present to Jane for just the change in her life.

I only have a limited understanding of a lot of the work they do but I will just say that from what I saw good things seem to be happening there. I had the opportunity to sit a test. I asked that she keep it nice and easy. She did and I was able to complete it. But the other thing that struck me about it actually was the kids. Despite there being many kids in a room, they were far quieter than my kids. So I was very impressed with their ability to keep kids from making lots of noise.

I would just like to pay tribute to Jane and to Llois. Jane particularly did a great job of making all of the students feel very honoured and very special. I would like to pay tribute to the wonderful work that she is doing. *(Time expired.)*

Human rights—Sri Lanka

MS BRESNAN: On 18 November I hosted the launch of the book *Rebellion, Repression and the Struggle for Justice in Sri Lanka—The Lionel Bopage Story*, which was written by Michael Cooke. The biography looks at the post-independence history of Sri Lanka from 1948 on through the eyes of one of its most prominent left-wing activists, Lionel Bopage. The book looks at Lionel‟s life, in which he has experienced imprisonment, torture and insurrection which left between 5,000 and 10,000 people dead, communal violence and Lionel‟s resignation from the post of general secretary of a major left-wing party.

He and his family were forced into exile in the late 1980s. They now live in Australia. The biography discusses their life in Australia and Lionel‟s attempts to reconcile members of the Tamil and Sinhalese communities here in Australia. The book also puts the current issue of war crimes in an historical context. The covering up of atrocities and the killing and jailing of dissidents have been constant features of the country‟s modern history. Despite the violence and the suffering, Lionel attests to an unconquerable hope that he and those like him might bring people together, redressing communal grievances and bringing about genuine power sharing in Sri Lanka.

On 1 November I also met with a member of the Sri Lankan parliament, Siritunga Jayasuriya, who, as well as being a member of parliament, has been involved with human rights and trade unions for over 40 years. He noted the seriousness of human rights as an issue in Sri Lanka across the whole of the country and issues occurring around media censorship and intimidation there.

I think both Lionel‟s story and Mr Jayasuriya‟s comments, after speaking with him, highlight, again, the seriousness of the situation in Sri Lanka. It is something that the whole world needs to be mindful of and watch and, with various international meetings about to come up in Sri Lanka, I think it highlights more precisely how serious the situation is. Commonwealth countries, in particular, need to take note of what is happening, lobby for change in Sri Lanka and also support people living in Australia—Tamil and Sinhalese communities—who are fighting for justice in Sri Lanka also.

Australian National University—Medical School ball

MR HANSON (Molonglo) (5.21): I rise tonight to talk about the ANU Medical School graduation ball which I attended recently with my wife, Fleur, at Parliament House. Obviously it is a ball that celebrates the graduation of the 2011 Medical School graduates from the ANU. And it is one of the highlights in the calendar for Fleur and me. It is a tremendously enjoyable evening.

The entertainment that is put on by the Medical School students is second to none. We had a Medical School graduating student, an ex-opera singer, sing. We had Bollywood dancing from the students. The video that they put together was sensational. We had one of the graduating students, a concert pianist, perform. There is no question that they are a very talented group of individuals, and it gives me great encouragement that such a wonderful group of people are soon to be working in our ACT health system. I certainly hope that most of them do actually choose to work here in the ACT and stay in the ACT.

I would like to pay my tribute not only to the students but also to all of the staff. The relationship between the staff and the students is also a very close one and many staff go beyond the call of their duty to work extra hours to provide the education, the experience and the knowledge to those young graduating doctors.

A number of prizes were awarded on the night and I would like to congratulate those people that won the awards. The ANU Medical School student society prize was won by Tim Lovell; the Louis Szabo silver probe prize, by Thomas Gleeson; the ACT Medicare local excellence in general practice award, by Matthew Rosenberg and Ross Penglase; the Indigenous health prize, by Kiran Atmuri; the rural general practice prize, by Yin Lee and Kamaljit Ghatora; the rural health prize, by Rushanti Perieira; the leadership prize, by James McCracken; the clinical neuroscience prize, by Ross Penglase again; the psychiatry prize, by Raphael Wong; the Mary Potter award for excellence, by Deborah Moran; the Gareth Long prize for orthopaedic surgery, by Ross Penglase; the Guan Chong prize in surgery, by Ross Penglase. The Graham Wilkinson prize, presented by his widow, Muriel, was won by Daniel Heard. The ANU Medical School, Cancer Council, ACT Pathology prize for year 4 is yet to be determined. It will be announced later in the year. To all of those graduating doctors, congratulations, and my thanks to Professor Nicholas Glasgow, the Dean of the Medical School, not only for his warm welcome on the evening but for the tremendous work that he does at the ANU.

Ministerial responsibilities

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (5.24): One of the pleasures in my first two weeks as a minister in the ACT government has been the opportunity to meet with many committed individuals and groups—children, teenagers, men and women—and businesses, as well as the organisations that represent them, and the public servants who work hard to deliver services to the Canberra community.

In the education portfolio there are many Canberrans whom I need to meet and to whom I need to listen. Before my appointment as minister I had the opportunity to visit several schools in the Ginninderra electorate. As minister, I have visited more. Meeting students, teachers, principals and parents, presenting academic and sporting awards, attending school and college functions and meeting students of all ages are rewarding experiences. I have also met with representatives of the unions that represent public and private teachers, the leadership team of the Education and Training Directorate, senior staff of the major education institutions and representatives of non-government schools. In addition, I have meetings planned with the institutions and the representatives of the organisations with whom I have not yet met.

I am proud, as an Indigenous man, of my appointment as Minister for Aboriginal and Torres Strait Islander Affairs. I am a former chairperson of the ACT Indigenous Education Consultative Body and a former member of the close the gap campaign for Indigenous health equality. By the time of my appointment I knew many members of the ACT Indigenous community, and one of my first meetings was with the senior staff of the Office of Aboriginal and Torres Strait Islander Affairs.

As a backbencher, I visited the Alexander Maconochie Centre and I am looking forward to visiting it again as the responsible minister. I have met with senior staff from the Justice and Community Safety Directorate responsible for corrections and have arranged to meet with the Official Visitor and Indigenous Official Visitor.

As a former owner and manager of a small business and an employer for nearly 18 years, I have taken an active interest in the relevant industrial relations legislation and awards over many years. Through my involvement in the Labor Party and then as a backbencher, I have come to know many of the union leaders representing both public and private sector workers across the territory. Since my election to the Assembly I have met with leaders of the Canberra business community, and since my appointment to cabinet I have continued to talk with them as the opportunity arises. I of course have more formal meetings planned with union representatives and Canberra business organisations.

Question resolved in the affirmative.

The Assembly adjourned at 5.28 pm.

Schedule of amendments

Schedule 1

Planning and Building Legislation Amendment Bill 2011 (No. 2)

Amendments moved by Ms Le Couteur

1
Proposed new clauses 11A, 11B and 11C
Page 12, line 21—

insert

11A Public notice to adjoining premises
New section 153 (3A)

insert

(3A) If the development proposal to which the application relates is, or includes, a lease variation, details of the lease variation must be included in the notice given under subsection (2) or (3).

11B Public notice to registered interest-holders
New section 154 (2A)

insert

(2A) A notice under subsection (2) must include details of the lease variation.

11C Major public notification
New section 155 (1A) and (1B)

insert

(1A) If the development proposal to which the application relates is, or includes, a lease variation, details of the lease variation must be included in—

(a) the sign displayed under subsection (1) (a); and

(b) the notice published in the newspaper under subsection (1) (b).

(1B) However, if the details of the lease variation are too long to be included in the sign displayed under subsection (1) (a) or the notice published under subsection (1) (b), the planning and land authority must include—

(a) a summary of the lease variation in the sign and notice; and

(b) a link to the development proposal on the authority website.

2
Clause 13
Proposed new section 20A (2A)
Page 13, line 23—

insert

(2A) The planning and land authority must, at least once every 5 years, review the operation of subsection (2).