



Debates

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Legislative Assembly for the ACT

8 DECEMBER 2011

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Thursday, 8 December 2011

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Thursday, 8 December 2011

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petitions

The following petition was lodged for presentation, by Ms Bresnan, from 373 residents:

Drugs—petition No 127

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that: *current prohibition drug laws and policies have failed to stop the trade and use of drugs and that they are in serious need of revision.*

Your petitioners therefore request the Assembly to: *conduct a public debate on drug laws and policies with a view to revising relevant ACT laws and policies. That debate to be evidence-based rather than one based on prejudice or political self-interest masquerading as public morality.*

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

Distinguished visitors

MR SPEAKER: Before we proceed with executive business, members, I would like to acknowledge the presence of the Hon Don Harwin MLC, the President of the New South Wales Legislative Council, and his staff. Gentlemen, I welcome you to the Assembly this morning; it is great to have you with us.

Mr Harwin thereupon entered the chamber, and was seated accordingly.

Food (Amendment) Bill 2011

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.02): I move:

That this bill be agreed to in principle.

I present to the Assembly the Food (Amendment) Bill 2011.

ACT residents enjoy a vibrant and diverse food service industry serving a variety of different cuisines from around the world. An important part of this industry is food safety. The ACT community expect and deserve to know that the food they purchase is safe for consumption.

The ACT has almost 2,500 registered food businesses. The majority of these are operating in compliance with the provisions of the Food Act 2001 and the Australia New Zealand food standards code, ensuring that food provided for sale in the ACT is safe and does not introduce a public health risk. In recent times, there has been a higher incidence of non-compliance being detected by the Health Protection Service.

The food industry is a dynamic industry; there are new food business premises being registered by the Health Protection Service every year. There are new people entering the industry and some that are leaving. Being a dynamic industry with food businesses constantly entering and leaving the market, it is not surprising, therefore, that food safety knowledge gaps would creep into the system. Indeed, the higher incidence of non-compliance that has been seen over the past year by the Health Directorate can be attributed either to a disregard for the laws or a lack of knowledge on the part of registered proprietors and their staff on required food safety standards. I can inform the Assembly that a considerable degree of enforcement action has been taken and continues to be taken to address this concerning trend.

Today, the bill I am presenting has the overarching aim of improving food safety and regulatory transparency in the ACT. Members will be aware that earlier this year there was considerable media attention as a result of a freedom of information request made to the Health Directorate. Information was disclosed in response to that request but not the names and addresses of the premises that had improvement notices and prohibition orders served. The directorate was criticised on the grounds that other jurisdictions disclose this information.

I would like to point out that other jurisdictions disclose fines that are issued and paid by the alleged offenders. Improvement notices and prohibition orders are not in the nature of fines. They are administrative tools that allow the Health Protection Service to take action when an issue is detected. Some of the issues being addressed with improvement notices and prohibition orders include lack of hand washing facilities; foods being exposed to contamination and not kept at appropriate temperatures; unclean premises, fixtures and fittings; and inadequate pest control management. These are matters regarded as critical to the hygienic operation of a food business.

The media reports following this freedom of information request were followed by concerned emails and letters to my office, and rightly so. It was a demonstration of the ACT community's interest in a safe food industry. The ACT community sent a clear message in response to these articles: they wanted more transparency around food safety regulatory action. The bill contains three amendments that are intended to do precisely that.

The first amendment proposes to amend the act to allow for the display of a closure notice when a prohibition order is served on the proprietor of a food business. How would you feel if you went up to the door of your favourite restaurant and found a notice stating “closed due to family emergency”? Quite naturally, on your next visit you might express concern at their recent closure when in actual fact the business may have been ordered to be closed by the Health Protection Service under a prohibition order. I am informed that notices about renovations and the like have been seen by the Health Protection Service when they visit premises after an order has been served. I and the government are concerned that this is misleading Canberrans.

The display of notices and orders exists in other legislation. For example, section 63 of the Public Health Act 1997 requires the display of a copy of a prohibition notice.

Prohibition orders issued under the Food Act can be detailed and quite technical. The proposed closure notice would be a sign in clear and simple terms explaining that a prohibition order has been served on the premises, resulting in its temporary closure. The authorised officer who serves the order on the premises will place the notice. A closure notice can only be displayed for the duration that a prohibition order is in effect. It will be an offence for a person to interfere with the closure notice in any way, including moving or removing it from where it was placed by an authorised officer, obscuring or defacing it.

I would also like to reassure the Assembly that a closure notice will only be displayed at a premises in very circumscribed circumstances. This is where a prohibition order has been served because it was considered necessary to prevent or mitigate a serious danger to public health and as part of the order the premises was directed not to use the premises for the sale or handling of food. I consider that the restricted nature of a closure notice provides an appropriate safeguard for a food business while increasing food safety regulatory transparency.

The second transparency measure proposes to mandate the display of registration certificates at a food business premises. Acquiring a food registration certificate is an essential compliance step in establishing a food business, and registrations are for one year. It was identified that the display of a registration certificate was not a requirement under the act. During recent consultations with food businesses a number of proprietors indicated that they already displayed their registration certificates. These businesses are to be applauded for their conscientiousness. It is considered that the display of registration certificates would help the community to identify a registered food business.

The third amendment amends a current provision in the Food Act to allow for a public register of convictions. Section 146 of the Food Act authorises the Chief Health Officer to publish details of a convicted food business for offences in relation to the handling of food intended for sale or the sale of food. The Chief Health Officer is required by the section to publish the notice in the newspaper. It is proposed to amend this section to provide for a public register. In time this register will be accessible on the internet. There is some work that will need to be done by the Health Directorate around providing information on the internet. In the meantime it will be available for

public inspection during business hours. The amendment to provide for a public register does not remove any of the safeguards the section already provides for.

Another key amendment in the bill is the proposal for at least one person in every food business to be assigned food safety responsibility—a food safety supervisor. This will be a person trained in food safety competency units and they will have the responsibility to educate other food handlers on how to apply food safety knowledge in the day-to-day operations of the food business.

I mentioned earlier that the Health Protection Service has identified in its recent enforcement action that there appears to be a lack of knowledge on the part of some registered proprietors and their staff on food safety standards. This is of concern to the regulator and to the government. The introduction of food safety supervisors is intended to address this issue. I envisage that in time all food businesses in the ACT will have the capacity to conduct in-house analysis of their operations for potential hazards and take necessary corrective action. The food safety supervisor will be charged with ingraining a culture of internal food safety controls within these businesses. The bill delays the commencement of the food safety supervisor scheme for up to 18 months to allow the industry the time to implement this proposal. The Health Protection Service will be engaging industry on training and other aspects of implementation in the coming months.

For the information of members, Queensland, Victoria and New South Wales have implemented similar food safety supervisor requirements. This emphasises the importance other Australian states are placing on appropriate food safety skills and knowledge within food businesses.

The bill includes at schedule 1 amendments to harmonise the Food Act with the Criminal Code 2002. As members will be aware, as a consequence of the adoption of the Model Criminal Code by the ACT, a number of acts prior to 2002 require amendment to bring them into line with the language of the Criminal Code, clearly stating fault and physical elements, or alternatively strict liability.

Members will be aware that the ACT government is currently undertaking a regulatory impact statement process on a food business rating scheme commonly termed “scores on doors”. The public consultation process concluded in September 2011; the views from all food industry stakeholders were obtained on a “scores on doors” scheme for the ACT. That consultation also included the initiatives outlined in this bill. In relation to the “scores on doors” scheme, the submissions are currently being reviewed and informing the development of the regulatory impact statement.

This bill relays a key message from the ACT government that food safety matters are important and that we need to ensure that legislation adequately reflects community concerns. The amendments proposed in this bill will do much to improve transparency. I commend the bill to the Assembly.

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

Public Unleased Land Bill 2011

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

Title read by Clerk.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.12): I move:

That this bill be agreed to in principle.

I am very pleased to introduce the Public Unleased Land Bill 2011. It introduces a contemporary version of the Roads and Public Places Act which was introduced in 1937 and which has a history of many amendments over the last 70 years. The most obvious change introduced by the bill is a new name for the statute. The term “public place” will soon become a defined term under the Legislation Act and accordingly has a consistent definition across the ACT statute book. As the new meaning of “public place” is not consistent with the definition for the land that is under discussion in the current bill, the land that this bill refers to will become known as “public unleased land”. Public unleased land is defined in clause 8 of the bill and means unleased territory land that the public is entitled to use or is open to, or used by, the public.

The bill also introduces an objects clause. The object of this bill is to protect the amenity and natural value of public unleased land and facilitate the use of this land. The bill provides a broad framework which allows for administrative arrangements that can support and promote these objectives. The bill modernises provisions relating to matters such as public roads, drainage and construction work that may affect public unleased land, the approval of signs, aspects of graffiti removal and removal of unsafe overhanging trees and plants.

The main area of reform however relates to the permit system which authorises the use of public unleased land. Historically, under the Roads and Public Places Act, major events and activities held on territory land were permitted by the application and subsequent issuing of a permit to allow the placement of an object on public land. In 2010, over 4,116 events were held using the permit arrangements for objects. The activities and events ranged from musical festivals to motor sport activities to weddings. Fifty-four of these events attracted over 1,000 people.

The bill includes a clearer framework for the permit system that allows people to formalise their use of public unleased land in a way that more appropriately reflects these uses. The bill authorises the use of public unleased land for use by a person or business for an activity or event, rather than merely for the placement of objects. Activities or events may include the placing of tables and chairs on a footpath outside a cafe, placing objects such as construction skips or charity bins, but also includes the holding of markets, a concert, or the holding of a function such as a wedding.

Authorisation through the issuing of a permit to use public unleased land does not automatically mean that an event or activity is approved by the territory. There is other legislation and considerations that the territory makes when dealing with events, particularly large events, and I wish to emphasise the point that permits only authorise the use of land.

The permit system will not be a policing system for the use of public unleased land. Many activities will not require permits and it is only those uses or activities that exclude some or all members of the public from the place that will require a permit. Guidance on when a permit is required will be developed to support the permit system. While many people and corporations who use public unleased land under permit arrangements will not be substantially affected by changes included in the bill, there are a number of key reforms which will impact on ongoing permit holders.

The permit system will now allow for the transfer of permits to a new permit holder. This reform has been sought by business which uses unleased public land on an ongoing basis such as for outdoor cafes or display of goods such as motor vehicles. With the passing of this legislation, a permit will be able to be transferred with the sale of a business on application by the permit holder.

The term of the public unleased land permit has been extended to two years from the current 12-month term. This will provide certainty for businesses and reduce the administrative burden in renewing a permit on an annual basis. Permits, as they do now, may have conditions attached to them but the bill provides greater scope for the decision maker to make conditions. This will free up the permit system to allow permits to be granted which in the past may not have been granted because of an inability by the decision maker to place conditions on a case-by-case basis.

It is proposed that the new act provide for increased discretion for a decision maker to refuse to renew a permit. The current legislation made renewal mandatory even when there had been a change in circumstances. This has proved problematic for permit holders and for the enforcement of permits where there have been, for example, safety concerns generated by changed circumstances. The intention is to ensure that permits are renewed as a matter of course where the person remains a suitable person to hold a permit and the activity remains a suitable activity.

The bill also provides, in addition to indemnity, the capacity for the territory to seek a financial assurance from permit holders where this is reasonably necessary. Many activities in public places create wear and tear on infrastructure and can damage property and land. Events held in parks where there are underground watering systems, for example, can damage these systems when large objects are placed or moved around. In the past such damage has often been repaired at a cost to the community. It is appropriate that permit holders provide financial assurances that can be called upon to repair damage without the territory needing to recover costs through the courts.

While financial assurance will not be limited to commercial operators, it is not the intention of the government that the change to the legislation will disadvantage the not-for-profit or charity sector by seeking financial assurances from all permit holders. Each permit application will be considered on its merits and opportunity provided for

consultation about conditions such as the application of a financial assurance. The reformed legislation includes a clearer framework for the permit system. The detailed administrative arrangements which will underpin the permit system will be set out in policy and procedure. These arrangements will be developed in consultation with stakeholders.

The enforcement mechanisms, the powers of authorised officer positions, have also been reviewed. Under the bill, it is proposed that authorised officers will have template regulatory powers, including the power to give directions to people using a public place. The bill introduces a number of strict liability offences and a provision for the issuing of infringement notices to be supported by an appropriate Magistrates Court regulation. The offences potentially apply to people who choose to engage in the regulated activity or are on notice that they are engaging in the activity. They are offences which seek to ensure compliance and deter aberrant behaviour.

Compliance with the provisions of the bill will be important to ensure the safety of the community and the amenity and protection of public unleased land. The bill engages a number of human rights, most notably the right to freedom of movement. Under the Human Rights Act everyone has the right to move freely, including access to public parks, roads and spaces. A right to freedom of movement is not an absolute right and can be subject to reasonable limits set by the law and which can be justified in a free and democratic society.

By issuing permits and approvals for the exclusive use by a permit holder, the permit excludes other people who would normally have a right to use the space. In addition, it controls the activities that can be undertaken in public places and the conditions under which the activities can occur. This is a necessary and rational response to regulating the use of public unleased land. It ensures that the land remains undamaged and protected from unauthorised interference so that it can be enjoyed and accessed appropriately by everyone in the community. It also ensures that activities are undertaken safely and with minimal interference to other people.

The bill seeks to ensure an orderly approach to the balancing of rights in the community. As part of the decision-making process, the bill provides for the opportunity to notify and consult with other relevant people who may be affected by the issuing of a permit. Other human rights matters are addressed in the explanatory statement to this bill.

Preliminary consultation with peak bodies whose members may be affected by the new permit arrangements has been undertaken. Further consultation on the detail of arrangements will continue. I understand that the permit system can be a contentious issue as business, particularly small business for example operating outdoor cafes, may be affected by changes to the current system.

To summarise, the government's position is that if a person is a suitable person to hold a permit and the activity is a suitable activity then the government holds to the view that it should facilitate the use of public unleased land consistent with the broad framework that the bill will introduce. The bill should ensure a modern, effective and human rights compliant system for dealing with the many uses of public unleased land. I commend the bill to the Assembly.

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

Government Procurement Amendment Bill 2011

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.22): I move:

That this bill be agreed to in principle.

I am very pleased to present to the Assembly the Government Procurement Amendment Bill 2011. The bill amends the Government Procurement Act 2001 to streamline procurement activities and promote efficiency. Indeed, this bill is a tangible demonstration of the government's commitment to open and efficient government, including in our procurement processes.

The bill will do three things. It will clarify the mechanism setting the notifiable contracts threshold, it will amend the reporting requirements on reportable contracts to once a year, from every six months, and it will rectify an anomaly in relation to the length of time that a notifiable contract remains accessible to the public.

The government is increasing the threshold at which notifiable contracts must be published on the ACT government contracts register. The increase in the threshold, from \$20,000 to \$25,000, aligns with the threshold for centralised procurement activity and the threshold for seeking the minimum three quotations when an agency conducts a procurement process. This change will simplify administration and reduce confusion. We will review all three thresholds at least once every three years and will maintain their alignment in the future.

Further, we propose streamlining the mechanism that sets the threshold. Currently the act states that the notifiable contracts threshold is \$20,000 unless another amount is prescribed by regulation. The increase in the notifiable contracts threshold to \$25,000 will be achieved by setting the value in the government procurement regulations 2007 and removing reference to the threshold in the act. This change will enable subsequent threshold changes to be made simply and efficiently through administrative processes rather than legislative amendment. Further, removing the act's reference to the "setting the threshold" may prevent confusion from different thresholds in different legislation.

Under the Procurement Act, a notifiable contract that has confidential text removed is known as a reportable contract. The government believes there is room to streamline the red tape associated with the reporting requirement for reportable contracts. The act requires the public accounts committee to receive reports on reportable contracts for every six months. These reports are based on information on the ACT government's contracts register.

The contracts register's functionality allows the public to search easily for information such as the contractor, the execution and expiry dates for the contract, whether confidential text has been removed, whether there is a panel of suppliers for the contract, whether there have been contract variations and the type of procurement leading to the contract—for example, a public tender, a single select tender or quotations.

In addition, the act requires that the government publish the public text of each notifiable contract on the contracts register. We are the only Australian jurisdiction to require this, proving the government's commitment to openness and transparency. To balance efficiency and transparency, we are proposing a streamlined reporting regime for reportable contracts. The government has previously undertaken to consult with the committee before making any change to this reporting requirement.

The committee has indicated that it considers its role is aided by receiving the reports. Even though the contracts register is accessible and has so much information, the government understands the committee's position. In light of the committee's view, the government proposes to amend the act to require 12-monthly reports, rather than six-monthly. This streamlining strikes a balance between efficiency in procurement and providing the committee the opportunity to scrutinise government contracts. I must say, though, that I am hopeful that over time the committee will develop confidence in the contracts register so that administrative processes can be even further streamlined.

The third amendment clarifies an anomaly in the Procurement Act regarding the length of time a contract's public text must be accessible. The bill will make clear that all the information on a notifiable contract, including the public text of the contract, must be accessible from the contracts register for at least two years.

In conclusion, these amendments set certain thresholds by regulation, streamline reporting requirements and clarify notifiable contracts accessibility. They will all contribute to open, transparent and efficient procurement practices by the territory. I commend the Government Procurement Amendment Bill 2011 to the Assembly.

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

Civil Unions Bill 2011

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development (10.28): I move:

That this bill be agreed to in principle.

Today I am introducing the Civil Unions Bill 2011, a bill to provide legal recognition equal to marriage under territory law for couples who are not able to marry under the commonwealth Marriage Act 1961. Today the Labor government is asking the Assembly to consider its commitment to human rights. We are asking the Assembly to consider its commitment to equality and diversity, and we are asking members of this Assembly to consider whether they are prepared to go on the record and say that they are prepared to give words to that commitment and to speak them out loud.

Discrimination is not a new concept; it has been practised by societies throughout history to exclude and persecute. The concept of “other” has been variously interpreted, but bigotry and prejudice have remained the same. Sixty years ago in America the colour of the person’s skin determined the course of that person’s life. It determined where they could live and who they could marry. It determined what education they received and what freedoms they enjoyed. Sixty years ago false assumptions about the colour of a person’s skin or ancestry determined that person’s protection under the law. Laws were made to keep people apart.

These laws, and the assumptions beneath them, created ghettos—concrete and figurative—and African-Americans were subjected to unspeakable injustice. Before the American civil rights movement it must have seemed impossible that African-Americans would enjoy the same freedoms as other Americans, yet, in our times, we reject the notion that the colour of a person’s skin should determine what they can and cannot do. It is no less absurd and no less unspeakable that any person’s sexuality should determine the rights and freedoms they enjoy.

Fifty years ago in this country, Catholics marrying Protestants were subjected to religious prejudice and bigotry. A Catholic marrying a Protestant was seen as an offence against decency and religion. Priests intervened to end romances; sons and daughters were disinherited and forever estranged; families were torn apart. In those times, you could find employment ads that would read “Roman Catholics need not apply”. In Rockhampton in the 1930s you could find a brochure titled “The Protestant’s Guide to Shopping in Rockhampton”. In those times, historians have observed, Roman Catholics lived in the ghettos—the quarters of the city reserved for minority groups who were the victims of discrimination. Fifty years ago in this country Catholics who married Protestants in a Protestant church were automatically excommunicated. Catholics marrying Protestants in a Catholic church could not be married in front of the altar because this would “offend God”.

Fifty years ago, before the 1967 Australian referendum, Aboriginal people were counted as fauna under the commonwealth Flora and Fauna Act. In parts of Australia, Aboriginal people were forbidden by law to mix or consort with others. Aboriginal people worked long hours for little or no wages. It took 10 years before the commonwealth would put the question to the Australian people: should Aboriginal people be counted in the national census, and should the federal government, not just the states, be able to make laws concerning Aborigines?

As we have seen, it has taken many decades to try and undo the wrongs done and the harms inflicted on Indigenous people during our short European history. Having

learned the lessons of history, this government hopes it will not take so long to heal the wounds inflicted on other Australians and their families on the basis of bigoted notions of sexuality.

Every heterosexual Australian has the right to marry. The commonwealth's refusal to allow same-sex marriage contradicts the principle that it is not acceptable to discriminate against another human being on the basis of his or her sexuality. It denies the very essence of human rights and exposes human beings to prejudice and bigotry. The refusal to allow for same-sex marriage ignores basic and accepted realities of human diversity and it denies many families their most fundamental legal protection.

The ACT Labor government has a proud history of opposing discrimination in all of its forms. ACT legislation reflects this government's commitment to the principle that all people are entitled to respect and dignity, and the right to participate in society and to receive the full protection of the law, regardless of sexual orientation.

In 2003 it was ACT Labor that amended the Adoption Act to remove the bar to same-sex couples being considered as adoptive, loving parents. In 2004 it was the ACT Labor government that enacted the Human Rights Act to respect, protect and promote human rights. In the same year it was the ACT Labor government that enacted the Parentage Act to remove discrimination relating to sexuality and relationship status. And in 2006 it was the ACT Labor government that enacted the Civil Unions Act, to allow two people of any gender to enter into a union with the same rights and obligations as married couples under territory law. As members will recall, the Civil Unions Act was disallowed by the Governor-General using his powers under section 35 of the Australian Capital Territory (Self-Government) Act.

In 2008 the ACT Labor government enacted the Civil Partnerships Act under threat of further disallowance by the federal government. The Civil Partnerships Act was the most comprehensive legal protection we were able to give to same-sex couples and their families at that time. In 2009 the government supported amendments to reintroduce the ceremonial provisions which were removed in 2008. But these successes were not achieved without a fight and the spectre of commonwealth disallowance still loomed over the territory. Since then, Victoria, New South Wales and Queensland have all passed civil partnerships laws.

In November this year the commonwealth passed the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Act 2011. That act has now received royal assent. Now, a single commonwealth minister will no longer be able to use the self-government act against this territory. The commonwealth parliament still has the power to invoke its constitutional rights, but only if a law is inconsistent with a law of the commonwealth.

The Civil Unions Bill is not inconsistent with the commonwealth Marriage Act, because the territory does not make this law for "marriage between a man and a woman". The Civil Unions Act will operate concurrently with the commonwealth Marriage Act, to provide for those people who are not allowed to marry under the commonwealth act.

When our law is enacted, men and women will continue to marry under the commonwealth act. Couples of any sex will continue to be able to enjoy the protections of the civil partnerships registration scheme under the Domestic Relationships Act. For the first time in our history, the territory will be able to end the discrimination against same-sex couples and provide legal recognition that is equal to marriage under territory law.

We will show by our words and actions that we have learned the lessons of history. Superficial characteristics do not determine our dreams or our potential as human beings. Sexuality does not define or characterise families, and sexuality must not determine a family's freedoms or protections under the law. With the Civil Unions Bill, the territory will go on the record again as affirming our abhorrence of prejudice and bigotry.

I say we are gathered here today to join with the ever-growing number of people who say it is not right, not good and not just to allow continued discrimination against any human being. It is not right to discriminate against human beings on the basis of colour, and we have learned that lesson. It is not good to subject human beings to prejudice and bigotry on the basis of religion, and we have learned that lesson too. It is not just to deny human beings the freedoms and protections of the law on the basis of their sexuality. I commend the bill to the Assembly.

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

Crimes Legislation Amendment Bill 2011

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.38): I move:

That this bill be agreed to in principle.

Today I am introducing the Crimes Legislation Amendment Bill 2011, which makes amendments to the Crimes (Sentencing) Act 2005, the Crimes Act 1900 and the Criminal Code 2002. The bill makes two key changes to the ACT laws. The first change is the amendment to the Crimes (Sentencing) Act 2005, inserting a new paragraph into section 33(1), which lists the considerations to which a court must have regard at sentencing.

Currently, a sentencing court must have regard to the “personal circumstances of any victim” in the course of determining a sentence. The paragraph inserted by clause 5 of this bill adds a more specific requirement that a court also consider whether the victim was at the time of the offence providing a service to the public, placing the victim at

increased risk. The purpose of this amendment is to ensure that a victim's special occupational vulnerability as a provider of an important public service is given appropriate weight at sentencing. It will apply to victims such as police officers, emergency service workers, care and protection workers and nurses.

The amendment will not increase the maximum penalty available for offences against these workers, but, instead, will permit the court in the exercise of its discretion to impose a sentence within the existing sentencing range that adequately reflects the vulnerability of the victim. This will clearly signal to the court that society and this legislature consider it is appropriate in certain circumstances to impose a longer sentence than might otherwise have been imposed.

The second key change made by this bill is to the law on self-defence. This change involves amendments to the Crimes Act 1900 and the Criminal Code 2002. Currently the law on self-defence allows a person to use reasonable force to resist what they reasonably believe to be an unlawful arrest by police. This is the case even if the arrest was, in fact, lawful or was unlawful for a technical reason only. This common law rule has its origins in 17th century England, and the reasoning behind it is no longer relevant in contemporary society.

Now, an unlawful arrest results in an accused person only spending a matter of hours in custody before being brought before a judicial officer to apply for bail and, if appropriate, to challenge the lawfulness of their arrest. Also, there are a number of remedies open to a person who is unlawfully arrested, such as lodging a civil claim for damages, making an application for any evidence obtained as a consequence of an unlawful arrest to be excluded from criminal proceedings, or making a complaint to the professional standards unit of the Australian Federal Police or to the ACT Ombudsman.

The bill amends section 45 of the Criminal Code 2002 and inserts a new section into the Crimes Act 1900 to limit the availability of self-defence for people who assault police in the course of an arrest or while under police restraint. A defendant would not be able to raise self-defence if they assaulted police in response to perceived unlawful arrest or restraint. The defence will not be available even if the arrest or restraint was in fact unlawful as long as police were acting in good faith. However, the defence will still be available if the defendant assaulted police in response to harm or threat of harm by police. This bill will not remove the requirement for a police officer to use force in a reasonable manner and in a way that is the minimum force reasonably necessary in the circumstances.

The government is making this change to address concerns about assaults against police in the ACT. In particular, the change is intended to prevent opportunistic abuse of the current law on self-defence. There have been situations reported where police have been acting in good faith and have been assaulted, but the defendant has been subsequently acquitted on the basis of self-defence because the initial arrest was technically unlawful. These concerns have been identified by my directorate in the first half of this year in the context of the review of police criminal investigative powers.

Let me give you an example of the type of circumstance the bill seeks to address. In one case, a man was arrested by police late at night outside a Canberra nightclub and escorted to a caged police vehicle without any use of force. Arriving at the vehicle, the man took a female officer in a headlock and wrestled her to the ground. When another police officer went to the female officer's aid, he was struck in the throat by the man's friend. In court, the arrest was found to be technically unlawful because the police officers did not consider alternatives to arrest. The prosecution of the men for assaulting the police officers was unsuccessful on the basis that they had been acting in self-defence in response to an unlawful arrest. I do not believe this is the way the law should operate.

The government believes self-defence should not be available to excuse this type of poor and inappropriate behaviour. This example also highlights an ancillary but important purpose of the bill which is to encourage peaceful resolution to arrest situations. It is important to ensure that the law does not create or support any incentives to use violence.

The self-defence amendment may engage a number of rights contained in the Human Rights Act 2004. However, the government has ensured that any limits on the fundamental rights protected by the act are reasonable and demonstrably justifiable in a democratic society. The right to equality before the law may be engaged by clauses 4, 6 and 7. This is because the availability of self-defence in response to perceived unlawful imprisonment is restricted where the victim is a police officer.

This may have the effect of elevating the protection of one group in the community above that of other groups. However, the government is satisfied that any limitation of this right is proportionate. Arrest, by its very nature, places police officers in direct physical proximity to another person in a situation where it is very likely that the other person would perceive themselves as being in direct conflict with the police officer. Although people who are not police officers may make arrests, this is rare and police officers are the only people who are required by their employer and by the community's expectations to arrest people. It is appropriate to single out police due to their provision of services to the public.

Clauses 4, 6 and 7 of the bill may also engage the right to liberty in the sense that the provisions may limit responses potentially available to a person in connection with restrictions on their liberty. However, the government believes that, to the extent that there is any such limitation on the right to liberty, it is restricted and proportionate to the aims of the bill. Self-defence will still be available to a person if the arrest was unlawful and the police officer did not honestly believe that the arrest was lawful. This prevents police from relying on the provisions in this bill where an arrest is made in bad faith, though I am pleased to be able to say that I do not anticipate this will be an issue in the ACT.

The bill will make an important change to prevent abuse of self-defence in cases of assaults against police and promote peaceful resolution of possible arrest conflicts. The bill will also ensure that the special vulnerability of some victims, such as police officers, is recognised at sentencing. I commend this bill to the Assembly.

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

Road Transport (General) Amendment Bill 2011

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

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.46): I move:

That this bill be agreed to in principle.

Last month I was pleased to release the ACT road safety strategy for 2011-20, which outlines the key goals for road safety in the ACT over the next 10 years, including a reduction in ACT road trauma of 30 per cent to meet national road safety objectives.

As I explained then, the strategy includes the key directions of supporting cultural change in the community towards road safety issues; implementing an educational approach to road safety for all road users, with investment in strategic awareness campaigns and lifelong learning measures; and supporting this educational approach with effective enforcement, including an increased focus on visible police enforcement of all traffic offences and on repeat and high-end traffic offenders.

The strategy is to be supported by multiyear action plans, the first being for 2011-13, providing a list of concrete actions to address priority road safety concerns.

The strategy and action plan will continue to address road safety issues through an integrated approach, using a range of education, encouragement, engineering, enforcement, evaluation and support measures.

Consistent with the strategic framework, the amendments in this bill will support and facilitate the enforcement of the road transport legislation, and lead to improved road safety outcomes for the community.

The amendments will achieve the objective of enhanced enforcement in the following ways:

- They will assist police and authorised officers to confirm the identity of road users for purposes related to the enforcement of the road transport legislation.
- They will facilitate the collection or supply of samples of breath or oral fluid for testing under the Road Transport (Alcohol and Drugs) Act 1977.
- They will modernise the definition of “repeat offender” in penalty provisions for certain serious road safety offences, including offences such as culpable driving,

menacing driving, street racing and burnouts, and ensure that mandatory periods of licence disqualification and vehicle confiscation apply to persons who are convicted or found guilty of a second or subsequent offence.

Police and authorised persons must be able to confirm the identity of road users, particularly riders and drivers of vehicles, in order to enforce various offence provisions under the road transport legislation.

Under sections 58 and 58A of the existing Road Transport (General) Act 1999, a police officer or authorised person may require riders, drivers and driver trainers to produce their licences for inspection. Clearly, this power is ineffective if the photograph on the licence cannot be matched to the person who produces the licence because that person refuses to remove an item that obscures his or her face.

The amendments will allow police or authorised persons to direct a person to remove such an item, for two specific purposes—firstly, to establish the directed person's identity, in connection with a function under the road transport legislation; and, secondly, for conducting alcohol or drug testing under the Road Transport (Alcohol and Drugs) Act 1977.

The government recognises that these laws may have a particular impact on persons who wear items that obscure their faces for religious or cultural reasons. I would like to stress that this new law will not ban the wearing of these items in any way. In fact, this law takes into account genuine religious or cultural concerns. A person who is directed to remove an item that covers the person's face can ask that that he or she be allowed to remove the item in front of a police officer or authorised person of the same sex. The person can also ask for permission to remove the item in a way that affords that person reasonable privacy. For example, the person could ask to be taken to a police station rather than removing the item at the side of the road, or if the person prefers to stay at the roadside, the person could ask to move behind or inside a police van before removing the item.

Police and authorised persons are required to take reasonable steps to comply with a request by the directed person. In most situations, there will be no difficulties in meeting a request for an officer or authorised person of the same sex to be present and privacy to be provided.

Nevertheless, the law also recognises that on occasions it may not be possible to comply with a request in every respect. An example could be a serious motor vehicle accident where it is desirable to identify drivers and witnesses and arrange for injured persons to be treated without delay. New section 58B(5) explains that a failure to comply with a request is not a ground for challenging actions that were taken or not taken under section 58B.

In addition to the special arrangements that may apply where there are religious or cultural concerns relating to a direction to remove an item that obscures all or part of a person's face, there is a specific defence that ensures that people are not obliged to remove items that are required for medical reasons.

The new provisions have been drafted to accommodate the differences between the individuals in their cultural and religious practices and observances, consistent with the right to freedom of religion under the Human Rights Act 2004. In addition, the Justice and Community Safety Directorate has consulted with the ACT Muslim Consultative Council and the Human Rights Commission in relation to the proposed laws.

I would like to make it clear that neither ACT Policing nor the Office of Regulatory Services have reported difficulties in their dealings with particular religious or cultural communities, and these laws are not directed at members of those communities.

That is not to say that these laws are unnecessary. ACT Policing regularly encounters motorists wearing items such as helmets, balaclavas, large sunglasses, scarves, hoodies and various types of masks. While the majority of the time motorists are compliant with ACT Policing's requests around properly identifying themselves, on occasion ACT Policing have encountered problems with motorists who refuse to remove items that prevent identification. In these cases, it has been necessary to rely on the arrest power under the Crimes Act 1900, rather than powers under the road transport legislation, in order to establish the person's identity. The arrest power is a cumbersome solution to what should be a straightforward question of establishing identity. More importantly, the arrest power does not afford persons with religious or cultural concerns the same level of protection for religious expression that the new laws will provide.

I can advise members that the ACT Muslim Consultative Council was briefed on the proposed laws in September this year and that information on the laws was translated into Arabic and provided to the community for consultation purposes in November 2011. I can also advise members that the Office of Regulatory Services, which is now responsible for administering driver licensing arrangements in the ACT, is able to make arrangements to accommodate women who wear the niqab. For example, arrangements have been made with the Road Ready centre to have a female staff member available to verify the identity of course participants who wear facial coverings for religious or cultural purposes. At the motor registry, arrangements have been made so that there is a female staff member who can conduct driver licence examinations for these women, and at Canberra Connect shopfronts female staff can make arrangements to take driver licence photographs in private.

ACT Policing will provide a comprehensive briefing package to all operational members around the amended legislation, highlighting cultural and religious aspects to ensure that there is no misunderstanding of the intent of the legislation while providing a greater understanding of the roles and responsibilities each member has in its implementation.

The bill includes amendments to modernise the concept of "repeat offender" in line with amendments that were made last year to the Road Transport (Alcohol and Drugs) Act 1977. Those amendments explicitly displaced the common law principles of statutory interpretation that apply to repeat offender provisions, which are that a person will only be regarded as a "repeat offender" for a penalty provision if the

person has been convicted or found guilty of the first offence when he or she commits the second or subsequent offence. Under this common law principle, a person who reoffends after he or she has already been before a court and found guilty was considered to be more deserving of blame, and therefore deserving of greater punishment, than a person who had not been dealt with by the courts when he or she committed the second or subsequent offence.

With better public access to information about the penalties for reoffending and sometimes lengthy period between the commission of an offence and the finalisation of proceedings for that offence, the common law approach to interpreting “repeat offender” provisions is no longer considered to have the same relevance it did in earlier times of lower literacy and poorer understanding of the consequences of offending. The continuing application of the common law principle can result in a person who has committed a series of offences over a period of time being sentenced as though he or she were a first offender for each of the later offences, merely because of delays finalising proceedings for the first offence.

The amendments will apply the new concept of “repeat offender” and “first offender” under the Road Transport (Alcohol and Drugs) Act 1977 in the context of existing sections 62 and 63 of the Road Transport (General) Act 1999.

The effect of the new concept of “repeat offender” in new section 61AA is that if a person has already been convicted or found guilty of a relevant disqualifying offence when he or she is convicted or found guilty of a second or subsequent disqualifying offence, that person will be a “repeat offender” for the second or subsequent offence. A person may also be a repeat offender for a relevant disqualifying offence if he or she is convicted or found guilty of the second or subsequent offence concurrently with the conviction or finding of guilt for the first offence.

The new concept of “repeat offender” will apply to provisions that set automatic licence disqualification periods for people who commit certain serious road safety offences. These offences are culpable driving; races, attempts on speed records and speed trials; negligent driving that occasions death or grievous bodily harm; burnouts and other prohibited conduct; furious, reckless or dangerous driving; and menacing driving.

Under the road transport legislation, a person who has completed a period of licence disqualification is not immediately eligible for a full driver licence. The only category of driver licence that the person may be granted is a probationary licence. A probationary licence has a zero alcohol limit and the holder may only incur two demerit points before their licence is cancelled. The automatic licence disqualification has two functions: it removes the person from the road for a certain time, and it obliges the person to undergo 12 months of driving probation during which safer driving behaviours must be sustained.

The bill makes similar amendments to the concept of “repeat offender” in provisions in the Road Transport (Safety and Traffic Management) Act 1999 that allow the court to order the confiscation of vehicles used in certain serious road safety offences, including menacing driving, street racing and burnouts.

ACT Policing's commitment to keeping our roads safe has been demonstrated by the significant decrease in collisions causing injury or death during the 2010-11 year to date when compared with the corresponding period in 2009-10. This decrease has been achieved in part through regular patrols of ACT roads conducted daily by traffic operations, general duty and non-uniformed officers in both marked and unmarked vehicles, and high-profile traffic targeting exercises. However, antisocial driving behaviour, including burnouts and other prohibited conduct, continues to be of concern to police and the public. As such, I understand that ACT Policing is supportive of considered initiatives aimed at reducing this kind of activity on our roads.

The ACT has a good road safety record in comparison to other parts of Australia and the world. The ACT has the benefit of an established and well-designed road system, a general urban environment and a small, well-defined geographic area. Despite this, there is no room for complacency. In the last five years an average of 14 people were killed and 560 injured on ACT roads each and every year.

The ACT government is committed to reducing this level of road trauma and the tragic effects it has on so many Canberra households. Our efforts under the ACT road safety strategy and action plan rely in part on having effective enforcement measures to deter road users from breaking the rules and control repeat and high-end offenders who should not be on the road. I commend the bill to the Assembly.

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

Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011

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

Title read by Clerk.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (11.01): I move:

That this bill be agreed to in principle.

I am pleased to be tabling the Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011. The bill seeks to provide young people in out-of-home care who are transitioning to adulthood with supports and care that many young people in the ACT community receive from their family.

Very early in my time as Minister for Community Services I identified support for young people transitioning from out-of-home care as a priority for action. As I have said, not all young people become instantly wise and mature at 18; some require support from their family beyond this age. Young people in out-of-home care also

may require greater support than young people who are not in the care of the territory parent during this life transition.

In October of last year the ACT government released the discussion paper entitled *Maximising potential: improving life transitions for young people in care* which provided transitions for building on our current arrangement for services for young people transitioning from care to adult life. Following this process, in March of this year I reported to the Assembly that support for young people may be needed up to the age of 25, and in the 2011-12 budget the government appropriated \$2.07 million over four years for the purpose. This investment will provide a new support and assistance service for young people transitioning from out-of-home care up to the age of 25, which will commence this year. The operations will be within both the Community Services Directorate and the community sector.

In August I announced that the ACT government would introduce amendments to the Children and Young People Act 2008 to include the provision of support and assistance for young people transitioning from out-of-home care up to the age of 25 to ensure that this budget measure was reflected in a legislative framework, which is the bill I present today.

I would like to thank all the young people, community service providers, youth organisations, carers and government agencies for participating and providing feedback to the office.

While young people who have experienced out-of-home care remain with their carers well beyond the age of 18, the research tells us that some who transition from out-of-home care achieve poorer life outcomes and that they are some of the most vulnerable and disadvantaged social groups. The government recognises that young people leaving care need support in transitioning from out-of-home care, support to overcome barriers and support to achieve positive life outcomes in areas such as health, housing, education, employment, relationships and parenting. This is why the government has provided and will continue to provide for a transition from out-of-home care program, including amendments to the Children and Young People Act to enshrine the provision of support and assistance for young people transitioning from out-of-home care.

This approach is premised on evidence of a continuum of changing needs of young people as they transition towards adulthood. The proposed legislation recognises the need for ongoing yet often intermittent assistance, as young people grow older, in order to develop the necessary social skills and networks to support their move to adulthood.

The government has already demonstrated a commitment to improving outcomes for Canberra's young people transitioning from out-of-home care, through the budget initiative to extend support from 18 to 25. The focus will be on developing young people's decision-making skills, planning for the future, self-esteem, building supportive relationships, and developing communication and social skills to support their transition.

In March I informed the Assembly of the progress being made by the government to improve planning and supports for young people transitioning from out-of-home care, which included the new service model. The amendment bill I am tabling today incorporates the principles of this new service and has four key elements.

The first key element of the bill is transition planning. As outlined in the bill, the object of transition planning is to promote, strengthen and foster the wellbeing of young people transitioning from out-of-home care. This has already been implemented through policies and practice. In 2010-11, 28 young people transitioned from out-of-home care, 21 had leaving care plans and one young person chose not to have a plan because she was in a stable and long-term placement.

To improve outcomes for young people transitioning from out-of-home care, supports need to be tailored to the individual needs of the young people, allow for gradual and flexible transition to care and be more specialised after young people are no longer in care. A transition plan may include proposals such as accommodation, education and training, financial security, social support, life skills support and health. For a young person to successfully transition to adulthood, it is vital that their education, employment, housing and social supports are in place.

The proposed amendments clearly outline the process the director-general will follow in preparing and reviewing a transition plan. Importantly, the director-general must develop a plan in consultation with the young person. Active engagement and participation by the young person will promote ownership of the plan. Transitioning from out-of-home care includes many different options. The process will change as the young person's circumstances change, and transition plans will be reviewed up to the age of 18 to ensure that new needs or goals are identified.

To ensure the Children and Young People Act is consistent with best practice, other jurisdictions and national frameworks, provisions in the act regarding "leaving care" have been replaced with the concept of "transition from care". These provisions have been inserted in a new part titled "Transition to adulthood" and reflect the transition or path that all young people take as they progress through life.

The second key element of the proposed amendments is assistance up to the age of 25 for young people after leaving out-of-home care. The supports included in the bill will be voluntary and determined by the young person and their needs. The imposition of service provision after they have left care must be with their consent and agreement. These provisions do not mean that the parental responsibilities of the ACT government have been extended regarding young people who are in out-of-home care once they reach adulthood.

The focus of this support will be advice, referral and assistance to access commonwealth and ACT services, accessing their personal records when required and in a manner that assists their needs, and access to counselling as required. The bill's provisions are an affirmative action enabling young adults who were in out-of-home care access to the same rights and responsibilities of all young adults in the ACT.

The third key element of the proposed amendments is a level of financial assistance. The government recognises that most parents provide some financial support to their children to help them move into adulthood. This could be contributions towards education and training costs, accommodation bonds and household furnishings when moving to independent living, or to assist when seeking employment.

The ACT Labor government wants to provide to young people who were previously in out-of-home care similar supports enjoyed by other young adults. The bill provides that the director-general may provide some level of financial assistance to a young person or young adult who has been in out-of-home care. To ensure that the money is used appropriately, there will be safeguards in the bill whereby the director-general will need to be satisfied that the assistance is necessary and the level appropriate.

The fourth key element of the proposed amendments is support and assistance for young people to access information and records when they were in care. Research tells us that young people knowing about their history in out-of-home care is crucial to their chances of developing a sense of self and their capacity to realise their abilities throughout life. Persons seeking access to their records and information do so at times in their lives when they have an emotional need for information such as why they were placed in out-of-home care. This information may not be easily obtainable and may be held by multiple government agencies such as the Community Services, Health, Justice and Community Safety or Education directorates.

Currently, people may only formally access their records through a freedom of information application. This process does not take into account the emotional and personal needs of the young person and may not be an appropriate method for receiving this information. The proposed amendments make accessing information and records held during the young person's out-of-home care part of the support and assistance. This will be done in a manner that assists with the young person's wellbeing and healing.

I would like to take this opportunity to respond to recommendation 182 of the Select Committee on Estimates report on Appropriation Bill 2011-12 which was around transition planning and is part of the support and assistance for young people transitioning from out-of-home care as outlined in this bill. This government wants to see better outcomes for young people transitioning from care. This is why this Labor government has committed over \$2 million over four years to extend support services to young people transitioning from care beyond the statutory age of 18 to the age of 25. As I have said earlier, this funding will establish an outreach service that will provide transition support to young people, including developing and implementing transition plans, ensuring the young person's needs have been identified and appropriate supports are in place.

The bill forms part of a strategy which will formalise these supports and provide a legislative basis to assist young people transitioning from out-of-home care. The bill is very clear in requiring transition planning to commence for all young people. The bill outlines that the review of transition planning must be done in consultation with

the young person and at least once each year until the person reaches 18. In policy, and with the young adult's agreement, the reviews may occur up to the age of 25.

The Office for Children, Youth and Family Support has implemented a system to ensure all young people transitioning from out-of-home care will have a transition place prior to their care orders expiring. The outreach service will administer this system and engage and work with young people and their support networks to develop and implement the plan. Further, a unit in the office is responsible for arranging and conducting, at a minimum, one leaving care case conference for each young person prior to their care order expiring. The conference includes participation from the young person, relevant service providers, carers and family members and will involve discussing matters identified in the young person's transition plan.

The tabling of this bill signifies an important initiative by the ACT Labor government to support some of the most vulnerable groups of young people in the ACT. The young people transitioning from care should be able to share the hopes, dreams and "good" life that we as a community want for all of our young people. This bill and the corresponding budget initiative present a significant step towards that goal.

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

Long Service Leave (Portable Schemes) Amendment Bill 2011

Dr Bourke, pursuant to notice, 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) (11.14): I move:

That this bill be agreed to in principle.

Madam Deputy Speaker, today I introduce the Long Service Leave (Portable Schemes) Amendment Bill 2011. I should remind members that from 1 January 2010, the Long Service Leave Authority has embraced the administration and fund management of the portable long service leave schemes of the construction, cleaning and community sector industries in the ACT.

This bill implements recommendations made by the Long Service Leave Authority Board through its review of the Long Service Leave (Portable Schemes) Act 2009. This review was undertaken earlier in the year in response to a commitment made in the authority's 2011-12 statement of intent. The review then focused on streamlining and aligning requirements and entitlements under those schemes and ensuring transparency around administrative procedures and processes.

The bill made a number of recommendations to improve the act and associated portable long service leave schemes. This includes adjustments to long service leave

entitlements for workers in the construction and cleaning industries; adjustment to entitlements on retirement, incapacity and death under all schemes; and a range of technical amendments to the overall administration of the act.

Madam Deputy Speaker, I must stress today that the adjustments to worker entitlements do not have retrospective application. Workers currently in the portable long service leave schemes will not have their entitlements affected because of these amendments. No current worker will be worse off as a result of these amendments. I repeat: no current worker will be worse off as a result of these amendments.

It is important that I introduce this legislation today with a view to passage and commencement early in the new year. As members here today are no doubt aware from the authority's annual reports, there has been a large increase in the number of workers in the scheme over the last three years. Such an increase in workers in the scheme is a positive one and it reflects the strength and resilience of the construction industry in the ACT and the effectiveness of the operations of the authority. Unfortunately, however, this increased liability has not been matched by an increase in assets in the scheme over the similar period of time.

While employer levy contributions, based on employee wages, have increased with the numbers of new workers in the scheme and higher wages in the industry, the authority's equity investments have fallen as a result of the global financial crisis and a faltering recovery due in particular to Eurozone debt concerns. Whilst there has been a modest recovery, the capacity for these investments to contribute significantly to the annual draw-down on reserves to meet claims against the fund will be limited for some time to come.

In addition, the value of the scheme's investment property, the Manning Clark building in Tuggeranong, has been affected by the short-term lease with the building's current tenant and an overall drop in the value of older buildings with low energy efficiency ratings throughout Canberra. The board has committed considerable funds to a renovation of the building in order to add to its value and secure a long-term tenant.

The board has also made a recommendation to me to increase the levy. While the construction industry levy was increased marginally from one per cent to 1.25 per cent earlier this year, the first increase in 13 years, I recognise the need for a further examination of the levy rate and other matters impacting on the schemes. To that end I am committed to working with the board to explore all options to address the health of the scheme, including alternative investment strategies, and I have recently written to the board for this purpose.

However, the construction scheme is very generous in comparison to other portable long service leave schemes, and this bill aligns some aspects of this scheme to the other schemes in the interest of protecting its integrity and to address its deteriorating financial position.

The construction scheme basic entitlement of 13 weeks long service leave after 10 years of service will be retained. This generous entitlement is greater than that

available under the cleaning scheme and community sector schemes where workers are entitled to a total of 8.67 weeks after 10 years of service. I am aware that the industry worked hard to shore up its generous 13-week entitlement and I would also like to reiterate that these amendments do not affect current workers in any scheme, nor do I intend to reduce current worker entitlements in the future.

I would like to discuss some other amendments contained in the bill. All of the amendments are relatively minor in nature. However, together they will improve the health of the various schemes in the longer term and assist in administration. The bill aligns the eligibility for a long service leave benefit under the construction scheme with the cleaning industry. Currently, workers in the construction industry are entitled to a pro rata payment from the scheme on leaving the industry permanently after five years of service. The amendment will increase the qualifying period to seven years. This amendment also brings the schemes into line with comparable schemes in other jurisdictions.

The amendment is supported by industry stakeholders who consider five years of service is not sufficient to qualify for a long service leave entitlement in the construction industry. This is particularly the case in construction where traditionally workers undertake a three to four-year apprenticeship before qualifying in a trade and commencing full-time work. This amendment does not affect the community sector scheme where industry supports entitlement of a pro rata payment after five years due to the nature of the community sector workforce.

The bill also removes access to a long service leave entitlement while a construction worker continues to work. This requires a construction worker to take leave from the industry in order to receive a long service leave benefit. This amendment reverses a 2007 amendment that enabled construction workers to take a payment from the scheme after 10 years without taking leave.

The proposed change affects the nature of payments and not the quantum of worker entitlements and brings the construction scheme into line with the community sector and cleaning industry schemes. The amendment is in response to industry stakeholder agreement that the spirit and intent of the scheme are based on workers taking leave rather than receiving an additional payment. The amendment also addresses concerns that workers should take periodic breaks from physically demanding work to more effectively manage risks associated with workplace accidents.

The bill increases the eligibility for a long service leave pro rata payment where a worker in a scheme reaches retirement age or leaves the industry due to permanent injury or death. The current eligibility period is 55 days in all schemes and consistent with comparable schemes in other jurisdictions. This amendment increases the eligibility period to five years. A long service leave scheme is not the place to deal with entitlements for workers in the event of death or permanent injury. Benefits to workers on death, injury and retirement are sufficiently addressed in other legislative schemes and are not the focus of a portable long service leave regime.

The bill also includes a number of technical and administrative amendments as recommended by the board. The membership of the Long Service Leave Authority

Board consists of representatives of employer groups, employee associations and members independent of either, and I would like to thank the board for undertaking the review of the act and proposing changes that improve the performance and nature of the various portable long service leave schemes. I look forward to working with the authority and the board in future, particularly on addressing the health of the funds in this challenging economic climate.

It should be remembered that the ACT leads the way in Australia in the provision of workers' entitlements through portable long service leave schemes. We were the first jurisdiction to introduce a scheme for cleaning workers and have since been followed by Queensland and very recently New South Wales. We are the only jurisdiction to have introduced a scheme for community workers and it is also our intention to introduce a scheme, in the near future, for security workers.

Informal consultation is currently taking place with the security industry and I intend to release an exposure draft and discussion paper on the proposed security scheme before Christmas. This will facilitate a full consultation process on the proposal. I look forward to working with the security industry to develop a suitable portable long service leave scheme. I commend the bill to the Assembly.

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

Standing and temporary orders—amendment

MR HARGREAVES (Brindabella) (11.23): I move the motion standing in my name on the notice paper relating to the membership of the Standing Committee on Administration and Procedure:

That standing order 16 be amended by omitting paragraph (b) and substituting:

“(b) the Committee shall consist of:

(i) the Speaker;

(ii) the Government whip;

(iii) the Opposition whip; and

(iv) a representative of the crossbench (or if a single party, the whip of that party).”.

I bring this motion forward because I believe that the processes in this parliament will be improved as a consequence. Before going into the detail of the motion, I think some history will assist members. In 1998, when I joined the Assembly, Mr Corbell was the opposition whip and Mr Berry was the manager of opposition business. Neither received any allowance for the service they rendered. The government whip alone received the allowance. It is interesting that there were six of us then but only one government non-executive member. Now there are again six members of the opposition but two, and recently three, government non-executive members.

During 2004 to 2008 there were six opposition non-executive members, four crossbench members and three government non-executive members excluding the Speaker. In the period 2001-04—I am not sure of the actual date—then opposition whip Mr Stefaniak proposed to the Remuneration Tribunal that the services of the opposition whip were so similar to that of the government whip as to warrant payment of an allowance.

He proposed that as the opposition had a greater number of non-executive members than the government, this added weight to his proposal. The Labor government supported the proposal; so the Remuneration Tribunal, in its wisdom, determined that an allowance was appropriate.

In the period 2001-04, due to the varied nature of its membership, it was not possible for a concerted approach to managing non-executive crossbench business. So the crossbench did not act as one unit. Ms Dundas, the Democrat member, tried to act as a representative of that group but with varying rates of success.

In the period 2004-08 a similar process for the crossbench prevailed. However, in 2008, with the emergence of a single party crossbench, the services of a whip became appropriate, and Ms Bresnan is now performing that role. Interestingly, and almost uniquely, she is also the manager of crossbench business. It is usually the practice in this place that the roles are separate.

Mr Speaker, the duties of whips are not very well understood by members in this place and often in other parliaments in the commonwealth. I attended in July last year the Australian Parliamentary Whips Network and reported to the ACT branch of the CPA. I draw members' attention to that report and can provide a copy to members if they wish.

At that conference workshop I gained an insight into the duties and responsibilities of whips and I would like to detail some of them here. The duties fall into two categories. The first is service to the parliament on behalf of a grouping of members. The second is the provision of mentoring and assistance to new members, pastoral care for continuing members, and assistance to retiring members and members who have had a change in circumstance, such as elevation to or exit from a ministry. I am happy to discuss the second of these categories with members at their leisure, but I will concentrate on the first for the purposes of advancing my motion.

The job of a whip is to manage the affairs of the house for non-executive members. This role is consistent in all parliaments in the commonwealth that have such positions. Indeed, in some parliaments not only is the role of the whip combined with the role of the manager of business but it is also a cabinet position. The whip arranges or articulates on behalf of a group the private members' business, discusses or negotiates the timing of debates and the business of the day, assists the manager of business with the management of executive business as required.

Whips manage the membership of committees on behalf of their group and manage administrative matters also on behalf of their group. Whips generally assist the

Speaker in the management of the precinct by the provision of services to members such as the provision of office space, car parking and general housekeeping. Managers of business only have to negotiate with the manager of government business which legislation will be debated or presented to the Assembly. This role is not recognised by the Remuneration Tribunal as warranting an allowance.

I would contend that a major role of whips is to represent their group in the administration of private members' business, to assist the Speaker in the management of the precinct and to advise the Speaker, for example, on changes to entitlements, the compilation of the budget for the Assembly, and proposed changes to chamber processes and procedures.

The standing orders detail the role of the administrative and procedure committee and specifically appoints the Speaker to the Standing Committee on Administration and Procedure. Indeed, it outlines the membership of the committee. Standing order 16(b) states:

the Committee shall consist of the Speaker and no more than five other Members ...

It does not require the other members to represent a given sector, unlike the membership of other committees. Perhaps it should do so for the membership of administration and procedure. Also, in all my time here I have never seen an administration and procedure committee with greater than four members in total.

I contend that if the standing committee on administration and procedure can determine the Speaker as a member, and that that Speaker shall chair the committee, the standing orders should prescribe the whole membership. I also contend that, as the Remuneration Tribunal recognises the administrative nature of duties performed by whips through the allocation of an allowance, it is appropriate that the whips be appointed through the standing orders.

I recognise that the crossbench whip is, at this time, not recognised by the Remuneration Tribunal but I would contend that in 1998 to 2001 neither was the opposition whip, Mr Corbell. But Mr Corbell, as opposition whip, was a member of admin and procedure. This would also mean that parties do not have to nominate members but merely advise the Clerk of who has been appointed—the whip for their grouping as happens now. I contend that there is a case for recognition by the Remuneration Tribunal of the role of the crossbench whip in coordinating the occupiers of those benches.

I also believe that we need to change the standing orders now for introduction immediately. If the membership is prescribed in the standing orders it will mean that we will go into 2012 with a formal regime in place. Mr Speaker, this Assembly has changed much in terms of the standing orders relating to the business of the house. I contend that this change will formalise that which should have been done years ago and will assist in bringing a formal structure to the assistance given to the Speaker and, indeed, to the sectors within this place.

Mr Speaker, the standing orders for the membership of other standing committees actually prescribe that the people will be placed on those committees proportional to the representation in this place. I believe that such should be the case now. I recognise that there will be occasions, and indeed we are seeing the occasion now, where one of the whips, or any number of them for that matter, may very well carry the role of the manager of business for their particular sector. I see no reason why there will be any conflict in that role in assisting in the administration of the precinct or the assistance to the Speaker in the administration of the precinct.

We have in this place, as I have mentioned earlier, changed the standing orders to reflect a formal process within this place. We have changed the nature of question time on a couple of occasions. We have changed the standing orders to reflect the standard of behaviour in this place. I believe that now is the time, in fact, at the end of a particular year and going into 2012 that we address this particular issue. This is about formalising a role.

I believe that as whips have been given the recognition through the Remuneration Tribunal of an allowance for their role in assisting the parliament—assisting the Speaker specifically and assisting their parliamentary groupings—they are actually being paid for a service that they render. I believe that we should have on our house committee, if you like—the administration and procedure committee—members who are recognised for the service that they render to that committee. That recognition should be the allowance that whips receive through the determinations by the Remuneration Tribunal. I commend this motion to the Assembly, Mr Speaker.

MRS DUNNE (Ginninderra) (11.33): The Canberra Liberals will be opposing this motion, not on the grounds that they particularly think that the position on administration and procedure must be held by me but on the grounds that each party grouping must have as much choice as possible in the people that they appoint to standing committees. On that basis we will be opposing this motion.

As Mr Smyth will see if he goes through the companion to the Legislative Assembly, there have never been any rules about who was appointed to any committee, with the exception of the appointment of the Speaker as the chairman of the administration and procedure committee. Mr Hargreaves likes to point out his long history in this place. There has been quite a deal of volatility concerning the membership and size of standing committees. There has also been considerable volatility in relation to members of the administration and procedure committee over time. I think that we go down a difficult path if we start constraining who can be appointed. At the moment we have three groupings in this place, but it is more often the case that we have more than three groupings and that often a number of different and disparate groupings are represented on the crossbench.

I can tell from the arguments being mounted by Mr Hargreaves that this is an attempt to shore up the position of Greens whip so that the Greens will be able to make an appeal to the Remuneration Tribunal for payment for that position. A good way of doing it would be to ensure that there was some recognition in the standing orders or elsewhere that would give some status to that position. This is an unfortunate money-

grab on the part of the Greens. If, as I suspect, the Greens are going to support this motion today, it will be done for the basest of reasons possible.

It has always been the case in this place that it is up to the parties concerned, and more particularly the leader of the parties concerned, to determine the membership of committees. There has only been, to my knowledge, one other attempt to circumvent the wishes of parties on who should be on committees. That was again, surprisingly, directed towards me. I was starting to think that maybe someone had got it in for me when this Assembly voted to not allow me to sit on a privileges committee. I am thinking that, apart from the base requirement of the Greens to get some money out of this, there may be a bit of a vendetta against Vicki Dunne, but I will not take it too personally. If there is a vendetta against Mrs Dunne—and I am pretty sure that Mr Hargreaves has had me in his sights for quite some time—it will be taken as a badge of honour that I have got under their skin rather than anything else.

That said, it is untoward and improper that the Assembly should attempt to force parties in the way that they nominate for committees. There has been considerable debate on this issue over a number of years. On occasions I have attempted to amend the standing orders to, for instance, appoint a nominee of the opposition to chair the public accounts committee. Even that has been resisted by the Assembly—not to nominate a particular person but just a nominee of a particular party.

Today Mr Hargreaves is attempting to force the hand of a particular grouping in this place in a way that has never been done before. In fact there is a substantial voting record. I notice that the Clerk is nodding. I hope he is nodding in agreement with me. There has been considerable debate in this place about this issue on a number of occasions. Every attempt by parties to direct other parties on how they should fill committee positions has always failed in this place. It will be very interesting today to see whether, in the pursuit of money, the Greens will be supporting this motion, which should not be supported.

MS BRESNAN (Brindabella) (11.38): I thank Mr Hargreaves for this motion today. The Greens will be supporting it. I will go to the issues that Mrs Dunne has raised. There have been some fairly grubby claims about this being some sort of money grabbing exercise by me, which I find quite offensive, but I will go to that at the end—

Mr Seselja: On a point of order, Mr Speaker.

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

Mr Seselja: I think you have on a number of occasions ruled on the word “grubby”. I think that you should ask Ms Bresnan to withdraw.

MR SPEAKER: I think Ms Bresnan actually referred to “grubby claims” rather than Mrs Dunne being grubby.

Mr Seselja: So that is okay?

MR SPEAKER: I will consult my—

MS BRESNAN: Mr Speaker, I am happy to withdraw that.

MR SPEAKER: Thank you, Ms Bresnan.

MS BRESNAN: I will go to the claims that Mrs Dunne has made later on in my speech. The operation and functioning of the administration and procedures committee in the smoothest way possible is essential to sitting weeks in particular. While the committee does not deal with the usual politics of sitting weeks, the committee can ensure that issues are discussed in the pre-sitting and sitting week meetings and particularly when items of business will be debated. While I recognise that the party whips discuss such matters as a matter of course during each sitting day, as the committee determines the order of business for private members' day and Assembly business, it is important to be able to have discussions on issues of timing with some authority. It is much easier if these discussions can be had in committee meetings.

As I understand it, in other Assemblies the party whips have been members of the committee. This is because of the types of matters that the committee discusses, especially around the timing of business. As Mrs Dunne has said, there are no rules, but it has been the practice that it is the whip that sits on the committee, and I think for very good reason. I have outlined the way in which business is determined and the timing of business. If we cannot have those discussions in those committee meetings then it makes it quite difficult. That, I think, has happened on a number of occasions in this Assembly.

In this Assembly the Liberal Party whip, Mr Hanson, has not been a member of the committee. The Liberal representative has been the manager of opposition business, Mrs Dunne. As I have just noted, this has created some difficulties with matters discussed in the committee, particularly around the order of business on sitting days. As I have said, if you cannot have these discussions with any degree of authority then it makes it quite difficult in terms of the way the sitting week functions.

In order to allow the proper operation of the committee the membership of the committee should be as per previous Assemblies with the party whips as members. I believe it is important to establish this formally through Mr Hargreaves's motion today. It means that this convention can be established for future ACT Assemblies also.

The committee, as noted in the standing orders, is established to inquire into and report on the Assembly's annual estimates of expenditure, the practice and procedure of the Assembly and the standing orders of the Assembly. Each of these areas is about how the Assembly—that is, the chamber itself—functions, which is the realm of the party whips. The Greens agree that in order for the committee to function as it was established to do, having the whips as the set members will make for the better operation of the committee and, consequently, the Assembly, particularly during sitting weeks.

The money grabbing which is noted by Mrs Dunne I think is a fairly offensive claim to be making. I have noted why it is important that we have the whips as members. Even if it had anything to do with remuneration, it is highly unlikely that if anything did come I would actually benefit from it in this term of the Assembly. It will be people in future Assemblies who will benefit from it. It will not be me that benefits from it and it is pretty offensive to be claiming that I will.

I could equally argue that Mr Hanson is the party whip and I am not quite sure what he actually does as the whip. I note that Mr Hargreaves does most of the work in organising the pairs. It is typical that the whip sits on the administration and procedure committee. I could equally argue that Mr Hanson is getting a nice level of pay for not doing too much. Are those the sorts of claims we are going to start making? It is pretty offensive to be saying we are doing this for some monetary outcome. It is entirely unlikely that I would get it.

I think the opposition know why this is happening. We have had some difficulty in terms of how the administration and procedures committee operates. That is what this is about. It has been typical that the whips sit on the committee. I think it is important that we formalise that so that it actually means we know who the members of that committee are and that if there is a different crossbench make-up somebody is representing those crossbench members. As I understand it, in past Assemblies it has been the case that someone has been nominated to sit on that committee and act as a representative for crossbench members. That is the way it will operate. It means that we can have the smoothest possible operation of the administration and procedure committee. I commend Mr Hargreaves for bringing this motion on today.

MR SESELJA (Molonglo—Leader of the Opposition) (11.44): Mr Speaker, I would just put it out there that we would be interested in your views, as the chair of the admin and procedure committee, on this particular issue. I think that would be relevant for this particular debate. Firstly, I would like to say that Mrs Dunne does an outstanding job in her operations on this committee. Perhaps it is that outstanding job which is part of this motion today, and it appears to be a part of Mr Hargreaves's ongoing vendetta against Mrs Dunne. We have seen that time and time again in this place from the most disgraceful language used by Mr Hargreaves against Mrs Dunne and his persecution of her in the chair. We see it again today with the "get Mrs Dunne" motion to throw her off a committee. It is a disgraceful motion and it should not be supported. It is part of a pattern of behaviour from John Hargreaves towards Mrs Dunne—this pattern of bullying that we have seen time and time again. The latest expression of that is "we'll throw her off the committee because we don't like her".

It is an absurd motion. The fact that the Labor Party and the Greens are getting together to endorse this motion shows how tight they are. Mrs Dunne has alluded to some of the motivation for the Greens. It shows how close they are. Mr Hargreaves continues this vendetta against Mrs Dunne. I do not know what it is that he has against Mrs Dunne. I do not know if it is the fact that she continually runs rings around him in their varying roles or if it is some other personal complaint or a bit of personal animosity he has against her.

We have seen the personal animosity time and time again from Mr Hargreaves against Mrs Dunne. We saw the most disgraceful language used by Mr Hargreaves in relation to Mrs Dunne. Now, not being satisfied with that behaviour, he says: "I'm also going to throw her off the committee. Today I'm going to get the Greens to help me throw her off the committee." It is a continuation of the bullying behaviour, the disgraceful behaviour, that we see from Mr Hargreaves so often in this place.

The Canberra Liberals will not support this. We will not stand for this. We see it for what it is. It is part of a continuing pattern of persecution by John Hargreaves against Mrs Dunne. The Chief Minister might endorse that behaviour, other members of the Labor Party might endorse that behaviour and the Greens might turn around and endorse that behaviour. We do not. We see it for what it is. It is disgraceful behaviour and this motion is simply a continuation of that.

We should be allowed to choose who our nominee is on this committee. You do not have to like our nominee. You should simply deal with the opposition's nominee. We do not care who the Greens want to put on the committee or who the Labor Party want to put on the committee. They should be free to do that. But to direct the opposition now because you do not like Mrs Dunne is disgraceful. It is unprecedented. It should not be allowed. This deal has been done between the Labor Party and the Greens where they are going to endorse Mr Hargreaves. They are going to endorse his ongoing persecution of Mrs Dunne, which we have seen in the most disgraceful ways in this Assembly. I think it is shameful. We will certainly not be supporting this motion today.

MR HANSON (Molonglo) (11.48): I add to that litany that Mr Seselja has just listed that my understanding is that Mr Hargreaves also wrote to you, Mr Speaker, in an attempt to have Mrs Dunne removed as an Assistant Speaker. If that is the case then that really does add weight to the argument that Mr Seselja has made. You may wish to confirm that, or Mr Hargreaves may wish to confirm that, but it does appear that this is a personal vendetta aimed at Mrs Dunne, who—I agree with Mr Seselja—does an outstanding job.

I would have thought that it was the role of the leader of the party to determine which member sits on which committee, other than those that are appointed as chairs. If it is simply the membership of a committee, that should be a matter for the leader. Obviously Mr Seselja has determined that the person with the appropriate skills to complete the job of manager of opposition business is Mrs Dunne, with me as whip, and that has worked entirely satisfactorily for the opposition. The government might not like it and the Greens might not like it, but this has worked extremely well for the opposition. Maybe what we are seeing here is that, because we are so effective in our performance in the Assembly, this is an attempt to alter our mechanisms in terms of who sits on which committee.

It comes down what is the practice of this place. There is nothing in the standing orders on this. You look to how this occurs and you turn to the House of Representatives practice. Standing order 275 says:

Any question relating to procedure or the conduct of business of the Assembly not provided for in these standing orders or practices of the Assembly, shall be decided according to the practice at the time prevailing in the House of Representatives in the Parliament of the Commonwealth of Australia.

Quite clearly, in the House of Representatives the two positions are squared. Indeed, the management of government and opposition business is done by someone other than the government or the opposition whip in the House of Reps. I guess it comes down to a debate of what is the practice of the Assembly. What have we seen here today from Mr Hargreaves and Ms Bresnan? I will quote Ms Bresnan: "It has been the practice that the whip sits on the committee."

Quite clearly, what you are seeing from the government, the crossbench, the Greens and anybody who votes for this motion today is a view that the practice is not what has occurred in the last three years where I have been whip and Mrs Dunne has been the manager of opposition business, that practice is something that needs to look back over the life of the Assembly since it was first formed and cover the first seven Assemblies of this place.

That is an interesting precedent. Obviously if we are voting on that today then that gives us a guide as to what practice means and what, in accordance with standing order 275, the practices of the Assembly are. It is interesting to note that the practice of the Assembly, according to Ms Bresnan, according to Mr Hargreaves and according to anybody that votes for this motion today, is about what has happened in the entirety of the Assembly and we are discounting what has occurred in the last three years.

I agree with Mrs Dunne and Mr Seselja on the points they have raised. The opposition will obviously not be supporting this motion today. It is quite clearly a personal vendetta by Mr Hargreaves aimed at Mrs Dunne. I am surprised and disappointed that the Greens, for whatever motives they have, are supporting this highly inappropriate motion. It appears that it will be passed because the government and the crossbench, for whatever reason, have their motives. It seems that what they are saying today is that the practice of this Assembly is determined based on what has happened over a series of Assemblies rather than just in the last three years. Mr Hargreaves may wish to comment on that. It is certainly what he has indicated and what Ms Bresnan has indicated.

MR SMYTH (Brindabella) (11.52): Mr Speaker, these are quite interesting discussions we are having here today, because for the length of this Assembly we have constantly had—particularly from the Greens—the talk of the new paradigm, how that what has gone in the past is in the past and how we need to look at new ways of doing things. Latimer House is the perfect example. We now have a committee that I am the chair of that has a minister and the Speaker on it. That is a new paradigm, because the tradition of this place has been for 20 years that you would normally not have the minister or the Speaker on a committee, and for good reason—it is called separation of powers.

We have heard long and hard how important it is that we find new ways of doing things, except apparently for when it does not suit the Greens. The Greens can speak to their own purpose and can defend their own purpose, but the reality of what happens today is that all of the arguments about doing things differently are shown to be nothing but a political contrivance to benefit the Greens. When you set up political contrivances, they come back to bite you, and this will bite the Greens, particularly the Greens leadership. Ms Hunter needs to stand up and explain how you decide where you are progressive and where you are not progressive, because the argument, as Mr Hanson points out so well, that Ms Bresnan used was, "Well, we've got 20 years of history that said it is to be the whip." And yet just about every other argument from the Greens members in this place over the last four years is about new ways of doing things.

When it suits them, let's go the new way; when it does not suit them, we rest on history. That is hypocrisy in the extreme, and it reduces the way that the Greens operate in this place to a simple political contrivance. If we are to be consistent, it calls into question your position, Mr Speaker, as a portfolio spokesperson for the Greens. The tradition in this place has been that the Speaker moves away from holding portfolio responsibility. Only on very rare occasions in the last 20 years has the Speaker participated in debates or initiated debates that were not related to the role of the Speaker.

The contrivance is exposed. The Greens are exposed. Ms Hunter's lack of leadership is exposed. The inconsistency of Ms Bresnan is exposed. And the bitterness, the pettiness and the poor humour of Mr Hargreaves is exposed. I urge all members to make sure that they look at what they are voting for here today, because you are voting for nothing but hypocrisy.

The Liberal Party should be free to put whomever they want on committees as they are in every other committee in this place. Why is admin and procedure so special? From now on, when we move to establish, for instance, the next estimates committee, will the Greens and the Labor Party feel free to dictate which two Liberal Party members are on it simply because they have got the numbers in this House? When we have changes to a standing committee, will they feel free to nominate who from the Liberal Party should be on that committee? Why is this any different? It is different because somebody is bitter and twisted, and it is different because somebody has some sort of other agenda which they failed to declare. It is different because it does not suit the purpose of the Greens and the Labor Party to have Mrs Dunne on the committee. That, Mrs Dunne, is a badge of honour that you should wear very, very proudly.

When we get to the stage where the Greens-Labor alliance is removing Liberal Party members from committees, you can only say it is because they are effective in their jobs. Mrs Dunne, well done. Wear this with a badge of pride because all of those opposite and on the crossbench should be looking down in embarrassment. I would be embarrassed, either moving or voting in favour of this motion today.

It is an attack on the integrity of the parties in this place that they are now no longer free to decide whom they will put on a committee. If we go to House of Reps practice,

which the standing orders say we do when in doubt about your procedures, there are a number of committees that cover what admin and procedure do in this place up on the big hill. There is the selection committee, there is the procedure committee, there is the library committee. Some of them say you need certain positions filled by certain people. Others are absolutely mute, and I am told—I have not had time to check—they are simply filled by the backbench, by the nominees of the party. That is how it should be here. The nominees of the party should be free to perform the duties as determined by their party, not by this place.

The Greens talk long and hard about a new way of doing things. Let us see you live up to that reputation. If you are going to start picking and choosing where you choose to do these things, as I said earlier, this simply becomes a political contrivance. It goes to the integrity of the Greens. It goes to the heart of what they are doing and, I have to say, it is to the disgrace of the Labor Party.

The Chief Minister said “new era of openness and accountability”. What is open about this? There is nothing open about forcing the Canberra Liberals in this case to put somebody other than their chosen representative on the committee. This is a disgraceful act. This is what happens when you have majority government here. The Greens-Labor alliance is a majority government—they look like a majority government, they act like a majority government on this issue. You can only assume that, therefore, they are a majority government. The hypocrisy is loud.

You cannot pick and choose when you say, “We want to move forward and try things in a different way,” and then, when it does not suit you, simply revert to 20 years of tradition and say, “Well, that’s how they’ve always done it.” You do yourselves no honour, and you do this place no honour. It is this sort of rank hypocrisy that annoys the voters and annoys the community when parties like the Greens simply pick and choose when it suits them.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.58): It is quite interesting to hear some of the arguments put forward by the Canberra Liberals. I still cannot quite understand what the issue is with having their whip on this committee. Mr Smyth has just spoken about how this is a terrible thing, it is an outrageous thing, because parties will not be able to choose whom they put onto this committee. Well, parties can, because parties first of all make the decision about who their whips are. If the Canberra Liberals feel that Mrs Dunne is head and shoulders above Mr Hanson in this category, they can make that decision in their party room to make Mrs Dunne the whip, and then Mrs Dunne becomes part of the admin and procedure committee. If that is what the argument is, Mr Smyth, then follow it through to its conclusion. What we have here—

Mr Smyth interjecting—

MR SPEAKER: Order, Mr Smyth! I expect Ms Hunter to be heard without interjection, thank you.

MS HUNTER: I think that the interjections and rising shrill voices are telling me that we are hitting something here. We are getting to closer to where the Canberra Liberals are coming from on this matter.

Simply, where the Greens are coming from is about the smooth working of the admin and procedure committee; the smooth working of being able to organise business and get that sorted. If Mr Hanson is concerned about his skill in this area, that is an issue he and the Canberra Liberals will need to look at. Really, we need to get far better workings in this committee. My understanding is that it has been incredibly frustrating with Mrs Dunne having to go back and forward and back and forward and decisions not being able to be made in the committee that is set up for these decisions to be made.

That is what this is about—it is about a better running of the parliament; it is about a smoother running of the parliament. That is where the Greens are coming from and that is why we are organising this today.

I have to take up an issue with Mrs Dunne. It was outrageous for her to basically make a personal reflection on Ms Bresnan. Really, Mrs Dunne should sit back and reflect on what she has done there. She has put forward what I believe is an improper motive on Ms Bresnan's part. This is not the case at all. This is not about anything other than the smooth running of the admin and procedure committee, and it is a shame that, for three years, there has been this frustration that has been felt by so many.

Mrs Dunne: On a point of order, Mr Speaker, if Ms Hunter is in the business of saying that we should not be making personal reflections, the fact that she is intimating that the admin and procedure committee has not been running smoothly for the past three years and that I am to be removed as a result is a personal reflection on my capacity as a member of the committee. I think she should withdraw that. It is a personal reflection.

MR SPEAKER: Given the way the debate has been conducted today where members have suggested various motivations for various members, I think Ms Hunter's comments are well within the boundaries of the way this debate has been conducted. Ms Hunter, you have the floor to continue.

Mrs Dunne: Mr Speaker—

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

Mrs Dunne: Mr Speaker, yesterday you raised the bar when you said there should be no personal reflections about—

MR SPEAKER: That is not what I said, Mrs Dunne.

Mrs Dunne: You came back in here later and said that the rough and tumble of politics is one thing but personal reflections upon people are unacceptable. Ms Hunter

is complaining about personal reflections and then immediately implies that I have not been pulling my weight on admin and procedure, and she should withdraw it. In doing so, it is also a reflection on you because, if I have not been pulling my weight, you have been putting up with it for three years.

MR SPEAKER: Thank you, Mrs Dunne. Nonetheless, there is no point of order. We will continue.

MS HUNTER: I do not think I need to say much more. That is where the Greens are coming from, and that is why we will be supporting Mr Hargreaves's motion this morning.

MR HARGREAVES (Brindabella) (12.03), in reply: I need, I think, to address some of the points made by those opposite. Unfortunately I will address them in the order in which they appeared rather than try and put them all together. Before I do, though, it is with some sadness that I witnessed that last exchange where those opposite were getting upset because people were making reflections upon other members' characters, motives and whatever. I ask members to revisit *Hansard* and they will see that nowhere in my speech did I cast any reflection on any member of the opposition. Nowhere did I suggest that Mrs Dunne had not done anything but an exemplary job on admin and procedure—nowhere. But that needs to be contrasted, Mr Speaker, with the bucket of venom that came across the chamber at me, suggesting that I had an ulterior motive, that I had a vendetta against Mrs Dunne.

Opposition members interjecting—

MR SPEAKER: Order! One moment, Mr Hargreaves. Stop the clocks. All members on the opposition side, if I recall correctly, were predominantly heard in silence during this debate. I expect other members to be afforded the same civility.

MR HARGREAVES: Thank you very much, Mr Speaker. I do recall those opposite saying that I have this vendetta, but they do not recall my record in this chamber since 1998 where I have been absolutely dedicated to parliamentary process. I have been involved in standing committee and select committee investigations into the processes of this place. An examination of the reports of those years will reveal just that.

Ms Hunter put it quite correctly—she was merely suggesting that my proposal that the whip having an ex officio role to perform support duty on the admin and procedure committee was an appropriate way to go. She made no suggestions that anybody on that committee has ever done a less than satisfactory job. Any suggestion that Ms Hunter is reflecting poorly on other members on this place is not only misplaced but is mischievous and totally unwarranted. In my view it warrants an apology from the member who accused her of such a statement.

I need also to remind the chamber that my position and that of the government have not changed. The occupier of the seat on admin and procedure by the government representative—indeed, the Labor Party's representative—since 1998, and possibly before that but I have not checked it, has always been that member appointed as the

whip. Always. So my position has not changed, and there is no inconsistency in my position whatever.

It saddens me that those opposite just do not get it. It is about time they started playing catch-up football around parliamentary process and about what happens in parliaments around the commonwealth. At the moment, they are displaying an ignorance—which is sad for this place—of the role of this particular position. This is not a gift of an allowance of 10 per cent of salary as a sinecure for the leader of a particular party to hand out to somebody. You have to earn it. You have to do something for the money.

When Mr Stefaniak put the case to the remuneration tribunal, he put the case that there were certain duties, certain responsibilities, the whip on the opposition side would actually discharge. He made the comparison with the government whip. I have articulated in some way in my proposal speech what the job entails, and I have done that from a distillation of conversations with whips from around the commonwealth and from my observations and my own learning over the decade and a half that I have been here. I encourage whips in this place going forward to have a greater regard for the pastoral care of their colleagues and to have a greater regard for their role in the parliamentary process.

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

Standing and temporary orders—amendment

Debate resumed.

MR HARGREAVES: Mr Speaker, I will not go on too much longer. I just wish that those opposite would come into the 21st century, grow up and understand that this job is a support role to the parliament. It is not acceptable to the parliament as a whole that a member can receive the full allowance for doing half a job. That is not on. I have been absolutely consistent in that position since the day I got here. If in fact the whip's job is to manage private members' business, and one of the major roles of admin and procedure is to manage private members' business, the person sitting at that table to manage the private members' business ought to be the whip.

The other point that I think Ms Bresnan tried to make—I have to say with some effort because of the caterwauling that was directed towards her—was that admin and procedure is really a committee of representatives. We should be able to represent the views of our party room. Those positions are not those of messengers. They are not messengers. We do not receive something and run back to the party room, the caucus room or whatever you call it and then say, “Guys, can we do this?”—and then run back to admin and procedure. This is a responsible position. The dialogue between the

whip, the leader of the party and the manager of business ought to be such that that whip can make a statement on behalf of their party. For them not to be able to do that, in my view, shows a lack of confidence from the leader in both the whip and that member.

Therefore, from where I am standing, this is an expression of a lack of confidence from the leader of the opposition, Mr Seselja, in Mr Hanson as whip—that he is not good enough to sit on admin and procedure—and a lack of confidence in Mrs Dunne because she has to bolt back and find out what is going on. We all know that the whole of the opposition business is managed out of the leader’s office—I do beg your pardon: some of it may even be able to be managed from the floor at Nara house across the road, paid for by the Assembly.

However, let us get back. I propose, Mr Speaker, that this a technical issue. If people want to attack me to distract from the issue, fine, knock yourselves out; I really do not care. I have no vested interest in this result other than that I think it is the right thing to do. To accuse Ms Bresnan of trying to feather her own nest is inappropriate. Any proposal to get an allowance for the crossbench I am going to move to the Remuneration Tribunal. I want to put that on the record. The rem tribunal will not provide a determination which will be in the life of this Assembly. It is not automatic that Ms Bresnan will be the receiver of such an allowance. To suggest otherwise, in my view, warrants an apology to Ms Bresnan.

Mr Speaker, these guys can faff and cackle away as much as they like; it does not make a scrap of difference. This proposal is about the legitimate formalising of a process within the parliamentary system of the ACT. It is a good proposal and it needs support.

Question put:

That **Mr Hargreaves’s** motion be agreed to.

The Assembly voted—

Ayes 11

Noes 6

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

Question so resolved in the affirmative.

Administration and Procedure—Standing Committee Membership

MR HARGREAVES (Brindabella) (12.16): Pursuant to standing order 223 and consistent with new standing order 16(b), I move:

That Mrs Dunne be discharged from the Standing Committee on Administration and Procedure and Mr Hanson be appointed in her place.

Mr Speaker, I think there has been enough conversation on this. I think it is self-explanatory.

Question resolved in the affirmative.

Assembly sittings 2012

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.17): I move:

That, unless the Speaker fixes an alternative day or hour of meeting on receipt of a request in writing from an absolute majority of Members, or the Assembly otherwise orders, the Assembly shall meet as follows for 2012:

February	14	15	16
	21	22	23
March	20	21	22
	27	28	29
May	1	2	3
	8	9	10
June	5	6	7
August	14	15	16
	21	22	23

Earlier this year, approximately three to four weeks ago, I circulated a proposed sitting calendar for the year. I have received feedback from other parties and members about the sitting calendar for the 2012 election year. The government has indicated its preference for a nine-week sitting calendar. I have been advised by representatives of the Liberal Party that they will support that nine weeks on the basis of a double sitting in February—that is, two sitting weeks concurrent in February rather than having a separation between the two sitting weeks in February. The government is willing to agree to that proposal and the sitting calendar has been amended accordingly.

I understand that Ms Bresnan is proposing an additional sitting week. The government does not believe that it is necessary in an election year and will not be supporting Ms Bresnan's amendment.

MS BRESNAN (Brindabella) (12.18): I move:

Insert:

May	29	30	31
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The Greens' amendment to Mr Corbell's motion is to add a 10th sitting week to the 2012 sitting pattern for the dates 29 to 31 May. The proposal put forward by the

government and supported by the opposition is that this Assembly have nine sitting weeks in 2012 in the lead-up to the election. In previous election years such as 2001, 2004 and 2008, the Assembly had 10 sitting weeks. The Greens do not believe that the number of sitting weeks should be decreased from what has been the norm in previous Assemblies.

The Greens have been consistent in maintaining a commitment to the norm for the number of sitting weeks the Assembly has per annum. It is interesting to note that the Liberals have shifted from wanting to have more than the norm in one year to wanting below the norm in another year—a year that just happens to be an election year. Across this Assembly, Labor have consistently put forward a proposition for below the norm in terms of the number of sitting weeks. In December 2008, when the government proposed a sitting pattern that was below the annual average of 14 weeks, the Greens successfully argued that the norm of 14 weeks per annum be supported. The Liberals proposed more than the average of 14 weeks—16 sitting weeks per annum. Mr Hanson said:

... if this is the sitting pattern that is going to be adopted by this Assembly, then it is the government that is looking to take extended holidays, certainly not the opposition, which is calling for more sitting weeks.

In December 2009, when the government proposed a sitting pattern that was less than 14 weeks, the Greens again argued to maintain 14 and the Liberals proposed more. Mrs Dunne said:

The Canberra Liberals firmly believe that we should be having more sitting days.

In December 2010 the Liberals proposed 16 sitting weeks rather than the normal 14 sitting weeks for 2011. Again Mrs Dunne continued the theme. She said that the proposal was not sufficient and we needed more time to debate the issue.

I urge both Labor and the Liberals to reconsider their position about the number of sitting weeks we have next year and support the Greens' amendment for 10 sitting weeks, which was the number of sitting weeks in 2001, 2004 and 2008, all election years.

MRS DUNNE (Ginninderra) (12.20): The Canberra Liberals will not be supporting Ms Bresnan's amendment. We did consider the sitting pattern and the possibility of extra sitting weeks. I compliment the minister for taking the suggestion of the Canberra Liberals to make the February sittings back-to-back sittings rather than one on and one off. I thank him for that consideration and that courtesy.

We did consider the possibility of more sitting weeks, because the period between June and August is a very long period. But given that the government—this is their call, and we have been encouraging of this over a number of years—have a budget after the commonwealth budget comes down, and therefore the budget sitting week will be 5 June, it is quite impractical to find another place for a sitting week. On balance, we have decided that the model put forward, which has been enhanced by the Liberal Party's input, is an appropriate one for an election year.

There could be an argument for another week, but there is really no practical place to put it as things currently stand. The proposal put forward by the Greens to have three sitting weeks in the month of May is extraordinarily difficult, and it would be extraordinarily difficult for officials in the run up to a budget.

For three years the Canberra Liberals have been calling for more sitting weeks. Ms Bresnan has pointed out the position that the Canberra Liberals have had on this. Where were the Greens on all of those occasions? On all of those occasions, they just wanted to go home early. In the same way, when you get to most sitting days they want to go home early.

They would not support the Canberra Liberals in their pursuit of more sitting weeks in off-election years. Now we are getting to this year and suddenly they have become the great proponents of more sitting times. And when they put together their proposal for more sitting times they put it in a way that shows they have little or no understanding of how government works and how the formulation of a budget works. That comes as no surprise to the Canberra Liberals. We will not be supporting this amendment.

Question put:

That **Ms Bresnan's** amendment be agreed to.

The Assembly voted—

Ayes 4

Noes 13

Ms Bresnan
Ms Hunter
Ms Le Couteur

Mr Rattenbury

Mr Barr
Dr Bourke
Ms Burch
Mr Coe
Mr Corbell
Mr Doszpot
Mrs Dunne

Ms Gallagher
Mr Hanson
Mr Hargreaves
Ms Porter
Mr Seselja
Mr Smyth

Question so resolved in the negative.

Motion agreed to.

Rostered ministers question time 2012

MR HARGREAVES (Brindabella) (12.26): I move:

That the following roster for the additional rostered Ministers' questions be adopted for 2012:

ROSTERED QUESTIONS FOR 2012

14 February	Minister for Industrial Relations
15 February	Minister for Gaming and Racing
21 February	Minister for Police and Emergency Services
22 February	Minister for Tourism, Sport and Recreation

This is a technical motion. It recognises that the change to the nature of question time in the introduction of the rostered question system concludes at the end of this calendar year. We need to have a change to allow for that process and to determine the roster. We are going into February. Admin and procedure will be considering the notion of the rostered question system prior to the next sitting period; this motion merely indicates to the chamber, the executive and the community which ministers will be rostered for which days in February.

MR COE (Ginninderra) (12.27): Whilst Mr Hargreaves did say that it is a technical amendment, it is worth noting that the opposition does have some concerns with the portfolios as they have been rostered, particularly the fact that some of the portfolios have been on the roster relatively recently. The rationale, we have been told, is not to overload any particular minister with the relevant portfolio questions, but I do not think that was the intention of the proposal which I put forward. The intention was to have additional scrutiny for all the minor portfolios—that is, the portfolios that do not get asked the same amount of questions that other portfolios might attract. To that end, it is not about the welfare of the ministers and their ability to answer questions; it is more about this place holding the government to account. So we do have some reservations about the roster as it has been put forward by Mr Hargreaves.

In addition to that, I would like to foreshadow that I will be seeking to have the standing orders amended for rostered questions to make the process somewhat more like what I originally envisaged it would be—far less cumbersome and far more supportive of holding the government to account and promoting scrutiny. At the moment, the process of putting questions on notice is arduous and is not consistent with the other procedures that are in place for question time.

Whilst the amendment is not before the Assembly at this stage, I foreshadow that we will be calling for the removal of the requirement to give advance notice for the questions and to treat rostered question time in a very similar fashion to the way a normal question time operates except that questions can be directed to only one minister and one particular portfolio.

MR HARGREAVES (Brindabella) (12.29), in reply: I would like to close the debate and address the point Mr Coe made. In the first part, the point that Mr Coe made was about the actual ministries that were listed in the motion. I have just advised Mr Coe that those particular ministries were as recommended to admin and procedure by the Chamber Support people; they were not something that came from an individual member. I also want Mr Coe and everybody else to realise that there will be a two-month gap between the conclusion of this year and the commencement of the next one. We do not have any idea what may emerge in that period of time which may spark the interest of some members and therefore a quizzing of others.

With respect to the proposed changes that Mr Coe has foreshadowed, I thank him for foreshadowing them. I would like to extend a personal invitation to have a chat about things. I have put an alternative proposal informally to admin and procedure; I would be quite happy to indicate to him the genesis of that proposal and my reasons behind it, by way of advancing the proposal going forward.

The genesis of Mr Coe's changes was the Westminster system as done in the UK. Their system entirely is different to ours. We need to consider just how much of the hybrid we do here with effect to eliciting information and receiving information. If that is the genuine purpose behind it, I am all for having a discussion about it, as are my colleagues. I commend the motion to the chamber.

Question resolved in the affirmative.

Leave of absence

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

That leave of absence be granted for all Members for the period 9 December 2011 to 13 February 2012.

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 adjournment debate for this sitting continuing past 30 minutes.

Sitting suspended from 12.32 to 2 pm.

Questions without notice

Gas-fired power station

MR SESELJA: My question is to the Chief Minister. Chief Minister, the ACT government has released a policy document called "Weathering the Change Draft Action Plan 2". One option for reducing greenhouse gas emissions involves resurrecting the proposal for a gas-fired power station. At the meeting of the Tuggeranong Community Council on Tuesday, 6 December 2011, concerns were expressed about the re-emergence of this issue. Chief Minister, what is the status of any proposal for a gas-fired power station for the ACT and is this project being proposed on or near the site which was originally proposed in Hume, near the Tuggeranong suburbs of Fadden and Macarthur?

MS GALLAGHER: Portfolio responsibility for this issue lies with the Minister for the Environment and Sustainable Development. But, as Mr Seselja will be aware, the government has released a document for community consultation which outlines, from memory, five different pathways for consideration and feedback from the community around ways to meet our greenhouse gas reduction targets. It outlines some of the costs and benefits and some quite rigorous analysis around those different pathways. It would be silly for the government to rule out any option or rule in any option at this stage of the discussion. It is out for community consultation.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: Is the gas-fired power station project being contemplated for anywhere in the Hume industrial estate and, if so, what evaluation has been undertaken about this proposal?

MS GALLAGHER: There are no proposals for a gas-fired power plant under consideration by the government other than under weathering the change, although I would draw members' attention to the fact that consultation has started around the energy proposals for the Canberra Hospital. Those options include the current situation, a central energy plant and a central energy plant with cogeneration or trigeneration. As to what Mr Seselja's question is about, there are no proposals before the government.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, what notice will you give the residents of Tuggeranong and what consultation will you arrange for the residents of Tuggeranong about any proposal for a gas-fired power station?

MS GALLAGHER: There are no proposals. There is the document that is out for community consultation on five different pathways for consideration for meeting the targets that this Assembly has set.

I note the opposition's interest in stirring up a little issue and doing what they do best. But this government take our responsibility to the community seriously.

Opposition members interjecting—

MS GALLAGHER: That is why we have put out a document for community—

Opposition members interjecting—

MR SPEAKER: Members! I cannot hear the Chief Minister.

MS GALLAGHER: That is why the document is out for community consultation, and I would prefer to allow that process to continue and get the feedback from the community as per normal consultation processes before we provide additional information about the decisions the government will take.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Chief Minister, what other sites in the ACT are under active consideration for a gas-fired power station?

MS GALLAGHER: There aren't any, although, as I said, I draw your attention to the fact that we have started consultation on energy options for the Canberra Hospital

redevelopment, and consultation processes are outlined for that. So there is no proposal before the government. There are consultation processes underway.

Children and young people—care and protection

MS HUNTER: My question is to the Minister for Community Services. Minister, can you please provide an update regarding the children, youth and family support services tendering process, including whether or not the directorate has finally awarded the group engagement tenders?

MS BURCH: The youth and family support program tender has closed. Not all of the aspects within that tender were allocated under the tender process, and the directorate has engaged in direct negotiations with a number of organisations to make sure that those suites of programs are in place.

I am quite happy to take on notice a final update on where they are, but I certainly have met with one of the successful providers just recently, and they are quite excited about that. We know that there are transition processes that we need to get in place. 29 February will come around very quickly. But the final detail, I am not quite sure whether it has all been bedded down. If it has, I can bring it back to you.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Minister, can you outline the transition plans in place for the children, young people and their families as new services start or change focus and other services discontinue?

MS BURCH: I thank Ms Hunter for the question. Transition arrangements will be an important part of this. Existing clients may, by circumstances of the different purchasing of services, have a different provider. I know that the conversation has started across those that know they are in the place, in the game, of these new tender arrangements. But it is something I am very mindful of, and I certainly have had conversations with the directorate to make sure that we have enough information out in place as soon as we can so the service clients know of any changed circumstances and they are afforded those opportunities. The transition plans and the new arrangements could mean a change of site for them, it could be a change of worker. I understand and recognise that it is very important that we put that into place.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, can you tell me how many services that were not successful in their tender applications are closing down prior to March 2012 due to not being able to pay their staff redundancy payments?

MS BURCH: I am not aware of anyone closing down because of staff redundancy payments, Mr Speaker. But I am aware that some services were not successful and have moved to another provider. In conversation with those services, a lot of them are

just reviewing their existing practice and seeing how they will deploy their resources across the suite that they have.

I am also aware of internal, and I think it is still informal, conversations at this point about the opportunities for staff to move from one provider to another or to have some level of other arrangements that will keep those staff employed.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Can the minister please outline what provisions have been made relating to the storage, destruction or transfer of confidential records currently held by government-funded services that were not successful in their tenders and may not be continuing beyond March 2012?

MS BURCH: I thank Ms Bresnan for her question. I do not have the detail about those arrangements, but I certainly appreciate that client records are important and any exchange or destruction of client records should be part and parcel of a conversation with the clients with the change of service delivery.

Planning—Molonglo valley

MR HARGREAVES: My question is to Minister Corbell and is in regard to his responsibility for Molonglo valley planning. Minister, what is the significance of the commonwealth environment minister's endorsement of the ACT's Molonglo valley plan for the protection of matters of national environmental significance and approval of related action under the Environment Protection and Biodiversity Conservation Act?

MR CORBELL: I thank Mr Hargreaves for his important question. I am particularly pleased that after three years of endeavour the federal Minister for Sustainability, Environment, Water, Population and Communities, Mr Burke, announced with me on 4 November this year that he had endorsed the Molonglo valley plan for the protection of matters of national environmental significance, under section 146 of the commonwealth's EPBC legislation. This means that, through its combination of avoidance, mitigation and offset measures, the development of the Molonglo valley meets the requirements for the protection of matters of national significance under the commonwealth scheme.

Specifically, as a result of this approval, the government has committed to significant conservation outcomes for matters of national environmental significance. These are for habitats for nationally threatened species and ecological communities, including the pink-tailed worm lizard, the natural temperate grasslands, box-gum woodland and the swift and superb parrots.

The legislative, administrative and financial resources to give effect to this assurance are delivered by the government through the NES plan, statutory requirements under

our own planning legislation, our management arrangements, and the establishment of evaluation, reporting and monitoring mechanisms.

The NES plan was part of a rigorous strategic environmental assessment by both the ACT and federal governments and reflects the government's Molonglo and north Weston structure plan of the territory plan for urban development in Molonglo. The endorsement by the commonwealth minister and his approval under the EPBC legislation now means that we can proceed to development in the Molonglo valley with certainty, provide for future land release to meet a growing population, help address issues around housing affordability and provide land for homes for thousands of Canberrans. The endorsement means that planning for a population of up to 55,000 people in the Molonglo valley can now proceed with certainty and in a timely manner.

In addition to the NES plan endorsement, subsequent approval by the federal environment minister is also required. This approval relates to the action or class of actions pertaining to the development activities in the NES plan. The ACT government sought this approval concurrently with the submission of the NES plan. The approval which is being sought is for all actions associated with urban development, including infrastructure items in the Molonglo valley, provided that such action takes place wholly within the strategic assessment area in east Molonglo. The government is expecting this approval shortly.

The Molonglo valley strategic environmental assessment is only the third to be endorsed by the Australian government under national environmental law. This approach aligns with the federal government's sustainable Australia—sustainable communities strategy, which aims to ensure that future population change supports the economic, environmental and the social wellbeing of the nation. This approval relates to Molonglo valley stage 2, south of the Molonglo River, and stage 3, north of the Molonglo River to William Hovell Drive.

In addition the NES plan includes west Molonglo and, as such, the commitment has been made to protecting the EPBC-listed box-gum woodland in this area. This is a very important endorsement which allows for future development in Molonglo to occur and reaffirms this government's commitment to the protection of endangered and threatened ecological communities and species. It is a great outcome for the territory in ensuring that development in the Molonglo valley can proceed in a timely manner.

MR SPEAKER: Supplementary, Mr Hargreaves.

MR HARGREAVES: I thank the minister for the response. Minister, what does this decision mean in terms of the ACT government's planning for Molonglo valley as a model of sustainable development and helping achieve the ACT's carbon emission targets?

MR CORBELL: The NES plan underwent a rigorous strategic environmental assessment by both governments and it reflects the area of the ACT government's Molonglo and north Weston structure plan in the territory plan for urban development in east Molonglo. The structure plan outlines the principles and policies that apply to

the Molonglo valley's future urban area. Triple bottom line principles have provided a strong platform for sustainable development and urban design in the Molonglo valley.

Development will respond to the unique landscape of the valley, particularly as it will be located close to the Molonglo River and areas of high environmental value. Asset protection zones, taking into account environmental values, will reduce the threat of bushfires in the future urban development area. Planning for the Molonglo valley is also continuing to focus on integrated land use and transport provision. Rapid bus transport and bicycle and pedestrian paths will provide access to key local attractions, Stromlo forest park, Molonglo River park, the arboretum and the wider Canberra area. This very important development underpins and strengthens the government's commitment to providing for sustainable growth in our city.

MS PORTER: A supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Minister, how will the planning and development in Molonglo valley assist in ensuring the continuing release of land as part of the government's affordable housing action plan?

MR CORBELL: I thank Ms Porter for her interest. With this NES plan endorsement there is now a high degree of confidence, as I said earlier, to proceed with further detailed planning and development in the Molonglo valley. The approval provides certainty that extends to progressing detailed design of infrastructure items such as trunk sewers and arterial roads. I am particularly pleased that the environmental considerations have been dealt with and resolved early in the planning for Molonglo, and this ensures that land releases and development can occur in a timely manner.

The government's land release program identifies the continuing release of residential land in the Molonglo valley. In the coming years land releases will occur either through engloba/private sector or the Land Development Agency in Molonglo suburbs 3 and 4. Both these suburbs are located in Molonglo stage 2, which is north of the two existing suburbs of Coombs and Wright. These releases are being supported by a significant capital infrastructure investment that ensures that services, roads and public transport will be provided to support land release.

One of the key points in the government's affordable housing action plan is to provide sufficient land to stabilise house prices. Ongoing land releases in the Molonglo valley will assist in this regard. The government also remains committed to its 20 per cent affordable housing strategy as a component of all greenfields land release, including in the Molonglo valley.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, when will the government publicly release the ACT government's submission to the federal government on this matter?

MR CORBELL: My recollection is that all submissions to the federal government have been made public with the release of the approval by the federal minister.

Chifley wellness centre—landscaping

MR SMYTH: My question is to the Minister for Community Services. Minister, I have been contacted by constituents about the state of cleanliness of the Chifley wellness centre. Some months ago you advised that work was being done to landscape the area. I am advised by my constituents that the area still has large areas of unmown grass and a general untidiness remains. The promised trees and shrub plantings have not been completed. Minister, what assurances can you give to local residents that your original promise to landscape and smarten up the area will be delivered?

MS BURCH: I know I had a letter on this matter from Mr Doszpot just recently. I am disappointed—I share that disappointment—that that work has not progressed. Our community hubs are a great asset to the community and they should be of great value to and held in high regard by the community. So I will be seeking advice from the Community Services Directorate and ensure that this work is completed.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, when can residents expect that the area will be tidied? What will you do to ensure that it is maintained?

MS BURCH: As I have just said, I will be following this up with the Community Services Directorate. Their advice to me is that it was going out to tender to have regular maintenance and upgrade work undertaken. I have nothing in front of me to say that that is not going to happen. It seems to be delayed but I can give the community the assurance that I will get on to it.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: What is being done to prevent all-day parking by Woden office workers on the areas supposedly designed for grass?

MS BURCH: What is being done to prevent Woden office workers from parking on areas designed for grass? I would imagine there is signage, and I think anyone in this place and around Canberra would know that that is probably not an appropriate place to park.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Why have you not honoured your commitment to improve the appearance of the area?

MS BURCH: I have honoured my commitment and I have sought assurances from the Community Services Directorate. Their advice to me was that this was going to be a contract in place for ongoing maintenance and upkeep.

Environment—climate change impact assessment

MS LE COUTEUR: My question is to the Chief Minister and concerns climate change impact assessment and triple bottom line assessment. The government has just released the climate change impact assessment discussion paper for consultation, with feedback due in March next year. Has this climate change impact assessment as outlined in the discussion paper been used in the pilot triple bottom line assessment process for the 15 cabinet submissions currently being evaluated?

MS GALLAGHER: We have had some discussion around this. Essentially, the answer is, yes, it is included in the analysis being done for the triple bottom line reporting. In time—and once the consultations have finished on the discussion paper that is out—it will form part of that. The timing of it, I can understand, is a little bit confusing in that we have got the triple bottom line out for discussion, but we are trialling it, and now we have got, in a sense, a subset of that out for discussion as well. Essentially, the answer is yes, but it will form part of it more formally once that work has been completed.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, given that the climate change assessment framework is ready for use now, why has it taken so long to release the consultation?

MS GALLAGHER: The answer is that we are trying to embed those processes in our cabinet processes now, to see how they work, but we also wanted to get some feedback from other experts, the community, and we will pool our experience together with that feedback into formalising the processes—no reason other than that. I can certainly check for you in terms of how many—I think we might have had a question on notice about it—of the submissions have gone through this process as well and I can update the Assembly on that.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, does the environmental assessment with the TBL framework you have used also include sustainability assessment, not just climate change impact assessment?

MS GALLAGHER: I do not have the documents in front of me. I think the answer to that is yes, but I will take some advice and, if I need to check that and provide more

detail, I will. But from my experience of looking at how they are applied to the work that cabinet is doing, the answer is yes.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, what changes have been made to the framework as a result of the use of a climate assessment for cabinet proposals?

MS GALLAGHER: What changes have been made? Well, in a way, we are just going through the trial of it now, so I do not think I could say that any changes have been made. But once we get the feedback from the consultation process and the feedback from agencies having used it and the feedback from cabinet as being part of it, there may be some changes to how that process runs and the formal process once it is finally agreed to. I do not think I could point to a change that has occurred at this point in time.

Roads—resurfacing

MR COE: My question to the Minister for Territory and Municipal Services relates to the quality and safety of roads in Belconnen. Minister, the condition of roads is a growing concern for Canberrans. In my electorate of Ginninderra there are serious safety and maintenance issues that need to be addressed. In Charnwood, residents have raised with me and the government a number of concerns, including issues with McDougall, Kerrigan and Lhotsky Streets. Minister, what action have you taken to address speeding outside St Thomas Aquinas primary school in Charnwood? Will you take action on the concerns raised by myself, the school and other residents?

MS GALLAGHER: I am very happy to come back with some specifics around the school in Charnwood. I did not quite catch it but I think it was in Charnwood. Since I have become Minister for Territory and Municipal Services, I have had the opportunity to go out with the director-general and have a look around the city at different projects that the directorate has underway. Indeed, I have had a number of discussions around roads.

I would have to say that I feel Roads ACT are extremely responsive to constituent concerns when they are raised, both maintenance of roads but also safety issues. From the experience I have had in following up constituent inquiries, they are responded to very promptly. I do not know if that is your experience, Mr Coe. But from the correspondence that I sign off around roads, road maintenance, road safety issues—right across the city, including in the electorate of Ginninderra—I would say that Roads ACT are very responsive. If there are genuine safety concerns, they monitor those in some situations if that is required and then respond accordingly.

I think they are a very professional outfit. Even in the last couple of weeks with the big storms we have been having and the amount of potholes that have come, to see the Roads ACT crews out in the storms, out just after the storms, spending all weekend

trying to fix up those and maintain the roads as a response to that weather activity certainly from my point of view is very impressive.

But I am very happy to look at the specific school that you have raised. I cannot recall whether it has been raised with me formally, but I am very happy to look at that and take some further advice.

MR SPEAKER: Mr Coe, a supplementary question.

MR COE: Chief Minister, in Charnwood would you consider the installation of a barrier rail or bollards at the top end of Kerrigan Street near Winder Place to address the safety concerns or will it take another serious accident where a car crashed into a house before action is taken?

MS GALLAGHER: In response to the specifics, I will take some advice on what the road engineers say is appropriate. As Mr Coe would know, there are a range of responses that can be provided for safety issues, a range of responses for traffic calming and also some data collection around the speed that cars are travelling on particular roads. I am not a road engineer. I will take some advice on what is the most appropriate response to the safety concern that has been raised.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why has it taken so long to fix the road surface in McDougall Street, and how many complaints will it take before action is taken?

MS GALLAGHER: I do not believe I have had that complaint raised with me before, but I am happy to follow up. I do not know if Mrs Dunne raised this with Roads prior to question time, but I am very happy to look at it if there has been a delay and also to report about how many complaints have been received about that particular road.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why has your directorate not replaced the posts that hold up the school crossing signs outside St Vincent's primary school in Aranda after they were destroyed by a vehicle?

MS GALLAGHER: As Mrs Dunne would know, the Territory and Municipal Services Directorate is an extremely busy directorate and it does prioritise maintenance and the repair of the city's infrastructure. It does need to be triaged in terms of the urgency of that work, again. Thank you for raising it in question time. I think if you were genuinely concerned about it from a safety point of view, it might have been raised with me sooner than this. But I am very happy to take further advice on it.

Mr Coe: Check you have not got a letter on that, Katy.

MS GALLAGHER: Yes, I will. I do get a lot.

Roads—school speed zones

MR DOSZPOT: Mr Speaker, my question is to the Minister for Territory and Municipal Services. I refer to a request made by Alfred Deakin high school P&C for 40-kilometre school speed zones around its Kent Street boundary. I am aware of recent representations on this matter by Mr Hanson. However, your reply is disputed by the school in question. Can the minister explain why Alfred Deakin high school P&C has had requests for 40-kilometre school speed zones along its Kent Street Deakin boundary refused?

MS GALLAGHER: I have looked at this issue. I do not have the brief from Roads ACT in front of me, but I know that they have investigated this very carefully, and the advice back was that the road does not support a 40-kilometre speed limit being placed on it. As you would know, Kent Street is a major road that has a lot of traffic on it through the day. These are not decisions that politicians take; these are decisions that are made based on the advice of experts who manage our road system.

I can have a look at the brief again, but, from memory, the brief indicated that a very thorough assessment of that road had been done, including the impact of reducing the speed on that road, and the concerns raised by the school did not warrant the road being reduced to a 40-kilometre speed zone.

MR SPEAKER: Supplementary, Mr Doszpot.

MR DOSZPOT: Minister, based on your answer, why is there a school zone at Hughes primary school, which is also located on Kent Street, with 251 students, while the application from Alfred Deakin high, with 740 students, has been rejected?

MS GALLAGHER: As I said, I am not a road engineer. The government does take advice about these matters. That includes the traffic. The age of the students is also a factor in consideration, and the entrance to the school; the entrance to Alfred Deakin high is not on Kent Street. All of those factors—

Mr Smyth: Neither is Hughes primary school. Hughes primary school is not on Kent Street either.

MS GALLAGHER: The front of the school faces on to Kent Street. All of those factors are thoroughly analysed by Roads before providing advice on what is the appropriate speed limit.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, will you now review the concerns raised by my constituents and reconsider your position on 40-kilometre speed zones in the vicinity of Alfred Deakin high school?

MS GALLAGHER: I am happy to provide the advice to the Assembly that the government has. Perhaps that is the easiest way to do it. I will provide the advice to the Assembly of the decision around speed limits on Kent Street.

MR SPEAKER: Supplementary, Mr Hanson.

MR HANSON: Why do other schools have speed zones completely around their borders, as well as traffic calming and pedestrian refuges installed towards and adjacent to the school precinct? And on what basis were they installed?

MS GALLAGHER: For a variety of different reasons.

Gungahlin Drive extension—choke point

MRS DUNNE: My question is to the Minister for Territory and Municipal Services. Minister, having finally completed the GDE only seven years after it should have been—and at more than twice the budget—why has a choke point developed at the point where Caswell Drive exits the GDE at Glenloch interchange and joins Parkes Way?

MS GALLAGHER: I have not seen that, but I will go out and have a look. I do drive along the GDE. It is a fantastic road, I might say, adequately funded by this government after one of Brendan's last final acts—

Members interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: It is an excellent road, adequately funded and delivered by this government. I am organising another trip with the director-general, Gary Byles, to drive around and have a look at particular projects. I will look at that intersection closely and take further advice on it.

MR SPEAKER: A supplementary, Mrs Dunne.

MRS DUNNE: What strategy does your government have in place to deal with this and other choke points on the GDE?

MS GALLAGHER: A very extensive strategy.

Members interjecting—

MR SPEAKER: Order! Mr Coe has the floor now.

MR COE: Minister, why did the redesign of the Glenloch interchange not address the potential choke point referred to earlier, when simply everybody could tell that such a choke point would exist?

MS GALLAGHER: So could you tell, Mr Coe? You predicted that? Everyone, apparently, could have predicted it.

Mrs Dunne: I predicted it too.

MS GALLAGHER: Oh, did you? Big ticks all around then.

Members interjecting—

MR SPEAKER: Thank you, members. Chief Minister, through the chair, please.

MS GALLAGHER: Thank you, Mr Speaker. As I said, I will go out and have a look at that area. I will look at the choke point. The advice—

Mr Seselja: You've already got a secret strategy. You don't need—

MS GALLAGHER: I did not say it was a secret strategy. Those are your words, Mr Seselja. You are the big conspiracy theorists over there. I did not say it was a secret strategy at all. I think anyone who wants to go and have a look at the TAMS website and all the information that is provided there around roads and different projects that are underway will actually see that there is nothing secret; in fact there is more information than probably has ever been provided before around this subject. But I am very happy to go and have a look, see what the members for Ginninderra have raised in this place with us today and take further advice on it.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, does the exit from Glenloch Interchange into Parkes Way and the possible turning of that into three lanes mean that it will be an incursion into the national parkland of Black Mountain, and what sort of consideration should be given before that parkland should be destroyed?

MS GALLAGHER: Thank you, Mr Hargreaves. The point Mr Hargreaves raises is a good one in the sense that roadworks and how they are managed right across the city need to take into account competing and varied interests, including environmental—

Mr Smyth: On time, on budget.

MS GALLAGHER: It is not all about just building extra roads, as the Liberal Party would have; it is about an integrated transport response. It is around maintaining our nature reserves. It is around consulting with the community around the decisions that are taken. As our community grows, these discussions will be had year in, year out.

The roads program is only one element of ensuring a good transport system for the ACT. I am very keen to ensure that Canberrans have as much information as they can around roads, new roads, the proposals around them, the expansion of roads, duplications of roads, the speeds across roads, and any consideration of any changes to speed limits on roads. These are all matters that I would like to see have further community consultation and input on.

Disability services—housing

MS BRESNAN: My question is to the Minister for Community Services and concerns supported accommodation for people with disabilities. Minister, on the DHCS website it says that Disability ACT provides supported accommodation in 65 households. While great effort needs to be placed on ensuring residents are appropriate to live together, we have been advised that there is a higher than expected vacancy in bedrooms in those houses, despite the high demand for placements. Minister, can you please advise what is the maximum number of people with disabilities those houses can provide for, and how many of those placements are not currently filled?

MS BURCH: The level of detail about empty bedrooms and whether they equate to vacancies I do not have in front of me. If we look at a group home, whether it is a two-bedroom, three-bedroom or larger property, it is important that we get the tenancy mix of those right. I have spoken to families that are looking to accommodate their children now and it is a long process involving all families involved in group houses, particularly when we are looking at young people who are turning into adulthood and looking to move into independent living. So it is more than just having a vacant bedroom and moving someone off the list into that. It is about making sure there is compatibility across the tenants in a group home.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, how many people with disabilities are on the waiting list for group homes?

MS BURCH: I will need to come back with that. I am sure the department has that number, but I do not have it in front of me.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what is the average waiting time for a person with disabilities on the waiting list for a group home placement?

MS BURCH: I thank Ms Hunter for her question. I do not believe there is an average waiting time, because of the conversation I mentioned in answer to the first question. When we are looking at, particularly, young people and young adults moving into independence, there is a very long conversation to make sure that they are compatible.

I am aware of two families that are meeting as families around residence of their children and of facilitating those children or young adults, needing to make sure that it works for them. There is no average time. It is around making those placements as compatible as we can.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what is the average time that a bedroom in a group home remains empty?

MS BURCH: I think I answered that in the previous question. There is no average time. It is around making sure that we match as best we can the residents of the group home, for obvious reasons: they are living together; they share common space; some of them choose to share care arrangements as well, and other services that come into the household.

Speaker—role

MR HANSON: Mr Speaker, my question is for you. On 24 November the Speaker of the House of Representatives, Harry Jenkins, resigned so that he could become involved in party political matters. In his resignation speech he said, and I quote:

My desire is to be able to participate in policy and parliamentary debate, and this would be incompatible with continuing in the role of Speaker.

Standing order 275 of the Legislative Assembly standing orders states:

Any question relating to procedure or the conduct of business of the Assembly not provided for in these standing orders or practices of the Assembly, shall be decided according to the practice at the time prevailing in the House of Representatives in the Parliament of the Commonwealth of Australia.

Mr Speaker, is your continued engagement in regular partisan political and policy debate incompatible with your continuing in the role of Speaker based on current House of Representatives practice and standing order 275 of the Legislative Assembly?

Mr Hargreaves: On a point of order, Mr Speaker, with respect to those opposite, question time is usually for questions to be directed to ministers and yourself in areas for which you have responsibility. I would contend that this is asking for an opinion and the standing orders preclude the asking of opinions.

Mrs Dunne: On the point of order, Mr Speaker, Mr Hanson's question is clearly asking you as the Speaker for an interpretation of the standing orders, which is your job.

MR SPEAKER: Thank you, Mr Hargreaves. In light of the situation I find myself in, I am going to discuss this briefly with the Clerk. Now that I have thought about that, the question is in order. The answer to your question, Mr Hanson, is no, I do not believe this presents a problem for the standing order. As you may have observed, this matter was raised during the recent annual report hearings for the Assembly where both Mr Hargreaves and Mr Smyth asked me a number of questions in a similar vein. I am happy for members to refer to that *Hansard*.

In summary, my view is that the practices of different parliaments in Australia do vary. Certainly in this chamber many of the members hold multiple responsibilities and members find themselves in situations where they need to be mindful of those different responsibilities. I am very clear—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, would you like me to answer your question or not? I think that in my own mind, and I indicated this—

Members interjecting—

MR SPEAKER: That is it. I have answered the question. Mr Hanson, a supplementary.

MR HANSON: Mr Speaker, will you now resign as Speaker or from your Greens' portfolio responsibilities to avoid the real or perceived view that you are in breach of standing order 275 and are behaving in a manner inconsistent with Westminster and House of Representatives practice?

Mr Corbell: On a point of order, I ask you, Mr Speaker, to rule on whether or not Mr Hanson's question is a reflection on the chair and, therefore, unparliamentary and out of order.

MR SPEAKER: On the point of order, I think ministers are often asked whether they intend to apologise or resign or similar matters. I think that, in the same spirit, I will allow the question.

The answer to the question is no, Mr Hanson. As I was about to indicate before I was interrupted, when I gave evidence to the committee the week before last I indicated that I see a very clear distinction in my mind between when I am sitting in the Speaker's chair and when I am advocating for the issues on which I was elected to this place. I think members will observe, if they choose to, that delineation in practice.

MRS DUNNE: A supplementary.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Mr Speaker, are you aware of any Westminster parliamentary democracy in the Western world where a Speaker has a portfolio and regularly engages in political debate on the floor of the chamber?

MR SPEAKER: I am aware that the ACT Legislative Assembly has many unique characteristics which are not observed in other parliaments across the commonwealth.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Mr Speaker, have you received any correspondence from any quarter of this Assembly drawing to your attention those matters raised today and calling on you to resign?

MR SPEAKER: Not that I can recall, Mr Hargreaves. As I indicated, it has been raised in annual reports hearings at least for the last two years and of course it has been raised in this chamber on occasions but I have not received any formal correspondence that I can recall.

Alexander Maconochie Centre—Solaris Therapeutic Community

MS PORTER: My question is to the Minister for Corrections. Minister, can you describe the benefits and performance of the Solaris Therapeutic Community for detainees in the AMC?

DR BOURKE: I thank Ms Porter for her question, a question that I am particularly pleased to receive following a very good letter in the *Canberra Times* last week praising the Solaris Therapeutic Community. A therapeutic community is a treatment facility in which community members are engaged as the primary therapeutic tool for promoting personal change through the use of self-help and mutual strategies. Residents and staff participate in the management and operation of the therapeutic community and contribute to a psychologically and physically safe learning environment where change and growth can occur.

The Solaris Therapeutic Community program has been delivered through a partnership with Karralika Programs Inc and ACT Corrective Services since its commencement in July 2009. The AMC Solaris Therapeutic Community aims to provide specific treatment methods, including individual and group counselling, alcohol and other drug education, relapse prevention and cognitive skill building activities designed to address criminogenic risk factors and improved health outcomes.

Its specific objectives include to create a psychologically and physically safe therapeutic environment, to reduce the incidence of recidivism related to substance misuse through the provision of targeted interventions, to deliver a comprehensive range of programs including psycho-educational and therapeutic interventions and culturally appropriate support underpinned by evidence-based practice, to provide an

integrated through-care system designed to encourage and promote re-integration and post-release support of participants, and to facilitate the provision of health services and provide a holistic treatment approach.

Detainees can self-refer to the therapeutic community or are actively case-managed into the program. The criteria for admission include being sentenced, being of a medium or minimum security classification, having no court appeal matters running, having no history of sexual related offences and having a stable drug treatment medication regime.

Under the guidance of the Solaris management team, residents within the community assume increasing levels of responsibility for coordinating the daily activities of the unit. In this way, residents are introduced to the concepts of community and self-responsibility and thus learn what it means to participate in a civic community. The therapeutic community is located in the sentenced male accommodation of the AMC in one of four stand-alone cottages that can accommodate 20 men individually in four fully self-contained areas, including living, dining, kitchen, bathroom and laundry areas.

Program managers from ACT Corrective Services and Karralika collectively oversee the operational arrangements of the therapeutic community. Staff also include alcohol and other drug training therapeutic case workers and correctional officers who operate in an extended role combining correctional, therapeutic and social roles in the performance of their duties. As at December 2011, 34 detainees have graduated from this program since its inception in 2009.

MR SPEAKER: Supplementary, Ms Porter.

MS PORTER: Minister, have there been any improvements to the program, and how have these been received by detainees at the AMC?

DR BOURKE: ACT Corrective Services found that with the relatively short average sentences experienced by AMC detainees, the program needed to be modified to better suit the needs of the detainees. The program has been condensed in the 2011-12 financial year from a six-month program to a four-month program with the same goals in a more intensive learning environment. This gives detainees a better opportunity to complete the program before they are released from the AMC. This has already resulted in improved access to the program. As at 6 December 2011, there were 17 detainees participating in the program.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, is the current level of drugs and needles being smuggled into the AMC acceptable?

DR BOURKE: I thank Mr Hanson for his question. No level of drugs smuggled in is acceptable.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: As a former minister for corrections, I am interested in what other programs are offered at the AMC to assist prisoners in their rehabilitation.

DR BOURKE: I thank Mr Hargreaves for his question. There is a host of programs that address rehabilitation of detainees at the AMC. This includes education, which has been provided by the contract Auswide since the commencement of operations at the AMC. The Auswide contract was renegotiated in July 2011 and refocused to target delivery of literacy and numeracy for detainees.

Recently rehabilitation has also been achieved through regular employment. There are a range of internal employment and training options in place at the AMC, with a particular focus on hospitality and horticulture. Hospitality skills and training are provided through the AMC kitchen barista training, facilitated by the detainee-staffed cafe in the AMC business centre. Detainees also work in the laundry, stores and the library. Detainees in the AMC's transitional release centre are able to take up work experience opportunities in the community.

A third wing of this rehabilitation process is specific programs. These programs are provided directly by ACT Corrective Services staff or in partnership with other organisations such as Karralika or directly by other agencies. Aside from the therapeutic community, other programs which target offending behaviour include sex offender programs, family violence programs and cognitive self-change programs.

Some programs provided by third party organisations include alcoholics anonymous, narcotics anonymous and the shine for kids program. Shine for kids is an innovative program designed to break the intergenerational cycle of offending by providing support to children, young people and families affected by parental involvement in the criminal justice system. The program outcomes include opportunities for children to meet with their detained parent or parents so that feelings of isolation, stigma and shame are reduced.

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

Supplementary answers to questions without notice Planning—Molonglo valley

MR CORBELL: Mr Speaker, in question time today Ms Le Couteur asked me whether the ACT submission to the commonwealth in relation to the proposed statement of national environmental significance for the Molonglo valley was publicly available. I can advise Ms Le Couteur that there is no ACT submission as such; instead the ACT submits its NES plan with a covering letter for the commonwealth's consideration and endorsement, so that is the ACT government's submission, the proposed NES plan. The ACT NES plan has been approved and it is on both the commonwealth's and the Environment and Sustainable Development Directorate's websites.

Alexander Maconochie Centre—drugs

DR BOURKE: Yesterday during extended question time Mr Seselja asked me a question regarding why representatives from Gudan Gulwan Youth Aboriginal Cooperation and the Aboriginal Justice Centre were not consulted on the review. As I said in the answer to the member's initial question, ACT Corrective Services undertakes an ongoing review of its implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody. It does so in part through its regular liaison with other relevant agencies and service providers, including the Health Directorate and non-government agencies. In the circumstances, it has not been necessary for the purposes of informing the Assembly on this issue to launch a fresh round of consultations.

Personal explanation

MR HARGREAVES: I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: In a speech earlier today I referred to activities which I believed to be going on in the Nara Centre. I do not want to knowingly mislead the Assembly; I believe in fact those activities to be taking place at 221 London Circuit.

Social procurement**Paper and statement by Speaker**

MR SPEAKER: On 29 June 2011 the Assembly passed a motion calling on the Assembly Secretariat to develop a policy for social procurement and ensure that, wherever possible, social enterprises are preferred. In accordance with the Assembly's resolution, the Secretariat has developed a policy which reflects the commitments sought by the Assembly to prefer social enterprises wherever possible. I table the following paper for the information of members:

ACT Legislative Assembly Secretariat—Social procurement policy.

In developing the policy it became apparent that the Government Procurement Act 2001 constrains the ability of the Secretariat to prefer social enterprises where value for money cannot be demonstrated. Section 22A(1) of the act provides that a territory entity must pursue value for money in undertaking any procurement activity. Section 22A(2) provides that value for money means the best available procurement outcome. This requirement applies to all procurements undertaken by territory entities regardless of whether or not a contestability process is undertaken.

The stated policy position of the Secretariat is that in accordance with the resolution of the Assembly it will prefer social business enterprises where there is no conflict with section 22A. In practice this would mean that, where a social business enterprise had a product or service offering that satisfied the value for money test and

represented the best procurement outcome, it would be preferred over other firms or companies.

Paper

Ms Gallagher presented the following paper:

Estimates 2011-2012—Select Committee—Report—Appropriation Bill 2011-2012—Recommendation 67—ACTPS Workers Compensation and Work Safety Improvement Plan—Progress report, dated December 2011.

Select Committee on Estimates 2011-2012 Paper and statement by minister

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

Estimates 2011-2012—Select Committee—Report—Appropriation Bill 2011-2012—Recommendation 66—Report on costs of implementation of *Governing the City State: One ACT Public Service Report*.

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

Leave granted.

MS GALLAGHER: The report on the cost of implementation of the *Governing the city state: one ACT government—one ACT public service* report is provided in response to recommendation 66 of the report of the Select Committee on Estimates. A number of government initiatives that were at various stages of development or implementation were supported by the *Governing the city state: one ACT government—one ACT public service* report and funded in the 2011-12 budget.

These public service reforms included funding for a performance and accountability framework, an evaluation policy, initiatives to strengthen leadership and management and training for employees with a disability and people from Aboriginal and Torres Strait Islander backgrounds, a workers compensation and work safety improvement plan, and measures to improve the delivery of information technology and community engagement mechanisms.

Additionally, the report outlined initiatives that have been undertaken or supported from existing resources across the directorate. These include the establishment of a transition implementation team in CMCD for a period of three months; development of new administrative arrangements in May 2011, although it is noted that revised administrative arrangements would have been necessary given the retirement of the former Chief Minister; significant organisational changes across ACT government agencies as a result of the May 2011 administrative arrangements; development of legislation to amend the Public Sector Management (One ACT Public Service Amendment) Act 2011 and the Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011; a review of the preferred model for closer

collaboration between Canberra Institute of Technology and the University of Canberra; the open government website; common ACT government branding guidelines; work underway to develop a more streamlined government web presence; the ACT public service culture and behaviour consultation project; and any office movements or relocations resulting from the structural changes.

A number of other initiatives that draw from the *Governing the city state: one ACT government—one ACT public service* report are likely to be progressed over time and are likely to be funded from existing resources.

I commend the report to the Assembly.

Papers

Ms Gallagher presented the following papers:

Estimates 2011-2012—Select Committee—Report—*Appropriation Bill 2011-2012—Recommendation 168—Perpetual Care Liability for the Maintenance of Burial and Interment Facilities.*

Service Funding Agreement Between the ACT Government and the Royal Society for Prevention of Cruelty to Animals (ACT) Incorporated, dated 30 September 2011.

ACT Public Service—Governance—Statement.

Mr Barr presented the following paper:

Estimates 2011-2012—Select Committee—Report—Appropriation Bill 2011-2012—Recommendation 73—Master Plan for the redevelopment of the Kingston Arts Precinct—Statement.

Mr Corbell presented the following papers:

Petition which does not conform with the standing orders—Sidney Nolan Street—Pedestrian crossing—Ms Bresnan (32 signatures).

Development of Throsby—Incorporation of existing biodiversity and connectivity data into the ACTMAPi—Statement.

Standing and temporary orders—suspension

MS LE COUTEUR (Molonglo) (3.00): I move:

That so much of the standing and temporary orders be suspended as would prevent notice No 4, Assembly business, relating to disallowance of Subordinate Law SL2011-30, being called on and debated forthwith.

I am bringing this disallowance motion forward today because it is a substantial issue. The minister for planning on 14 November notified an appeals exemption for the

precinct of Kingston foreshore, which included the Kingston arts precinct where the Fitters Workshop is located, and on 6 December the regulation was presented to the Assembly. Once this regulation was presented, the Greens moved as quickly as we could to have this motion disallowed because, as members would be aware, it has been a longstanding view of the Greens that reduction of appeal rights was, in general, not desirable.

Obviously I cannot debate the substantive issues. All I will be debating is the need to do it today rather than any other day. The Greens have acted as quickly as we could in this matter, given that this was not notified to the Assembly until Tuesday. That is why it was not on the blue, because it was not possible for us to get it in in time.

We believe, however, that this matter should be resolved immediately because it is clearly a matter of considerable interest to the development industry. There are ongoing developments in the area in question and I think it is fair enough that those developers should know the rules under which they are operating. I assume there is a disagreement as a matter of principle in the Assembly but I do not think there would be a disagreement in the Assembly as to the need, where possible, to give developers certainty.

In this instance the government decided on 14 November or before that this was what it wanted to do in terms of making this exemption, so I would assume that the government is ready and able to debate the motion. I see no reason why the Assembly should not debate this today rather than wait until February and leave the development community unknowing as to what the Assembly's mind is on the important issue of third party appeals.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.03): The government will not be supporting the suspension of standing orders.

Question put:

That so much of the standing and temporary orders be suspended as would prevent notice No 4, Assembly business, relating to disallowance of Subordinate Law SL2011-30, being called on and debated forthwith.

The Assembly voted—

Ayes 4

Ms Bresnan
Ms Hunter
Ms Le Couteur

Mr Rattenbury

Noes 13

Mr Barr
Dr Bourke
Ms Burch
Mr Coe
Mr Corbell
Mr Doszpot
Mrs Dunne

Ms Gallagher
Mr Hanson
Mr Hargreaves
Ms Porter
Mr Seselja
Mr Smyth

Question so resolved in the negative.

Supplementary answer to question without notice

Chifley wellness centre—landscaping

MS BURCH: In response to the questions about the Chifley wellbeing hub, the project manager for Chifley wellbeing hub, Hindmarsh, is undertaking a clearing of rubbish, including the removal of builders rubble and litter. This work will also include seeding the areas that are bare and further clearing of dead trees and shrubs. This work will be finalised before the end of December. A contract for regular maintenance at the hub has been tendered and is expected to be let early in 2012. The contract will include grass mowing, horticultural services and grounds maintenance to ensure the area is maintained in a neat and tidy condition.

In relation to the claims of illegal parking on the grass areas near the hub, CSD will investigate this matter and will take appropriate action that could include the possibility of erecting “no parking” signs or bollards if required. It will also liaise with the parking operations of the ORS if this is found to be necessary.

Taxation—effect on families

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Ms Le Couteur): 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 Mrs Dunne be submitted to the Assembly, namely:

The impact of ACT government taxes and charges on Canberra families.

MRS DUNNE (Ginninderra) (3.08): While civil unions and the expansion of the Legislative Assembly occupy the minds of the other two parties in this place, the impact of ACT government taxes and charges on Canberra families remains the central focus of the Canberra Liberals. It is fitting that as we close this year I reflect on the first MPI of this year, which was brought by Mr Hanson into this place on 15 February, when he spoke about the struggle that so many Canberra people have as they run their households, to feed their families, send their children to childcare and maintain their health.

Today’s MPI is once again the story of Mr or Mrs or Ms Average Canberran and the enormous pressure heaped on them by the ACT government, which is out of touch and wasteful with their money. The narrative of average Canberrans is one of increasing government taxes and charges and with nothing to show for it.

Since 2001, we all know, and according to the ABS and the ICRC, we have seen parking go up 57 per cent, rents up by 68 per cent, rates up by 75 per cent, electricity up by 75 per cent and, most shockingly, water up by an unfathomable 200 per cent. Perhaps we should even call that 200 fathoms of unspeakable price rise, brought here by a lack of attention by this government on the important issues of the time.

We have seen real growth in taxation of 50 per cent over those 10 years, which equates to an increase of \$1.6 billion in revenue. Taxation per capita has grown 76 per cent since Labor was first elected, which is the second highest in the country and equates to an increase of \$1,696 per person. That is not what they pay; that is, the increase that they have experienced since Labor came to office—\$1,696 per person.

What is worse is that we see that this government continues to hit people in the suburbs in entirely unequal ways. Rates have gone up by 75 per cent in 10 years, but what has happened in individual suburbs like Chisholm, Spence, Banks and Charnwood? We have seen increases of 130 per cent in Chisholm, 147 per cent in Spence in my electorate, 151 per cent in Banks, and in my electorate, in one of the most disadvantaged suburbs in Canberra, 158 per cent in Charnwood.

Let us look at rent prices. What shall we see? A 68 per cent increase in rents. Rents have gone up 68 per cent in just 10 years, which now gives us, the people of Canberra, the second highest average weekly rent in the country. This equates to \$500 per week, which is an increase of an unaffordable \$190 a week paid in rent. The average Canberran who is a renter is paying \$500 a week.

This cannot continue, because the average Canberran will refuse to allow this to be dictated to them by the ACT government and particularly by a Chief Minister whose only solution for them is to “turn off the Foxtel for a while”. That is her financial advice to Canberra families. When you consider that something less than 20 per cent of Canberra families have Foxtel, it is hardly good advice for the average Canberran.

But all of this would not be so bad if the Gallagher-Barr-Hunter government was spending its money on worthwhile projects that raised the standard of living and eased the burdens on Canberra families. But do they do that? No, they do not. They spend their money instead on things like the \$26 million for the Jon Stanhope memorial arboretum that was allocated in the last budget, \$7½ million on buses that have no passengers or \$20 million on the duplication of the GDE which was delivered seven years late and at more than twice the budget. Then, of course, there is the house of hubris—a \$432 million edifice and one that has had at the very best a very scrappy cost-benefit analysis. Canberra families will be paying for that for a very long time into the future.

All of this can be contrasted with the ignominious comments offered by the Greens leader, Ms Hunter, that “the cost of living is a vexed issue” but that Canberra people should consider themselves lucky because “millions of people live on less than \$2 a day”. That is extraordinarily patronising and it goes to show just how out of touch the Greens are with these issues and with their electorates. That is probably because for the most part members do not live in their electorates. So while the average Canberran should count themselves lucky, according to Ms Hunter, no solutions are offered to help those who need a little bit more than \$2 a day to get by in a first world city. Instead the ACT government offers up more programs, more economic white elephants and more ACT government taxes and charges that burden the average Canberra family with even more financial imposition.

How out of touch can the ACT government get? Well, let us have a look. We now have the change of use tax and the solar feed-in tariff that will continue to punish ACT residents. With respect to the change of use tax, both the current Treasurer and the previous Treasurer contended it would have no impact on the cost of land, housing or development.

When will it stop? And when will we see an end to things such as increased water prices? As I said before, we have seen a bewildering 200 per cent increase in the last 10 years in water prices. This is brought about by a range of issues which are well and truly within the capacity of the Labor government to address. They are also well and truly within the capacity of the Greens to address. We saw the unconscionable blow-out to \$363 million for the expansion of the Cotter Dam and a large blow-out to \$150 million in the Murrumbidgee to Googong transfer pipeline. Now those two water projects will cost Canberra taxpayers, over the life of the projects, more than half a billion dollars. That equates, as we have seen, to an extra \$220 a year on every water bill in the ACT.

These issues were important issues which the Stanhope government, the shareholders—Ms Gallagher in particular as the Treasurer—took their eyes off. They let the major water security projects grow and grow without any sense of having their hand on the tiller and no sense of what was happening with the prices. When the prices blew out, all we got was the former Chief Minister being extremely unhappy and a bit angry. And what happened? Of course there was great complicity from the Greens when the Canberra Liberals attempted to inquire into this. At every attempt to get to the bottom of how these price rises came about, we were stymied by the Greens, who went in lockstep with the Labor government to cover up these issues.

In addition we saw the slow action on the Murray-Darling Basin plan which, if it had not been for the Canberra Liberals and the pressure that we applied, would have resulted in Canberra being subjected to stage 3 or stage 4 water restrictions into the foreseeable future.

Water cost increases are coupled with an increase in the cost of electricity. Electricity, as I have said before, has gone up 74 per cent in 10 years or an increase of \$607 for an annual amount paid on electricity. This is another imposition that Canberra families cannot afford. There will be further burdens with the feed-in tariff raising the cost of electricity for Canberra families. Mr Corbell simply shrugs his shoulders when he fishes around for a headline but he has told the Canberra community and this place that we can expect to see electricity bills rise by \$225 a year as a result of a fully implemented feed-in tariff.

Then there is childcare. Canberra now has the dismal reputation of being the home of the most expensive childcare in the country. Our childcare on average is \$60 more expensive than the average jurisdiction. And this is while Minister Burch waxes lyrical about how increases in childcare are supposed to be modest. “Nothing more than a cup of coffee a week” is what Ms Burch declared. But since Minister Burch became the minister responsible for childcare, costs in childcare have increased by 17.1 per cent while the CPI has increased by 7.5 per cent. This means, of course, that

on Ms Burch's watch the increase in the cost of childcare has outstripped the rise in CPI by almost 200 per cent.

We all know in this place these costs are going to continue to rise. The Productivity Commission says that on an Australia-wide basis they could rise by as much as 15 per cent. If that was translated into the ACT we would see another \$60 a week impost per child in the ACT. I do not know about you, Madam Assistant Speaker Le Couteur, but \$60 a week is a lot more than your average cup of coffee. I do not know where Minister Burch gets her coffee from.

What about the change of use tax that we have talked about before? For those who are dreaming of owning their own home, the change of use tax is another impediment to doing so. These charges of up to \$150,000 will be passed on to young people and young families who hope to own their own home or those who struggle to keep their head above water in the rental market.

One has to ask whether this ACT government really believes in aspiration. Families all across the ACT only want what is best for them and their community. This is in stark contrast to the Labor Party and the Greens. At every juncture, at every opportunity, this government and their Greens partners put up hurdles in the form of taxes and charges that we, the people of Canberra, can no longer afford to pay.

Canberra suffers these increases at the same time as we see the core business of the government continue to be neglected. Canberra is now the home of the worst waiting times for elective surgery and some of the worst emergency department waiting times in the country—twice as bad here as they are across the border in New South Wales. Now the Chief Minister will refute these figures in secretive notes that she keeps to herself as Canberra deals with the lowest GP numbers per capita and the worst bulk-billing rates in the country. It is a health system in crisis as we see more and more investigations, accusations and threatened legal actions.

We have had 23 closed schools, further adding to the cost of living as families are forced to spend more to send their children to schools that are further away. Minister Barr can be proud of his attempts at cost shifting to Canberra families. That is entirely what happened in relation to school closures.

Canberrans will no longer stand for it. Canberrans simply cannot afford to stand for it any longer. The pockets of the average Canberra citizen are only so deep, and as Ministers Gallagher and Barr drive their hands further into the pockets of all Canberra citizens eventually they will rise up and say, "Stop."

This ACT Labor-Greens coalition government needs to do more than call on Canberrans to think themselves lucky that they are not living on \$2 a week or simply suggest that we should buy a cup of coffee less a week or unsubscribe to Foxtel. The imposition of taxes and charges on Canberra families is unsupportable. The Canberra Liberals are the only people in this place who are prepared to stand up and point to the truth of the matter—that the impact of ACT government taxes and charges is an unreasonable burden on Canberra families, who pay more and get less.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (3.22): On this final sitting day of 2011, with this matter before us to debate this afternoon, I thought it appropriate to reflect on what a wonderful city and a wonderful community it is that we live in. I think that when you look around this country and around the world there is no better place than Canberra to live. I would challenge anyone to name a better city and a better place to live. I think this is important to reflect on when we are having debates in relation to government policy on taxes and charges.

This week has been a week of extraordinarily good economic news for the ACT. We have seen, amongst other things, a further cut in interest rates. We have seen Standard & Poor's re-confirm the territory's AAA credit rating and endorse the territory's budget strategy. We have seen maintenance of the lowest unemployment rate in the country—in fact, a slight increase in employment in the territory. We have seen state final demands in seasonally adjusted terms increase. Certainly over the year the ACT economy has performed very strongly—I think second only to Western Australia.

In economic terms, and I think this is made clear in statements from the Reserve Bank and from Standard & Poor's, the situation is looking quite positive for 2012 and 2013. The Reserve Bank board in its statement on monetary policy was clear that the inflation outlook for the country gave scope for the modest reduction in the cash rate. That reduction should be passed on in full by the banks. That will mean a significant reduction in monthly mortgage payments for many tens of thousands of Canberra households if that is passed on in full. With two consecutive monthly cuts to interest rates that does provide a timely boost to the disposable incomes of Canberra households.

This week also saw our AAA credit rating endorsed. Standard & Poor's had a number of important things to state about the territory economy. I will take this opportunity to share some of those with the chamber. Standard & Poor's observed that the prudent financial management and strong budgetary performance of the territory, as well as our very high per capita incomes and soundly performing economy, provided the basis for maintaining our AAA credit rating and providing a stable outlook longer term.

Standard & Poor's observed that the government continues to deliver on the fiscal strategy to return its budget to surplus in the 2014 fiscal year through expenditure restraint and the implementation of efficiency measures in the delivery of government services. They consider the ACT's economy to be strong. They have an expectation that the ACT government will remain committed to the financial strategy of maintaining a strong operating performance, including returning the operating balance to surplus in the fiscal year 2014. That I think reflects the importance of maintaining our current policy settings.

Mrs Dunne in her contribution raised a number of concerns. I will take the opportunity to respond to each of those in the order that she raised them. Firstly, in relation to taxation revenues, undoubtedly revenues have grown. This is due to the

growth in population, increase in prices across the Australian economy and the increase in service needs within the ACT community.

Taxation in the ACT as a proportion of household disposable income and of the economy is in fact well below the national average. ABS data shows that the average employed person in the ACT paid around \$5,637 in state and local taxes in the 2009-10 financial year. This was in fact \$300 less on average when compared with other states and territories. This understanding is in fact further supported by the measure of taxation revenue as a proportion of the economy as measured by gross state product, which has in fact fallen from 14.4 per cent in 2001, when the government came to office, to 13.7 per cent in 2010. This is around 3.5 per cent lower than the national average.

In relation to rates revenue, rates revenue has increased over the period, as you would expect but it has done so in line with the wage price index. When you compare the rates base here with other parts of New South Wales and surrounds, we have seen rate increases for 2010-11 across the border of 10.2 per cent in the Snowy River Shire Council, in Bega Valley shire 6.3 per cent and for Queanbeyan council 8.4 per cent. In fact, here in the ACT, although we all I think understand that rates will go up each year, they have in fact been going up more slowly in the ACT than elsewhere.

In relation to property rates and charges, the ABS has an index for this. The number in Canberra for the September quarter 2011 was 197.6, which is below the national average of 204.6. So Canberra, in terms of that ABS property rates and charges index, remains below Hobart, Perth, Adelaide and Melbourne.

In relation to housing affordability, the latest Real Estate Institute of Australia data shows that the ACT continues to be the most affordable jurisdiction in Australia, a title we have held for the last five years. The proportion of family income required to meet a home loan payment in the ACT is 18.8 per cent. This is significantly lower than the national average of 34.6 per cent. Whilst in relation to rents, the proportion of family income required to meet rent payments in the ACT is 16.5 per cent, this is significantly lower than the national average of 25 per cent.

Undoubtedly, our above average incomes are a factor in that REIA data. The government recognises that for those who are not on above average incomes it is important to provide significant assistance. That is why the government, through its affordable housing action plan, has the most comprehensive and innovative action plan of any government in Australia. The plan addresses the issue of housing affordability right across the spectrum, for homebuyers and for renters, for those in community and social housing, and for those in public housing.

The plan includes a range of initiatives targeted at stabilising house and land prices, particularly focused on increasing the supply of affordable housing. I am sure members are aware of the current requirement for 20 per cent of dwellings in all new estates to be at or below the affordable price of \$337,000. In addition, the government has put in place homebuyer concession schemes, deferral of stamp duty, pensioner duty and land rent schemes to assist those most in need, and \$70 million has been

loaned at a concessional interest rate to Community Housing Canberra for the delivery of a further thousand properties to be available for affordable rental and sale.

In relation to electricity prices, the price paid for electricity has increased over the last decade. The Australian Energy Market Commission's report on future possible retail electricity price movements released in June of this year shows that electricity prices in the ACT are in fact 24 per cent below the national average and are the lowest in the country. The ACT is also forecast to have the smallest increase in electricity prices of all states and territories over the next year, with an increase of only 6.4 per cent compared to 17.3 per cent faced by those across the border.

In very practical terms, a typical household electricity bill in the ACT will be \$1,418 in the 2011-12 financial year. Across the border, in Queanbeyan, the typical annual household electricity bill will be \$2,484. So you pay \$1,000 a year more in electricity prices if you live in Queanbeyan compared to living on the ACT side of the border.

The government has focused on increasing concessions and particularly concessions aimed at low income households in energy, water and gas usage. My colleague Minister Burch will be speaking at some length on this concessions program, but, in summary, 4,000 low income households are being supported. Funding for the program is nearly \$8 million. Eligible households are provided with an additional \$131 per annum in recognition of increased utility costs. That program is \$12.4 million over four years.

There are improvements to energy and water efficiency to reduce living costs through the Outreach program—nearly \$8 million in additional funding—and the energy concessions, another \$12.4 million over four years. That is a significant addition in terms of household income, particularly for those who need it most.

Madam Assistant Speaker, in the context of these debates we hear a lot from those opposite—

Mr Smyth: You'll hear more.

MR BARR: I am sure we will—about raising issues, raising concerns, but we hear very little about what they would actually propose to do. They have voted against stamp duty concessions and against the utility costs concessions that I have just spoken about. The Leader of the Opposition will no doubt have the opportunity to speak in this debate, and we look forward to his policy solutions, what he actually proposes to do in relation to taxes and charges. Will he go on the record this afternoon and indicate which taxes and charges he proposes to cut, where he would find the money to finance those cuts—if that is, in fact, his policy position—or what services to the community he would cut if he believes that is the appropriate other policy solution? That is the challenge for the Leader of the Opposition and it will remain so up until election day.

We have heard a lot of talk, a lot of blustering, a lot of empathy and concern, but very little by way of any actual practical solutions. The challenge clearly for those opposite is to identify which taxes and charges they believe should be reduced and, on the

other side of the ledger, which services they believe should be cut. Do they want to cut into the health budget, the education budget, the community services budget? Which areas will the Leader of the Opposition target this time? Which areas will it be?

That will be the challenge. It is not about who yells the most in this chamber. It is about the policy positions that people put forward. Mr Seselja has the chance this afternoon to put his policy platform before the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (3.37): I would love to talk about our policies. I will talk both about this government's lack of regard for the cost of living pressures being faced by Canberra families and also our solutions to deal with it. We have got a government that does not care about this issue. Let us just be frank about this. We have heard it time and time again. It has been passed down from one Labor leader to another. Jon Stanhope kept saying just how affordable it was to buy a house in Canberra, and then we have heard from Katy Gallagher: "Look, it's okay, these debates are silly. Turn off the Foxtel for a while and deal with the cost of living issues." We know what ACT Labor think about battling families in Canberra. They do not care. How do we know they do not care? Because of what they do and what they say.

They say things like "turn off the Foxtel" and "housing is very affordable in Canberra". It is the "they've never had it so good" approach from the Labor Party. They put in place policies and taxes and charges which place burden upon burden upon Canberra families. Some of these are low income families; some of these are middle income families. All things being equal, if you are an APS6 in the public service and you are earning \$75,000 year, you would think, "I should be doing okay." But you look at your mortgage, you look at the cost of childcare, you look at the rates you have to pay every year to this government, you look at stamp duty if you are buying a house or you look at the rent, and it does not go that far, does it? Even that \$75,000 for the middle-income earner as an APS6 or an EL1 or a bit higher than that, it does not go very far.

This is where the Labor Party still do not get it. They do not seem to care or understand that it is the government's role to do all they can to put in place good policies which make it easier for people to live a good life in Canberra. In some cases that will mean concessions, but in a far broader sense they have a responsibility to all Canberrans to try and have good policies. If they are good policies they will make it better for everyone. Yes, you will still need some concessions for people on very low incomes, but those who do not get those concessions will benefit from a government that does a good job; that looks to lower taxes and charges where possible, that looks to have policies which put downward pressure on prices, whether that is the cost of a home, the cost of renting or the cost of electricity and water. But this government has gone in absolutely the opposite direction. We heard, again, the disdain that is shown for these families by the Treasurer in his performance.

I thank Mrs Dunne for bringing this forward, because Mrs Dunne understands what families are going through in the suburbs. Mrs Dunne understands that, in places like Evatt and in places in west Belconnen near where she lives, there are literally

thousands and thousands of families who are doing it tough. Some of these may be eligible for concessions, and we welcome that very low income earners get a bit of assistance—

Mr Barr: So why did you vote against them then?

MR SESELJA: We voted against your budget because your budget was a dud. This is the thing, I mean again we hear—

Mr Barr interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Barr, this is not a conversation.

MR SESELJA: That is the best argument he has got, and it is a pretty weak one. We will vote for a budget when you show some responsibility—

Mr Barr interjecting—

MADAM ASSISTANT SPEAKER: Mr Barr, please be quiet.

MR SESELJA: and when you stop imposing taxes on top of taxes on top of charges and burdens on families. You do not care about it. As if we are going to endorse that approach. The Greens endorsed that approach before looking at it. Not us—not the Canberra Liberals. It is the Canberra Liberals who consistently stand up for those families, and we will continue to do that.

We only have to look at the kinds of rates that are being charged. I mentioned Evatt before. Mrs Dunne, who represents the people of Ginninderra so well, along with Mr Coe, knows that in Evatt in 2001-02 a family was paying \$571 for their rates. In 2011-12 that same family in Evatt is paying \$1,347 for rates on average, an increase of 136 per cent.

Mr Barr: And how much is their land worth now?

MR SESELJA: Andrew Barr says they should be grateful. He interjects: “How much is their land worth? They should be grateful.” That must be a great comfort to the low and middle income families in Evatt, when they get that \$1,300 rates bill from the ACT government—so they can fund their \$430 million office building—that Andrew Barr says they should be grateful. “They should look down at the unimproved value and say, ‘You beauty; we’re rich; we are feeling so rich.’”

This is how they do not get it. They do not understand that cash flow matters. They do not understand that family budgets do not change just because land values might have gone up a little bit. It does not change the amount of money that is coming in every fortnight and it does not—

Mr Barr: Just as well incomes have gone up so much then, isn’t it?

MR SESELJA: Again we have an interjection. Andrew Barr is just showing his disdain. It is a good thing, he says, that their incomes have all gone up. Okay, how many people do you think in Evatt since 2001-02 have seen their incomes go up by 136 per cent? Not many, Mr Barr. The empathetic Treasurer says, "It is a good thing; their land values have gone up and their incomes have gone up." They have not gone up 136 per cent—nothing like it.

We can look at any number of suburbs. People in Gordon have seen their rates go up 99 per cent. Not many of them have seen their incomes go up by 99 per cent in that time. Banks has gone up 152 per cent. How many people in Banks do you think have seen their incomes go up by 152 per cent? What disdain we hear from ACT Labor. Here in the chamber today it is on display. It is on display, with Andrew Barr saying: "You should be grateful. You should be grateful because your land value has gone up and your income has gone up." Their incomes have not gone up anywhere near as much as this government is slugging the people of the ACT.

Incomes have not gone up anywhere near that amount. If you believe that, it demonstrates just how out of touch you are. This ACT Labor government is. This Labor-Greens alliance is out of touch with the concerns of Canberra families. That is why we should be looking wherever possible to give relief. That is why lowering people's rego costs is a good thing. The very people who struggle to pay their rego—

Mr Barr: Yes, well, do away with the Brendan Smyth tax. You brought it in. It is your tax.

MR SESELJA: We believe you should get rid of it. Are you going to keep it, Andrew?

Mr Barr: It is your tax, Brendan. It is the Brendan Smyth tax.

MR SESELJA: You have kept it for 10 years.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Barr, this is not a conversation.

MR SESELJA: For 10 years Labor has been taxing people who cannot afford to pay. Those people in Banks who have seen their rates go up 152 per cent, when they got that rates bill, they would also be getting their rego bills. They would look at that \$800 or \$900 charge and they would be saying, "Gee, that's a lot." That is a lot in one hit when you have got the electricity and the water bills coming in, you might have school fees coming in, childcare. All these costs are coming in, piling up on families. And the government says to them, "Well, you can pay quarterly, but we're going to charge you \$100 a year extra." We say we should get rid of that. We say we should give them some relief.

We challenge the Labor Party to match that. What would be so difficult about doing that? Instead, we have a government that is obsessed with building a \$430 million office building. It blows money left, right and centre because it cannot control its

spending. It is the families of Canberra who pay. We do not believe they should have to pay so much. We believe a good government will do all they can to try and keep costs down and deliver services well. This government do not do that, and we hear today why they do not do it: they do not care and they do not understand.

Andrew Barr, as Treasurer of the ACT, has expressed it: “They should be grateful because their land values have gone up. They should be grateful because their wages have gone up.” They have not gone up as much as this government continues to slug them. We are going to continue to fight for these families. We will continue to fight for them in opposition, and we want to come to government in 2012 and deliver to these people what they deserve. (*Time expired.*)

MR SMYTH (Brindabella) (3.47): The same old broken record from across the road. It is interesting; I thought Mr Barr might shy away from Standard & Poor’s yesterday, because what Mr Barr does not tell this place, of course, is that the Australian Securities and Investments Commission—ASIC—is conducting an inquiry into rating houses, given some of the catastrophic failures in the lead-up to the global financial crisis. I think Standard & Poor’s—somebody can correct me if I am wrong—gave Lehman Brothers the highest rating it could possibly give for a bank the day before it collapsed.

It is interesting that Mr Barr goes to the rating houses. Perhaps he has not read the fact that ASIC is looking into this. One of the things ASIC is looking into is the conflict of interest that rating houses have because they get paid by organisations like governments to rate them. There is an internal conflict of interest—you have got revenue model conflicts, you have got ancillary business conflicts, and you have got analysis conflicts. In general, to their credit, research houses recognise the existence of conflict of interest in their businesses and have some processes to manage them. These processes vary substantially in their sophistication and emphasis.

Mr Barr forgot to tell the Assembly that little gem when he lauded the ratings report. But I think the general rating report, the general assessment of how well the ACT government is doing, is felt in the suburbs. It is felt by families. It is felt in their hip pockets and it is felt in the way that they respond to the cost of living pressures and their ability to pay their bills and their accounts to the government. This is something that Mr Seselja, to his credit, has made a significant issue. The government, after 10 years in office, has forgotten about the people that put it there. This government has run out of puff, and you can see it particularly in Mr Barr’s presentation today.

This is an important matter, because it is a sensitive and serious matter for just about everyone in the ACT, except for those that sit on the benches opposite and probably those that sit on the crossbench. Let us consider two components of the latest bulletin from the ABS on Australia’s national accounts. This is the detail that Mr Barr did go to, and I am pleased Mr Barr raised this as an issue. Let us firstly consider the analysis and the performance of households as shown by the households savings ratio. We are aware that for some time consumers have been more and more conservative in their approach to their spending and savings decisions, one, because a lot of people were injured by the global financial crisis and, two, because they are being stung constantly

by governments, whose only answer to their inability to balance their budgets is to increase the revenue take.

Ever since the signs of the global economic and financial crisis started emerging four or so years ago, consumers have gradually become more conservative about their behaviour of spending and saving. In particular, consumers have been paying down their debt more quickly than had been the case. Well done, consumers, because the lack of national savings had been a big problem for this country. In this way consumers were acting in the same way as were many companies. Companies were described as deleveraging—that is, reducing their debt levels and increasing their capital base.

As the graph of household savings ratio shows in the latest report, there was a very sharp increase in this ratio from 2007 to 2009. The interesting feature of this ratio is that, over the past two years, it has been maintained at about 10 per cent, and it might even be moving slightly higher than 10 per cent now.

This leads me on to the second feature I wish to note from yesterday's national accounts data. In relation to the ACT, the picture that is emerging is very interesting and, prospectively, quite worrying. It is quite a different picture to the short and limited analysis that the Treasurer offered yesterday. In trend terms—I note again, for the Treasurer's edification that the bureau prefers the use of trend data rather than seasonally adjusted data, contrary to the position Mr Barr sought to argue yesterday—the economic scenario for the ACT is clearly of one that is slowing.

I will go through the four components of state final demand. General government final consumption fell by 0.8 per cent during the September quarter. This follows a reduction in the June quarter and a flat result in the March quarter. "No growth" is how you can define that. Overall, there is little or no stimulus coming from that area of activity—that being the general government financial consumption.

Household financial consumption spending increased by only 0.1 per cent, and it continues at a steady decline in household spending over eight quarters or two years, from growth of 1.2 per cent in the December quarter 2009-10 to the almost no growth in the latest quarter. Mr Barr forgot to share that little tidbit with us.

Spending on capital projects by the private sector fell by 2.7 per cent in the last quarter, and that follows a decline of 1.4 per cent in the previous quarters and three-quarters of strong growth prior to then. The problem is that the private sector are showing their lack of confidence in this government by their reduction in their investment in capital projects.

The strong area—give governments their due—was spending on capital works by the public sector, which grew by 4.3 per cent during the latest quarter, reinforcing strong growth over recent quarters. But that was because of a number of significant projects that had come to fruition and had been paid off.

The major point to come out of this analysis in the context of today's debate is that consumers have become very cautious about their spending activities in recent years,

and this is being reflected in the statistics for the ACT. Indeed, the reality for many Australian families—families in the ACT and elsewhere—is that there is ongoing pressure on family incomes. The major pressure for many families is, of course, high mortgage repayments.

This factor may be eased following the recent cuts in the cash rate by the Reserve Bank. Nevertheless it still remains a major constraint on the spending capacity for many families. In the ACT, in particular, we have some of the highest mortgage levels in the country. People are renting rather than buying, but the cost of rent is an equally substantial factor in family spending capacities. Other significant and increasing cost pressures are derived from the cost of energy, which we know has gone up, and the cost of education, which is also going up, among other matters.

The message for this government is clear: any hikes in taxes will have a serious and adverse impact on ACT families. A variety of taxes are already imposed in the ACT for which there are steady increases year on year, and, in some cases, very large increases, such as rates, water, electricity, communications and utilities, each of which is a significant factor in virtually everyone's budget. There is little capacity for this ACT government to hike taxes even further. Indeed, any further increases will place many families in quite disastrous circumstances.

This government should actively seek opportunities to restrain or reduce taxes to ease the pressure of cost of living on families in the ACT, and they should do it quickly.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.55): I am pleased to be able to contribute to this debate this afternoon. As we know, it is very easy to stand up and say that no-one should have to pay any taxes and charges and should continue to get the many and varied services in return that are provided in the ACT. No-one likes to pay government fees and charges, but the reality is that governments have to raise revenue to provide services. And the challenge for us is to impose taxes and charges in a manner that is as equitable as possible. This allows for the best use of our resources and discourages damaging or otherwise undesirable outcomes or behaviours.

Taxes and charges do provide us with very useful levers. That is what taxes are, and Mr Smyth would know about this. They do provide useful levers in being able to put out certain outcomes that you want to achieve, as well as raising revenue. The Greens have consistently argued that we need to take advantage of this as much as possible.

The Greens do not believe that we currently have the right mix and the right taxes, and we very much look forward to the report of the taxation review. This is something that the Greens are very keen to work on and an area where reforms are needed. The Henry tax review provided a real catalyst for change and it would be a real shame not to take advantage of that.

There are a number of inefficiencies in our system and across many taxes and charges—those imposed by both the states and territories and the commonwealth. We need to ensure that our mechanisms are consistent with what is imposed by the

commonwealth and, equally, allow the ACT economy to flourish and to encourage innovation.

There is no doubt that for those doing it tough government-imposed charges do create a significant burden. We recently discussed a matter of public importance about targeted assistance. I will repeat some of the points again because I think they are relevant. It is vital that we have assistance measures in place to ensure that those in our community who are doing it really tough are getting that targeted assistance. This is targeted as opposed to general assistance. We should be looking at the primary vehicles that we can be using.

There are of course many general measures that the government should be putting in place to help everyone and to achieve a range of policy outcomes. But when it comes to those most in need, in most cases the only realistic way of ensuring that they are provided for is through targeted assistance measures that we know will make it easier for those people who are struggling.

The Greens are very pleased at the initiatives that we have been able to have implemented. In the area of utilities the Greens were very pleased with the government's response on energy concessions in the last budget. These were the energy concessions that the Canberra Liberals voted against. My colleague Mr Rattenbury first raised this issue in a motion that was debated in March 2010 on the impact of energy price rises and climate change on low income families. That debate raised concerns about the sort of costs that would be imposed.

ACOSS, the national body, suggests that there are three main reasons that this happens and at least two of them are highly relevant to low income families. The first is that low income earners spend a greater proportion of their total weekly household budget on energy and water, essential services for which prices are inelastic and for which price increases can be blunt.

We really need to be looking at how we can improve any of those schemes or assistance. That is why we were so pleased with the utilities improvements. It meant they will also keep up to date, and that there is a CPI indexation measure that has been imposed on them. That was significant. As was mentioned in Mr Barr's speech, I think there is an extra \$131 or so per annum to assist those households.

What we have also done while we have been here is to put more money into energy efficiency. If we have more energy efficient houses in our public housing stock, for instance, that is not only good for the tenant, because it is a nicer place to live, but also it is more affordable for that tenant because they will have lower energy bills.

We also very much want to see more money, and have pushed for more money, in public transport. The Canberra Liberals hate public transport. They have made it very clear that they think it is an enormous waste of money. Our point is that it is in fact an incredibly important part of our transport mix. If we do have a great, strong, regular and reliable transport system then people will have that choice. They will have a good range of choices that they can make. For many people, having that second car, paying for that second car—the rego, the petrol, the maintenance, the parking and so forth—

is the thing that really is a killer in their family budget. If they can have that choice so that they can use the car but they do not have to get a second car because they can use public transport, it can make an enormous difference to their lifestyle and to their cost of living.

I remember reading in the *Canberra Times* about a couple buying a house out in Gungahlin who said that one of the things that really sold them was that the new Red Rapid service had been put on in Gungahlin. That was one of the things that came from the Labor-Greens parliamentary agreement. Because of that Red Rapid service, they did not need to get a second car and that meant they could afford their dream home in Gungahlin. They could buy a home; they could raise their family.

It is those sorts of things we need to be looking at when we are talking about cost of living. We need to be looking at how we can make our houses more energy efficient so that we have lower utility bills. We need to be looking at how we can improve things such as public transport to also assist with bringing down taxes and charges.

We have heard about rego. One of the policies put out by the Canberra Liberals was around being able to take off that extra cost for those people who are paying their rego in instalments.

Mr Barr: The Smyth tax, I think it is referred to.

MS HUNTER: The Smyth tax; we later found out that it was the Smyth tax. But at the time we did not know that, Mr Barr.

Mr Smyth interjecting—

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

MS HUNTER: What we have found from that is that we need to be looking at targeted assistance again. We need to be looking at those households first and foremost who need our assistance. That is why we do not want a situation where suddenly people earning over \$100,000 a year also are getting that subsidy from government. That is why it is so important to look at these things carefully, consider these things carefully and look at who needs our assistance to be able to live a good life here in the ACT, and not to just have open slather.

At the end of the day we do need to have some taxes and charges so that we can be able to provide the wonderful services that are provided to us right across the city, whether that be in health, education or, indeed, a range of concessions. This is another area where it is so important that money is set aside to help those families and individuals with a range of concessions. What are the Canberra Liberals saying—that they will take out all of these taxes and charges and therefore those people who were receiving assistance, funeral assistance—

Mr Barr: I think have a Tea Party, Ms Hunter, is what they want. They are after a Tea Party.

MS HUNTER: The Tea Party, of course. What about those people receiving funeral assistance and those people with special transport needs? What about the taxi subsidy scheme?

Mr Hanson: A point of order.

MADAM ASSISTANT SPEAKER: One moment, Ms Hunter. Please stop the clocks. Mr Hanson.

MR HANSON: Why is it, Madam Assistant Speaker, may I ask, that you will talk to the opposition and close down the opposition when there are any interjections, but when they come from either the government or the Greens, you sit there mute?

MADAM ASSISTANT SPEAKER: Mr Hanson, there is no point of order.

Mr Barr: On the point of order, I recall you telling me at least three times in previous speeches not to interject, and I apologise for interjecting.

MADAM ASSISTANT SPEAKER: Thank you, Mr Barr. There is no point of order. Ms Hunter, you have the floor.

MS HUNTER: Thank you, Madam Assistant Speaker. There is a whole list of concessions that government give to those who really do need assistance. There is the artificial limb scheme and the energy wise home energy audit. There is the seniors spectacles scheme, the ambulance transport levy exemption, the dental health program—a range of very important concessions that are there to ensure that many individuals are able to access assistance. If we go down the line of stopping all taxes and charges, that means we will not be able to deliver services and we certainly will not be able to deliver that targeted assistance.

In the last few seconds I want to go to Mrs Dunne's opening statement that I had said that we need to be aware of our place and that in the world people are living on a couple of dollars a day. I would have thought that leading up to Christmas it does mean that we broaden our look around the world and see that there are many who are doing it tough; they are doing it far tougher than we are, say, here in the ACT. That does not mean that we do not look at those in our community. I have worked for many years with those people in our community who need assistance. But let us make sure that it is targeted assistance. That is all that we are saying. Let us not just open it up so that everybody has a free-for-all. It needs to be targeted assistance to those who need it most. *(Time expired.)*

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) (4.06): Madam Assistant Speaker, I know there is only a short time left but I do want to make a brief comment on Mrs Dunne's MPI about the cost of living. I would like to remind everybody of Mrs Dunne's words:

... often women have somewhat of a luxury about whether they are in the workforce or not—a luxury that often does not accrue in the same way to men ... And it is often the case, especially in a town like Canberra where perhaps people are not quite so dependent upon a second income, that women, especially in their middle years and later years, are more inclined to move in and out of the workforce as it suits them ...

We know there are women that are depending on government concessions, concessions that cover energy and gas, water and sewerage, general rates, transport, motor vehicle registration, drivers licences and spectacles. In last year's budget energy concessions were increased by 24 per cent, up to \$266. We have provided a utility energy concession at \$346, which makes a substantial difference to households—households where Mrs Dunne says that for women it is a luxury as to whether they work. We also know that a household with two parents and two school-age children on an average household income of \$45,000 have concessions to the value of just under 30 per cent of their annual household income, across energy concessions, utility concessions and motor vehicle concessions.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The time for the discussion has now expired.

Executive business—precedence

Ordered that executive business be called on.

Justice and Community Safety—Standing Committee Statement by chair

MRS DUNNE (Ginninderra): In accordance with standing order 246A, as the chair of the standing committee on the scrutiny of bills, I would like to inform the Assembly that the committee has considered the Work Health and Safety (Consequential Amendments) Bill 2011 and has no comment on the bill. We will report at greater length in our next formal report.

Work Health and Safety (Consequential Amendments) Bill 2011

Debate resumed from 6 December 2011, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.09): The Canberra Liberals will be supporting this bill.

MR RATTENBURY (Molonglo) (4.09): On behalf of Ms Bresnan, who has the carriage of this matter for the Greens, I am aware that the Greens have looked at this bill. They have given it consideration. I know that they have looked at it very closely and will be supporting the bill today.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (4.09): I rise to commend the Work Health and Safety (Consequential Amendments) Bill 2011 to the Assembly. I will not speak for long. At the outset, Madam Assistant Speaker, I would like to congratulate all members on ensuring the passage of the Work Health and Safety Act in September this year. As we all appreciate, we cannot overstate the importance of workers' safety and reducing the unnecessary regulatory burden on business and industry. The act is an important step in this journey.

The bill before the Assembly today seeks to repeal the present Work Safety Act 2008, the Work Safety Regulation 2009 and the Magistrates Court (Work Safety Infringement Notices) Regulation 2009. Due to the passage of the Work Health and Safety Act 2011, these pieces of legislation are no longer required. I also advise the Assembly that I will shortly notify the work health and safety regulation and a range of codes of practice to underpin the new act. Included in this pack of subordinate laws will be the remaking of the ACT codes for preventing and responding to bullying at work and for the sexual services industry.

Finally, I advise that this week the Northern Territory has joined Queensland, New South Wales, the commonwealth and ourselves in the 1 January 2012 commencement of the harmonised legislation. I thank the Assembly for its cooperation in the introduction and passage of this bill in a short time. I commend the bill to the Assembly.

MS BRESNAN (Brindabella) (4.11), by leave: I will be brief. I apologise for not being here sooner. The Greens will be supporting the Work Health and Safety (Consequential Amendments) Bill. The bill repeals the existing Work Safety Act to make way for the new Work Health and Safety Act 2011, which the Assembly passed in September this year. It also updates references in ACT statutes to ensure they refer to the new act. This will allow the new act to begin operation in the ACT on 1 January 2012.

One issue I did raise with the government—and I believe the minister has referred to it—was the fact that repealing the existing Work Safety Act also involved repealing all the legislative instruments made under the act. This includes existing codes of practice for work health and safety—for example, the ACT code of practice on bullying in the workplace. Most of these repealed codes of practice and instruments will be covered in new harmonised legislation and by upcoming federal codes of practice. But not all of them will be. The code of practice on bullying in the workplace, for example, is not being replaced in the new harmonised regulation or with a new federal code of practice.

I am pleased that the government responded by agreeing that it will retain the existing bullying code pending completion of a national code. I do not believe it would have been appropriate to leave a void in ACT bullying regulation while we hope for a quick and effective federal process to replace it. It will also be important to see if new regulations will be satisfactory, as there should not be a reduction in ACT laws. We

may in fact want to take a different, stronger approach to bullying regulation in the ACT rather than accept a federal code of practice.

I understand the ACT government has taken a similar approach to some other areas that are covered in the national regulations. When the regulation is implemented in the next week or so I understand the ACT government will not implement chapters 7, 8 and 9. These chapters relate to hazardous chemicals, asbestos and major hazard facilities. Our existing regulations will be retained. This is because in these particular aspects the government considers existing ACT regulations to be stronger than the national regulation. I understand some ACT regulations are also being strengthened following lessons from the Mitchell fire. The Greens support this approach. It is important not to dilute any of the strong protections that the ACT has worked hard to develop. I would hope the government keeps the Assembly informed of the implementation of the new regulations and codes of practice and of any updates that it will make to the regulations, particularly to retain and strengthen them.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Electricity Feed-in (Large-Scale Renewable Energy Generation) Bill 2011 **Detail stage**

Clause 1.

Debate resumed from 6 December 2011.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.15): Pursuant to standing order 102A(b), I seek leave to move amendments to the bill that are minor and technical in nature together.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 8 circulated in my name together [*see schedule 1 at page 6028*]. I table a supplementary explanatory statement to these government amendments.

Now that the Assembly has agreed in principle to the Electricity Feed-in (Large-Scale Renewable Energy Generation) Bill 2011, there are a series of amendments that are

being proposed by the government following discussions with my colleague Mr Rattenbury. The amendments address a number of issues where the Greens have sought clarification of the operation of the legislation and I am pleased to provide that clarification in these amendments.

Firstly, in relation to the definition of the Australian capital region, the objects clause of the act now refers to the promotion of the establishment of large-scale renewable energy generation in the Australian capital region, rather than in and around the ACT. The effect of this change is to remove any doubt regarding where generation supported by legislation can be situated. Going just to clause 10, make the location of generators in the Australian capital region now a constraint to a feed-in tariff capacity release; and clause 11(1), make the location of generators in the Australian capital region now a limitation also on the minister's power to grant a feed-in tariff entitlement.

The Australian capital region was created in the early in 1990s by the elected leaders of the 17 New South Wales local government areas and the ACT to jointly benefit from a regional approach to planning and development. Canberra is, of course, a hub for employment, education and services within the region and the economic interests of the ACT and its region are inexorably linked. The Australian capital region contains some of Australia's best renewable energy resources, including wind resources near Cooma to the south or Crookwell to the north, providing the government with the opportunity to pursue economic options for renewable energy development potentially. The definitions in the bill have been updated to list the shire councils that form the Australian capital region.

As I have previously advised the Assembly, the first capacity release of 40 megawatts of solar energy capacity will be constrained to developments in the ACT itself, and there is no change to this proposal. Further, the amendments provide that there will be no grant of feed-in tariff entitlement during the disallowance period. The government has sought to clarify that grants of entitlement under the legislation cannot be made during the disallowance period of the instrument that signals a new capacity release. This avoids the situation where a grant may be made to a generator which is then invalidated by the Assembly, thereby exposing the territory to subsequent potential legal risk.

This has been addressed through amendments to clause 11 to limit the minister's power to grant a feed-in tariff entitlement to a large-scale renewable energy generator only once the disallowance time frame associated with the feed-in tariff capacity release has expired. These are standard clauses used by the Parliamentary Counsel's Office to address this type of issue.

I would also like to deal with the issue of review of the legislation. Clause 22(5) has been amended to remove the words "a report of". The effect of this amendment is to remove any doubt that the full written review of a feed-in tariff capacity release conducted within six months of the granting of entitlements under a release is concluded will be tabled in the Assembly rather than a summary of that review. This obligation will then be of direct reference to the review itself and is consistent in light of the detail outlined in subclause (4).

Turning to the issue of reduction of minimum capacity threshold, the minimum capacity of generators that may be granted a FIT entitlement under the legislation is to be lowered to 200 kilowatts from two megawatts. However, the minister may, with each release of capacity, set a higher threshold appropriate for each specific release. To avoid any uncertainty as to the effect of this change of the first solar auction, there is no change. A two megawatt minimum capacity is intended for the first solar auction as defined at the point of connection to the ACT distribution network.

Clause 6(1)(a) has been amended, with two megawatts being replaced with 200 kilowatts. A new subclause has been inserted into clause 10 that gives the minister the power, when releasing feed-in tariff capacity under the bill, to state the minimum capacity of a large renewable energy generator for the purpose of that feed-in tariff capacity release. This will mean that the minimum capacity can be changed from more than 200 kilowatts.

I would also like to turn to the issue of commitment to further review. Further to these amendments, and at the request of my colleagues, in particular Mr Rattenbury, I can confirm that I will be instructing my directorate to commission an independent assessment of the impacts on our grid of the reduction in generating thresholds, with this report to be available by the end of April 2012. This will inform the government in relation to any future releases beyond the first initial 40 megawatt release which will be conducted with a minimum threshold of two megawatts.

These amendments have been developed on a consultative basis and will strengthen this important bill and provide additional flexibility to pursue a range of renewable energy technologies and locations into the future, while allowing each release to be effectively targeted. The bill represents a significant policy project that has been undertaken by my directorate. It is nation leading policy and I would like to thank a number of officers for their professionalism in developing this landmark piece of legislation—Mr James O'Brien, Ms Suzanne Falvi, Mr Richard Bourne, Mr Greg Buckman, Mr Jon Sibley and Mr Alan Traves. They have all shown significant professionalism and dedication to this complex but important task on behalf of the government and I thank them very much for their efforts. I commend these amendments to the Assembly.

Visitors

MADAM ASSISTANT SPEAKER (Mrs Dunne): Before we proceed, I recognise in the gallery Dr Gary Lin of the Taipei Economic and Cultural Office and his staff and colleagues at the Taipei Economic and Cultural Office. I welcome you to the ACT Legislative Assembly.

Electricity Feed-in (Large-Scale Renewable Energy Generation) Bill 2011 **Detail stage**

Remainder of bill.

Debate resumed.

MR SESELJA (Molonglo—Leader of the Opposition) (4.22): I want to speak briefly to some of these amendments because they highlight the point that I was making in the in-principle stage in terms of where some of this activity might take place.

Let us look at amendment No 8. Amendment No 8 tells us where we are going to get this generation. It could be a number of places. It could be here in the ACT. It could be in the Bega Valley, Bombala, Boorowa, Cooma-Monaro, Cootamundra, Eurobodalla, Goulburn Mulwaree, Gundagai or Harden shires; Queanbeyan City Council; or the Palerang, Snowy River, Tumbarumba, Tumut, Upper Lachlan, Yass Valley or Young shires—or, if a regulation prescribes areas that make up the region, the prescribed areas.

Mr Doszpot: Is Tasmania on it?

MR SESELJA: Tasmania could be on there down the track; we do not know. We do not know what might come in the regulations, Mr Doszpot. It does highlight some of the absurdity of this legislation that we could have, for instance, generation of renewable electricity in the Bega Valley. Bega is about 227 kilometres from Canberra by road, two hours and 53 minutes; it is not seen as a particularly close part of our region. Eden would fall within this—264 kilometres or three hours and 29 minutes by road. We could head out to Tumbarumba, which is 265 kilometres by road, three hours and 10 minutes.

Let me take the example of Eden. We have got a situation here where we could have renewable electricity generated in Eden, but paid for by the people of the ACT and subsidised by the people of the ACT under this scheme, contributing to the local economy there in Eden—presumably generating economic activity for the people of Eden but funded by the people of the ACT through their electricity bills so that New South Wales can actually emit more. They get the benefit to their local economy from our subsidy under our scheme.

The way that the ETS will be structured, with the ACT needing this to get to its 40 per cent target, will not just allow New South Wales to get an economic benefit that is funded by the people of the ACT but also allow them to emit more under the ETS. That seems to be a point that Mr Rattenbury did not understand in his response that, oh well, it is not based on anything. Well, here it is. We know that is how the 40 per cent works. We know that is how the ETS works. We only have to hear from Richard Denniss as to how that works—that well-known climate sceptic and right-winger Richard Denniss, who says that under this scheme, under the scheme put in nationally, when the ACT goes hurtling towards a 40 per cent target, we will allow other parts of Australia to do less than the national average. That is how it will work.

Mr Doszpot: So nil effect.

MR SESELJA: Indeed: nil environmental impact. But the economic impact may be felt in Bombala, Eden, Boorowa, Young, Cootamundra, Tumut, Gundagai or Tumbarumba. Parts of the New South Wales economy could get a bit of a boost as a result of our subsidy.

This highlights some of the absurdity of this legislation and the way it has been framed. We have a 40 per cent target where Canberrans are going to be asked to do far more than the national target. We are going to be asked to do eight times the

national target—more than eight times, because they are different baselines—and in doing more we will allow other states to do less. Just to add insult to injury, under the legislation we will not even necessarily get the direct economic activity that goes with the construction of renewable energy generators.

When we look around the country, we see that there has been an attitude that says, “We support the environment; we need to do something.” Most people would say that, yes, we should do something. But the approach of the Labor Party and the Greens on this issue is that this is something and therefore we must do it. That has been the approach of the Labor Party and the Greens on this issue. It is something; we can point to the fact that we are really into solar. But the economic activity is not going to happen here, and the subsidy is effectively going to go from ACT electricity users to New South Wales in particular, and other states, because they will be able to emit more as a result of the efforts of Canberrans. That does not make a lot of sense. That does not strike me as good policy. It does not strike me as responsible or sensible policy.

That is why we are not supporting this legislation. This particular amendment highlights that, and it highlights the point that I was making.

I would briefly comment on the issue of two megawatts versus 200 kilowatts, because there has been some lobbying from local business. It is clear from the government’s perspective that they are putting this in to respond to some of those concerns, but they have no intention of this actually being a reality. The legislation will allow it, but the government have made it very clear—they have made it very clear to us in briefings—that they have no intention of allowing those smaller generations or medium-sized generations of 200 kilowatts or so to be part of this plan. I do not think that the government’s position has changed. I think this is one of those where they are offering a sop to industry but they are not actually going to deliver on it.

The legislation will allow for it to happen, but we were told in the briefing that the government’s advice is that this will put unreasonable strains on the network. I do not know whether that is true or not. If it is true it will call into question a lot of what has been planned for the medium scheme. If the medium scheme had gone ahead as it was originally intended, presumably those medium generators would have been putting those same kinds of strains on the network. The government now tells us that is the case. I do not know the answer to that, but I do know that the government has signalled that it has no intention of making this a reality. I suspect that this is a cosmetic change at best: the legislation will change, but in practice this will not occur, certainly under this government.

In summary, these amendments highlight the points that the Canberra Liberals have made. This will allow for people of the ACT to be slugged in order to meet a 40 per cent target that is eight times the national target. In doing so through this legislation, they will be subsidising economic activity in other parts of the country so that other states can do less. We will be funding it. That is not good policy; that is not equitable policy; that is not a policy that produces tangible environmental outcomes. That is a policy similar to a lot of the failed schemes we have seen around the country where there is an idea that you have got to do something, and this is something; therefore

you should do it. That is not a good rationale for supporting legislation. That is why we will not be supporting the blank cheque that this legislation represents.

MR RATTENBURY (Molonglo) (4.30): The Greens welcome these amendments to the legislation, and I thank the Attorney-General for bringing them forward. They arise from issues that, as the attorney said, we discussed with both the minister's office and officials from the directorate. The amendments clarify and improve parts of the legislation, and I appreciate the government's bringing them forward. They were issues that we thought were quite important. While some of it is about simply spelling it out, it is important—not just for those of us who have been involved in the discussion but for those who pick it up and read it at a later time—that the legislation is very explicit on some of these matters.

I would like to touch on the general principles of them. The matter of the geographic definition is quite important. I flagged that during the in-principle discussion. I do believe, and the Greens think this is a good outcome, that “Australian capital region” is the right definition. If we prescribed this to only within the ACT, it would be both unnecessarily parochial and also not the most efficient option.

We know that here in the ACT we do not have the best wind resources. We have probably got them along the top of the ranges of Namadgi, but I do not think anybody is suggesting we put wind farms up there. But just to the north of our border, in areas such as Crookwell, Yass and Lake George, there is an extremely good wind resource. To say that these things can only be built inside the ACT border would be cutting off opportunities that we need not cut off.

I think that there is also a clear recognition that the ACT does sit in a region. We have our artificial boundary around us, but much of what we do has a regional focus. If we think about simply where people live, many people commute across our region for work purposes. When it comes to areas such as trades and construction, there are many people moving around our region on a regular basis for work purposes. That has been well documented.

There was a recent call for the construction of hostels in the ACT for construction industry workers to stay in during the week when they are in town. And all you have got to do is drive out on the Hume Highway or somewhere on a Friday afternoon; you will see all the tradies heading back out of town. I went to Wagga myself last weekend; the number of utes and various construction vehicles on the road heading back into the region was testament to the fact that we have a highly integrated region. And a lot of people are increasingly talking about food from the Canberra or capital region.

We are seeing this understanding that the ACT borders are quite narrow, in a sense, and that the region is one where there are a lot of close economic linkages. The transport linkages across the region are quite poor in some ways. They are an area of focus, certainly between Canberra and Queanbeyan. Ms Bresnan has discussed with me the idea of re-establishing the train line to Cooma as an example of how we might improve transport in the region and enable workers and goods to move around the

region in effective ways. I do not think we need to be unnecessarily parochial here; I think we can accurately recognise that we live in a region.

I find Mr Seselja's concerns about sending the economic benefit elsewhere convenient for the purposes of the argument. Our current electricity comes from the La Trobe or Hunter valleys, but we seem quite comfortable purchasing energy from there and shipping that economic benefit off to some far distant place in Australia. I am afraid that I have not spent time on Google Maps to come up with the number of kilometres or apparent travel time to get there. Suffice it to say that that economic benefit is being shipped somewhere else. The argument really does not stand a lot of stead in this context.

I also wanted to talk about the change from two megawatts to 200 kilowatts. I think this is a good change. It allows for greater flexibility and diversity when it comes to the sorts of installations that can come in under this legislation. It also allows for a diversity of participants. There is no doubt that there are some very large players keen to invest in the ACT in this program. But at the same time there are some smaller and growing developers and investors who would like to participate but are not ready to do something such as a 20-megawatt system or a 10-megawatt system. Having the capacity to have that flexibility in the way the entitlements are allocated is a welcome part of the scheme.

As I said in the in-principle debate the other day, I think we also want to ensure that we make the best use of the roof space in the ACT. The larger installations in the 20-megawatt and 10-megawatt size range are going to be land based. Land-based systems are recognised to be more expensive in some senses than a roof-based system, because you have got to lease the land. They are also more efficient in other ways. But land is valuable in the ACT, so we also want to make sure that we have the incentives in place to make the most of those many rooftops in the ACT that could be taken advantage of.

In discussing this with the minister and the directorate over the last week or so, we have taken on board the concerns that have been expressed. I welcome the commitment from the minister to undertake the independent assessment of the impacts on the grid of a reduction of thresholds with this down to a 200-kilowatt system. I am not convinced that it is as big a problem as is feared, but I do not claim to be an absolute expert in this.

There are varying views on this. I know, for example, that there is a conference taking place in Melbourne today to discuss exactly this matter with distribution companies across the country. There is a recognition that changes will need to be made to the grid in order to facilitate this. There is a clear benefit in diversification and decentralisation of power supplies. The work does need to be done to ensure that we can allow for this to happen and consider perhaps what upgrades to the grid might be necessary in order to allow for those different means to generate power.

The minister touched on the fact that the draft disallowable instrument which came from the first legislation stands. The Greens agree with that. Given that it has been made clear that this first tranche will be a minimum of two megawatts, we support

that. We will not be moving to disallow that in any form. But it does leave us the opportunity down the line to have a more flexible approach to this.

The minister has spoken in some detail about the other amendments. I do not feel the need to repeat that other than to say that, as I said earlier, we are glad to see some of those changes coming through just to clarify a few matters.

I did want to pick up on the broader policy issue that Mr Seselja raised around Richard Denniss's analysis of how the federal scheme plays out. I have got a lot of time and respect for Richard Denniss. He is the sort of person this country needs. He really sits down and thinks about things—and often thinks about them in a bit of a different way. He does not just accept the standard analysis of things but looks for ways to find better solutions. His role and the role of the Australia Institute are incredibly valuable to us.

As it happens, I disagree with Richard Denniss on this analysis. Richard and I have had a couple of lengthy conversations about this, and we have just had to agree that we disagree. I think it is quite clear, if you sit down and read the federal legislation, that there is the capacity for additionality in that legislation. It is something that my federal colleagues, particularly Senator Christine Milne, took up in the negotiation around the federal carbon legislation. It is quite clear that the Climate Change Authority may take into account that additionality.

What is also clear in the architecture of the federal legislation is that the Climate Change Authority has the ability to increase the target with its annual review. So if jurisdictions such as the ACT, or for that matter Queensland or Tasmania, undertake voluntary additional action which frees up the permits—this comes into the Richard Denniss argument—the Climate Change Authority has the ability to recommend new targets, and increased targets, to reflect that voluntary action. There are some hurdles to be crossed there; there is work to be done on methodology. But it is quite clear that, under the federal legislation, that additionality can be counted.

So I reject the argument that what we are doing here in the ACT can somehow just allow polluters in other jurisdictions to do further pollution. I think the work that we do here will serve several purposes. It will reduce our emissions. It will reduce the cost of living for ACT households. Some of the modelling contained in action plan 2, which the minister released earlier this week, underlines the fact that striving to reduce our greenhouse emissions produces cost of living pressures across many areas as well. That is something that the Greens will continue to focus on. I reject the scaremongering that says that tackling climate change necessarily costs us a lot of money. That modelling shows it, and it underlines points that I and my colleagues have made in this chamber on more than one occasion.

I welcome these amendments today and the subsequent passage of the legislation. I think this is an exciting initiative for the ACT; it will see us well on the way to achieving many of the goals that many people in Canberra want us to achieve.

MR HANSON (Molonglo) (4.40): I want to back up the comments made by Mr Seselja and respond to some of the comments made by Mr Rattenbury. It is quite

clear from listening to the debate that the points made by Mr Seselja with regard to these amendments and with regard to this bill are entirely valid. Essentially we will be transporting the economic benefit that could come out of a scheme like this outside the ACT and into the region. I think that the comments that Mr Seselja made about the region are quite apt. Although Mr Rattenbury did not like the fact that Mr Seselja had exposed how far away some of these places are and how remote they are, I think it is quite apt to realise that this is going to be transporting economic benefit that should be tied to the ACT elsewhere.

This is coming off the back of a debate today about the cost of living pressures on Canberra families. This is taking economic benefit out of the ACT while also coming up with a scheme that is going to be costly to taxpayers in the ACT, for no environmental benefit. As Mr Seselja rightly points out, and as Richard Denniss has quite rightly pointed out, this will be absorbed into the targets set nationally by other jurisdictions. We support good environmental policy and we support good economic policy. But this is neither. This is neither sound economically nor is it sound environmentally.

I just question what Shane Rattenbury has got against the people of the ACT. He seems to want to be MLA for the region, a bit like Bob Brown, who wants to be senator for Australia.

Mr Seselja: Senator for the world.

MR HANSON: Senator for the world; that is right. I know that Shane Rattenbury thinks big. He knows he can be the Speaker while also commenting on jurisdictional issues and national issues, and he is certainly a big thinker. But I think in this case he would do well to narrow his thinking to what matters to the people of the ACT, what is important to the people of the ACT and what is going to have an effect on the people of the ACT, rather than his perpetual grandstanding.

It looks good, I am sure, next time he is having lunch with Bob Brown and talking about whether he is going to take a ministry or not. He can talk about some of these efforts that he has made: "Look what I've done, Bob. Look what I've been able to do." And this will look good on the national Greens stage, on the agenda. It is probably not so good for working families out in—where is Ms Bresnan's electorate? I forget. Tuggeranong; that is right. She occasionally visits there.

Mr Seselja: She considers that the region.

MR HANSON: That is the region. That is the way it works. Ms Hunter occasionally visits Belconnen because it is in the region of the ACT. Therefore, that is good enough: "That's part of my electorate so that'll do." I think that Amanda Bresnan, Shane Rattenbury and Meredith Hunter would be better off focusing on things that are of benefit to the people of the ACT rather than on what might be of benefit to people elsewhere, either economically in what has been defined as a very large region or in terms of the environment in a national sense.

I certainly support Mr Seselja's comments. I think that this is bad economic policy. It is like the green bags. It is wanting to show that you have got some environmental credibility when, if you scrape away and look beneath the veneer and you listen to the experts—in the case of green bags, the Productivity Commission; in the case of this, Richard Denniss—you realise that this is flawed policy. This is about grandstanding. This is about trying to look like you are doing something environmentally when, in actual fact, it will achieve very little in environmental outcomes. But what you will do is hurt the taxpayers of the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.44): Once again we have heard, in the Liberal Party's opposition to these proposals today, the hypocrisy and the policy bankruptcy from a man who professes to be someone who comes from a generation that does not need to be convinced about the importance of protecting our environment.

Let us deal with Mr Seselja's arguments in order. First of all he asserts that the ACT government is reckless for imposing, in his words, a 40 per cent reduction in greenhouse gas emission levels based on 1990 levels by the year 2020. He says it is eight times the national target. "It's outrageous. How on earth are we going achieve it?" Of course, what he never mentions, because he is a bit embarrassed about it now, even though I think the bill is still technically on the notice paper, is that he proposes and his party proposes a 30 per cent reduction in greenhouse gas emissions. He argues for a 30 per cent reduction in greenhouse gas emissions. So his target is not eight times the national target; it is only six times the national target.

Mr Seselja interjecting—

MR CORBELL: Mr Seselja goes on to argue: "Well, if that's an excessive level, 40 per cent, it means that there will be no additionality. There will be no recognition of abatement above the national target." If that is his position, and if he believes his own argument, then he has a problem too, because he has six times the national target of additionality to deal with. So which is it, Mr Seselja? Which argument do you want to accept? Your problem is that you are exposed as hypocritical when it comes to your policy position. You are exposed as a hypocrite in relation to that matter.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Would you like to withdraw "hypocrite", Mr Corbell?

MR CORBELL: I am happy to withdraw "hypocrite", Madam Assistant Speaker, but the position itself is overwhelmingly hypocritical.

Mr Rattenbury: On a point of order, Madam Assistant Speaker, just before Mr Corbell made the remark you have just asked him to withdraw, I believe I heard Mr Seselja say across the chamber that Mr Corbell was misleading the Assembly in the comments he was making about Mr Seselja's view of the target. I understand that that is unparliamentary. I would be happy to give Mr Seselja leave if he would like to stand up and explain exactly what his position is.

MADAM ASSISTANT SPEAKER: Would you like to withdraw, Mr Seselja?

Mr Seselja: I would be happy to speak. How long do I have, Madam Assistant Speaker?

MADAM ASSISTANT SPEAKER: No, you have to withdraw “misleading”, Mr Seselja.

Mr Seselja: No, he has given me leave.

MADAM ASSISTANT SPEAKER: Will you withdraw “misleading”?

Mr Seselja: It was actually in response to what he said about the bill. He said the bill is still on the notice paper. That is incorrect. That was a misleading statement. I am happy to withdraw that he misled the Assembly but what he said was incorrect.

MR CORBELL: I am happy to stand corrected, Madam Assistant Speaker, but it does not remove the fact that the Liberal Party’s policy is an emissions reduction target of a 30 per cent reduction on 1990 levels by the year 2020. So their position is an emissions reduction target six times the Australian target. How does Mr Seselja reconcile that with his criticism of the 40 per cent target?

Let me turn to the next great contradiction in Mr Seselja, man of the environment. We have, of course, his opposition to large-scale solar where he claims that large-scale solar is inefficient. Indeed, he went on, in a statement that he put out earlier this week, to say that this was a policy that achieved nothing for the environment.

Mr Seselja: That is true.

MR CORBELL: It is true, is it, Mr Seselja? It achieves nothing for the environment?

Mr Seselja: Didn’t you hear my speech?

MR CORBELL: Madam Assistant Speaker, I would draw Mr Seselja’s attention once again to the policy he released as Liberal leader in 2008, where he saw large-scale solar as a central element of the response to climate change in the ACT. What did he say back then? Back then, large-scale solar was not just important; it was actually “the cornerstone” of Liberal Party climate change policy. It was the cornerstone.

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER: Order! You can speak again, Mr Seselja. You do not need to interject.

MR CORBELL: The Liberal Party went to the last election saying they were going to build a large-scale solar power plant. It was not just a demonstration plant. It was going to be a plant that could deliver baseload power capable of providing Canberra

with a substantial proportion of its electricity needs. So there you have it, Madam Assistant Speaker. They are saying on the one hand that they think large-scale solar is inefficient and does nothing for the environment but on the other hand they went to the last election promising to deliver a large-scale solar power plant with baseload power, preferably, capable of delivering enough power to provide a substantial proportion of Canberra's electricity supply. So, again, the hypocrisy is just blatant.

Thirdly, of course, Mr Seselja argues that he wants cost-efficient abatement. He says, "I believe in tackling climate change," although we have not actually heard any policies from him for the last three years about how to achieve it. He says, "I believe in tackling climate change, but it must be cost efficient." We all agree that it should be cost efficient, but what did we see in question time today? In question time today we saw the Liberal Party questioning the Chief Minister and this government about why we were pursuing gas-fired generation and seeking to raise the bogey of gas-fired generation. That was their question, of course, to the government.

The fact is, as the Chief Minister said very clearly, gas-fired generation is an option in terms of reducing greenhouse gas emissions. It is one of the pathways outlined for community consultation in the climate change action plan that is currently up for public comment.

Mr Seselja interjecting—

MADAM ASSISTANT SPEAKER: Order, Mr Seselja!

MR CORBELL: Of course, the problem for Mr Seselja—and he does not like it—is that pathway 3 of action plan 2, which includes gas-fired generation, is actually the most cost-efficient pathway available. So Mr Seselja likes to talk about cost efficiency, but what Mr Seselja also likes to do is criticise the possibility of using gas when, in fact, gas, and the other options outlined in pathway 3, is the most cost-efficient option open to us to achieve our greenhouse gas reduction targets. In fact, the cost of abatement in the year 2020 per capita is a net benefit of \$15.38. It is actually cost positive.

So there is the contrast—he believes we should have cost-efficient generation, believes that there should be cost-efficient responses to climate change, but then criticises the elements of that very pathway that deliver the most cost-effective option. This does not mean building gas-fired generation here in the ACT. Anyone with even a rudimentary understanding of how the national electricity market operates would understand that you do not have to generate within your jurisdiction to get the electricity you need from gas-fired generation. But, clearly, that very obvious and basic fact has passed Mr Seselja by. Clearly, he has not even the most rudimentary understanding of how the national electricity market operates, because if he did, he would understand that you can purchase this electricity, gas-fired electricity, from anywhere in the national grid. It does not have to be located within the borders of the ACT to get the benefits of that generation.

Those are the three fundamental failings in the speech we heard from Mr Seselja today. He criticises 40 per cent but his policy is 30 per cent. He is opposed to large-

scale solar but he proposed the development of large-scale solar during the last election campaign. He wants cost-efficient abatement but he criticises that very aspect of the most cost-efficient abatement in action plan 2. Madam Assistant Speaker, he is a hypocrite.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Withdraw that comment.

MR CORBELL: I withdraw the comment, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Mr Corbell, sit down. Mr Corbell, twice in the last 10 minutes or so you have been required to withdraw the word “hypocrite”. You are too experienced a member of this house not to know that what you have done is unparliamentary, and I warn you not to do it again.

MR CORBELL: Thank you, Madam Assistant Speaker. The policy position simply cannot be sustained. There are so many contradictions within it that Mr Seselja is rapidly going to have to tie himself into knots to try and justify his contradictory policy positions. He will soon be exposed for the fundamental failings in his policy position. Support large-scale solar—oppose it. Oppose 40 per cent—support 30 per cent. Oppose one cost-efficient abatement—oppose those elements that deliver cost-efficient abatement. He cannot have it every way. That is what he is trying to do. He has no serious commitment to climate change. He has no serious policies on climate change. He has no detailed analysis to back up his policies on climate change, and his policy bankruptcy is exposed for all to see.

MR SESELJA (Molonglo—Leader of the Opposition) (4.56): Madam Assistant Speaker—

Mr Corbell: Mr Seselja will need leave to speak.

MADAM ASSISTANT SPEAKER: Mr Seselja does not need leave; he can speak twice on amendments.

Mr Corbell: I stand corrected.

MR SESELJA: Surely someone with your experience would know that, Mr Corbell. Mr Corbell was getting very hot under the collar there. It happens often when his argument is unravelling. Maybe he could not quite see how it was unravelling, but often when his argument is unravelling he has to hurl abuse, which is why you had to call him to order, and quite rightly so, Madam Assistant Speaker. Mr Corbell often says to me that he wants respect. He is big on demanding respect. But you have got to earn that. When you put forward arguments that are so nonsensical, they should be held to account.

Mr Corbell just said: “You said you support large scale solar, and now you don’t.” His evidence for this? “You’re not supporting my bill.” Let us unpack that for a moment. I will just take Mr Corbell back to my speech when I said that his idea is: “We must do something. This is something; therefore, we must do this.” He said, “If you don’t support this piece of legislation, you don’t support solar.” That is ridiculous because

when we look at legislation we look at whether it will work and whether it will achieve what it is designed to achieve. And this legislation will not. If you support renewable energy, you are not going to support a dumb piece of legislation that will not get it done, that will not bring the benefits to the region but will just slug taxpayers.

Then of course he went on with his rant about gas which was very unclear. It was interesting because today we asked the Chief Minister what I thought was a pretty straight question about gas: “What are you going to do? Are you going to build one in Tuggeranong again?” And they could not answer that question, so we do not know. We know that last time they did try and put it in the backyards of Tuggeranong residents; they did try and put it hundreds of metres from homes. They are now going to need to answer that question.

With this legislation this government and the Labor Party want to put the gas-fired power station in the backyards of people in Tuggeranong while putting the solar and the wind in Bombala or Bega or Tumbarumba. Where is the logic in that? We have the Labor Party position exposed. They want a gas-fired power station near you. They want a gas-fired power station close to homes. But when it comes to renewable energy that we will all be paying extra for they are happy if it happens hundreds of kilometres away from Canberra.

So their position is now exposed. They will see any economic benefit that might go with this scheme exported. But the costs of course will be imported to Canberrans. That is why Mr Corbell gets so hot under the collar: the reality has dawned on him that he has created a piece of legislation that does not deliver benefits to the people of the ACT. It delivers burdens to the people of the ACT. It does not benefit the environment. Potentially it will simply benefit local economies in other parts of Australia. Good luck to those local economies. But it is not the job of Canberrans and it is not the job of local representatives in Canberra to actively seek to export capital, export money, export dollars, from Canberra to hundreds of kilometres away instead of seeking to keep economic activity here in the ACT.

It is embarrassing. If the best he can do is say, “If you don’t support my legislation, you don’t support the environment” and “If you don’t support my legislation, you don’t support solar,” everyone will see what a ridiculous argument that is. But we see it there exposed: gas-fired power station in your backyard; solar and wind off in the nether, 300 kilometres away, in Eden, in Tumbarumba, and in other parts many hundreds of kilometres away from Canberra.

We will support legislation that is sensible and sound. We will support policies that do good for the environment while minimising the cost to Canberrans. This does none of that—and, to boot, it sees the economic activity going elsewhere so that other states can emit more. We do not believe that is worthy of our support.

Amendments agreed to.

Question put:

That the remainder of the bill, as a whole, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

Remainder of bill, as a whole, as amended, agreed to.

Question put:

That the bill, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 5

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

Question so resolved in the affirmative.

Bill, as amended, agreed to.

Corrections and Sentencing Legislation 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.

MR HANSON (Molonglo) (5.07): I rise today to foreshadow that the Canberra Liberals will be supporting the Corrections and Sentencing Legislation Amendment Bill 2011. This bill provides for a number of technical amendments to the Corrections Management Act 2007, the Crimes (Sentence Administration) Act 2005 and the Crimes (Sentencing) Act 2005.

The purpose of the bill, as I have been briefed by the minister's office, is to make small administrative changes and clarifications to reduce the administration burden on those officials operating within the scheme of the act without detracting from its operation. The changes to the segregation orders under the Corrections Management Act 2007 ensure that such segregation orders are only required to be reviewed when a detainee is travelling away from the facility for a period of greater than one day. It does not prevent a review of the order if the travel is for less than one day but it does not make it mandatory to do so.

The amendments to the periodic detention provisions under the Crimes (Sentence Administration) Act 2005 are a clarification of the current legislation as highlighted by a current member of the judiciary. The change to the Crimes (Sentencing) Act 2005 is a change that will reduce the administrative burden.

The Canberra Liberals do not see any obstacles to the passing of these amendments and I will be voting in support of them today.

MS BRESNAN (Brindabella) (5.08): The Greens will support the Corrections and Sentencing Legislation Amendment Bill 2011. This is a technical bill to improve the administration of corrections services in the ACT, including the Sentence Administration Board. The bill does not make any major policy changes. In the main it simply clarifies aspects of existing legislation to ensure that current policies are implemented effectively.

I note that the scrutiny of bills committee has considered this bill and made no comments. I thank the government for the helpful briefing provided on this bill. I understand that the collection of changes in this bill have been raised with the government over a period of time from officials working in corrections and from judicial officers. They have raised issues that they believe need clarification or with day to day practice show that legislation will benefit from some changes.

One of the changes made by this bill is the removal of the requirement for the director-general under the Corrections Management Act to review a detainee's segregation order if the prisoner is being transferred to another correctional centre for one day or less. This makes administrative sense. A review is not needed given that the detainee's circumstances are not particularly changing and they are not actually being relocated. I note that a detainee can still request a review or the director-general can decide to review the order if it is required.

The other changes I will mention are those to the Crimes (Sentence Administration) Act. These make a number of clarifications and allowances such as letting the board accept a certified copy of a doctor's certificate from an offender applying for approval not to perform a period of periodic detention. This is a good administrative change and I can imagine it would be quite difficult for prisoners to get certified copies of documents. The bill also will allow the deputy chair of the board to sign certain documents that formerly could only be signed by the chair. This should also help with the smooth administration, and I note that the deputy chair is also a judicial member.

Lastly I will mention the amendment that ensures that confidential board documents are kept confidential. The amendment confirms these board documents may not be orally disclosed. Again this is another sensible amendment to ensure that no anomaly occurs simply because of ambiguities in drafting. In conclusion, the Greens support these changes which will help ACT Corrective Services to perform its role and help ensure smooth administration.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (5.11): The Corrections and Sentencing Legislation Amendment Bill 2011 amends a number of provisions in key corrections legislation in order to improve the quality, timeliness and effectiveness of corrective services in the ACT. The bill is an example of the government's efforts to review and improve the services it provides to the ACT community.

ACT Corrective Services, which includes the Sentence Administration Board, operates under three key pieces of legislation: the Corrections Management Act, the Crimes (Sentence Administration) Act and the Crimes (Sentencing) Act. The bill consists of a series of minor amendments to provisions in these acts. Taken together, these amendments will provide clarity for those administering corrective services, enhance the quality of corrective services and result in greater efficiency in the use of public resources.

The following amendments provided by the bill will result in more timely and quality corrective services. Segregation directions are made by the director-general for the health or safety of a detainee or for the health or safety of others. The director-general may also direct that a detainee be segregated from others for the purposes of investigation, for example of an incident that may have occurred in a correctional centre. A segregation direction may apply to a detainee to prevent them from contact with another person, or a number of other people, for their own or others' safety.

Currently, the director-general must review a segregation directive applying to a detainee each time that detainee is transferred from one correctional centre to another. Review provisions are intended to ensure that any segregation arrangement only continues as long as is necessary or remains applicable when the detainee is transferred to another prison. As the cells at the Magistrates Court and Supreme Court are declared to be a correctional centre, this means that each time a detainee is transferred to attend the courts the director-general must review any segregation direction that applies to the detainee.

The bill provides that the director-general will no longer be required to review a segregation direction where the detainee is only being transferred for one day or less. Without limiting proper scrutiny, removing this requirement will result in greater efficiency as the director-general will no longer need to engage in this review process only because a detainee is attending court. The bill does not affect the right of the director-general to review a segregation direction at any time on their own initiative or for a detainee to apply for a review of a segregation direction that applies to them.

The bill allows the deputy chair of the Sentence Administration Board to sign a warrant for an offender's arrest where the board decides to suspend or cancel an offender's periodic detention. At the moment only the chair of the board can sign such a warrant. A deputy chair has the same qualifications as a chair. So a decision to sign a warrant will be taken by someone with the same degree of expertise and authority. This will result in greater efficiency as such a warrant will still be able to be signed if the chair is not able to do so or is not available.

The following amendments will provide clarity to people administering corrective services. The bill clarifies that an offender who performs periodic detention for a detention period which is two days each week is taken to have served seven days of the offender's full-time sentence of imprisonment. This will provide clarity, for example, in circumstances where the detainee fails to attend some detention periods and the court is re-sentencing the offender and wants to take into account how much of the sentence the detainee has already served. This confirms the original intention of the law on how periodic detention is calculated.

The bill clarifies that when the Sentence Administration Board is determining whether an offender is unlikely to be able to serve the remainder of their periodic detention the board only needs to consider the offender's health or any exceptional circumstances, not both. This ensures that, where appropriate, grounds of health alone or other exceptional circumstances alone are sufficient for determining that periodic detention is unsuitable for the particular offender. In essence, this gives effect to the original intention of the provision ensuring that people are not required to continue to serve their sentence of imprisonment by periodic detention where the detainee has become unable to serve their sentence in such a way. This amendment also brings the considerations that the board must have into line with other parts of the act.

An offender may be released on licence under chapter 13 of the Crimes (Sentencing Administration) Act 2005. The bill clarifies that corrections officers are required to report a breach of licence obligations by an offender who is serving a sentence of life imprisonment. This has been previously unclear in relation to this type of offender. The bill clarifies that a sentencing court only needs to provide a copy of a pre-sentence report to parties at least two working days before the offender is sentenced if the court itself receives the report in this time frame. Previously the court has been obliged to provide copies two days before sentencing whether or not the court has actually received the copies. This placed the court in an impossible position at times. Should any party consider it has had insufficient time to consider a report for sentencing it of course remains open to the parties to seek from the court an extension of time for preparation.

Also the bill clarifies that when the Sentence Administration Board gives a document to an offender or other person this includes both physical and oral disclosure of the information in the document. This amendment allows the board to give full effect to requirements to not disclose information in certain circumstances, ensuring that where appropriate documents remain confidential.

Finally, by providing that an interstate assessor can provide a pre-sentence report to an ACT court, the quality of corrective services is improved. Given the location of the ACT, it is not uncommon for the court to find guilty, convict and sentence offenders from interstate. Where an ACT court orders a pre-sentence report for an offender who is from interstate, in many cases there will be a greater body of information about that offender in the interstate jurisdiction. As a result, interstate assessors are likely to have better access to and knowledge of an offender who is from that jurisdiction and so in some cases are better placed to prepare the pre-sentence report than are ACT assessors.

While a number of the bill's clauses will create efficiencies for ACT Corrective Services, they do not do so at the expense of the human rights enshrined in the Human Rights Act 2004. Limits on the fundamental rights protected by this are permissible only if the limits are authorised by a territory law and are reasonable and demonstrably justifiable in a democratic society. To the extent that clauses of the bill engage and limit rights located in the ACT's Human Rights Act 2004, such limitation is reasonable and justifiable.

It is good government to review practices and procedures from time to time and to make necessary changes accordingly. While the amendments made by the bill are, individually, minor in nature, taken together I have no doubt that they will strengthen ACT Corrective Services and result in improved outcomes for the territory. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Administration and Procedure—Standing Committee Statement by chair

MR RATTENBURY (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Administration and Procedure. At its meeting on 6 December 2011 the committee discussed the recent *Independent review of the three branches of government in the ACT against the Latimer House Principles* by Professor John Halligan. That assessment identified issues in relation to the self-government act. The committee also noted that there have been recent reviews of the ACT public service and the National Capital Authority conducted by Dr Allan Hawke.

In both those reviews, issues related to the self-government act were flagged as worthy of review. The committee is also aware of evidence given by commonwealth public servants from the territories division of the Department of Regional Australia to a Senate Legal and Constitutional Affairs Legislation Committee inquiry on 21 March 2011, where it was stated:

What I can say though is that the Australian government has provided advice to the ACT government that the review of the self-government act is something that the ACT government could undertake of itself and that it would welcome any advice of the results of that review and would give it consideration.

Accordingly, the committee resolved to conduct an inquiry to review the Australian Capital Territory (Self-Government) Act 1988 (Cwlth) and any associated regulations and make recommendations as to whether the act should be modified since it was enacted by the commonwealth parliament on 6 December 1988. The committee will be calling for submissions with a lodgement date of Friday, 16 March 2012.

It is expected that the review will canvass all aspects of the self-government act, including the role of the executive and the judiciary, the size of the executive and the Assembly and ensuring that the act remains relevant to the citizens of the ACT.

The committee is aware that there was an external review of the governance of the Australian Capital Territory in April 1998 but considers that a review by an Assembly committee offers the best opportunity to allow Canberra citizens to express a view on the self-government act.

Adjournment Valedictory

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.21): I move:

That the Assembly do now adjourn.

Madam Deputy Speaker, given that it is the last sitting day of the year, I wish to express some thanks and also extend a farewell. Firstly, the farewell. Many people will know that Mr Kas Paul, who currently acts as a liaison officer in the Chief Minister's office and the Chief Minister and Cabinet Directorate, is retiring at the end of this year after an extended period of service with the ACT government. Many people will know Kas as the tall bloke who walks around the Assembly, particularly during sitting weeks, to keep us all on track in terms of the management of the government's business.

I would like to express my particular thanks to Kas for the support he has provided to me as manager of government business over the term of this Assembly in particular, but, indeed, before that as well. Many people will know Kas and that he was a distinguished member of the Australian Defence Force serving as a senior member of the military police before coming to the ACT government service. Those who have worked closely with him will no doubt vouch for the military precision with which he carries out his duties, not to mention the underlying knowledge that he has the ability to take you out, should the circumstances warrant it.

Kas has always proven himself to be apolitical and cheerful, having worked closely with both the Liberal and Labor governments in his time with the ACT government, including serving as the business, arts, sports and tourism departmental liaison officer for then Chief Minister Kate Carnell.

I understand that Kas's vast military experience has also been utilised through his role in supporting the former Chief Minister's Department and now directorate on the Council for the Order of Australia and in relation to other ACT medals and awards. Kas, I know, is looking forward to spending more time with his wife and two children and a number of grandchildren. I am sure he is also looking forward to having a relaxing run each day, not just the run he undertakes at lunch-time.

I wish Kas well for his very well-deserved retirement. I thank him very much for the support he has provided me and my office and, indeed, all members of this Assembly in his time in this place. Best wishes, Kas.

I would also like to express my thanks to my staff for their support throughout the year. The work of a minister's office is demanding, and dealing with a minister can be demanding as well. So special thanks this year for what has been an exceptionally busy year in the Corbell office.

Firstly, to my chief of staff, Monika Boogs: Monika, thank you for your support at all times during the year. Your cheerfulness and your dedication to watching my back is a great source of comfort for me.

To my media advisers, Pat Cronan and the newly arrived Kristen Zotti, as always, effective advocates and promoters of the Labor government's message and ideas. Thank you for your ongoing and unstinting work. It is often said they are perhaps the first people I talk to in the morning and the last people I speak to in the evening. That can be concerning at times, but, regrettably, it is all too often true.

I also thank my executive officer, Katie Bourke, for always presenting a professional and friendly face at the front door of my office. To my new legal adviser, Kim Hosking, thank you for making the leap from the public service to political life. I trust that she is enjoying it and we promise not to take her on too many exciting plane trips around the country. That is a private joke.

I also extend my thanks to Steve Blume, my environment adviser. He is always enthusiastic and committed to the Labor government's goals and objectives in sustainability. To Vic Smorhun, my new planning adviser who, regrettably, has been poached by my colleague the Chief Minister, thank you for your ongoing cheerful, professional and always capable advice, just in time.

Also, my departmental liaison officers, Tania Carter from the Environment and Sustainable Development Directorate, Joshua Ceramidas from the Justice and Community Safety Directorate, and Peter Davis and Andrew Bailey from the Australian Federal Police, have all been very capable and effective representatives of their directorates in my office, and I thank them for their support and professionalism,

I would also like to express my thanks to Sarah Bourne, who was with me as my Territory and Municipal Services liaison officer and who is now with the Chief Minister's office. Thank you, Sarah, for dealing with all those trees, potholes and bus services.

Finally, I express best wishes to my Labor colleagues. Thank you for a very busy and stimulating year. I look forward to an even better one next year.

Valedictory

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.27): The end of the sitting year gives us the opportunity to spend over half an hour being nice to each other in this chamber, which is a lovely way to end the year—

Mr Hanson: Go on. I dare you.

MS GALLAGHER: It remains to be seen, actually. It does remain to be seen but let us try and be nice. I would like to start by acknowledging the ACT public service. In my job as Chief Minister, I have the privilege of working with many extremely professional and dedicated staff right across the public service. I say to the over 18,000 employees who turn up to work every day to deliver services to the people of the ACT, I am constantly impressed by your professionalism and your commitment to making Canberra a better place to be.

To all the directors-general, from the head of service right across each directorate, I thank you for your leadership and your preparedness to work with us as we have gone through a period of some change, not just in leadership but in the structure of the ACT public service. I acknowledge all of your efforts. They often go beyond the call of duty.

To staff within the Legislative Assembly—whether it be the attendants, the Clerk and the Clerk's staff, the Committee Office, Hansard, communications, maintenance, the education office, the library—I say thank you for everything you do to make this ship sail well through the year. It must be quite difficult at times to put up with the 17 MLAs in this place, but in my time in this place you have always been exemplary representatives of the Assembly which we all serve. Mr Speaker, you should be exceptionally proud of the team that you lead in that way.

To the staff in my office, I will not do what my colleague Simon Corbell did—name you all individually—but everyone knows that I speak to all of you when I say thank you very much, particularly for stepping up in May when I moved into the Chief Minister's office. I thank the additions to the team and those who left. Thank you very much for helping and supporting me in my transition to the new role.

To the DLOs, it is a difficult job, but all of you perform exceptionally well in a high pressure environment and manage to keep your responsibilities as public servants very clear. I acknowledge that that must be a difficult job at times.

To my Assembly colleagues, whilst we do not always agree with each other—in fact, often we do not—I do sincerely wish all of you a reasonable break and a happy festive season with your families. The job of an MLA is not easy. It is often high pressure, demanding and the hours are extensive. I do hope that people are able to enjoy some quiet time over the festive season.

I am very lucky to have a wonderful family. I would also like to acknowledge them as I finish today. I often leave an exceptionally shouty chamber and go home to an equally shouty household. For that I am eternally grateful, and I am very lucky to have the supportive partner and the three wonderful children who always remind me of the importance of the work we do here.

So to all of you, merry Christmas, and here's to 2012.

Valedictory

MR SESELJA (Molonglo—Leader of the Opposition) (5.30): I did not realise that Kas Paul was leaving us, so I pay tribute to Kas. Kas is always great for a chat. He is good to compare running tips with, although he runs a lot faster than I do. We often catch up around the place, including watching a bit of junior Rugby League. I wish Kas a good Christmas and a great retirement.

Firstly, I would like to say to the people of Molonglo: thank you for the opportunity to represent you this year. I look forward to hopefully having the opportunity to represent the people of Brindabella in coming years. To all the people of Canberra, I wish you a merry Christmas, particularly to our workers who do not get a break at Christmas—our firies, our ambos, police, nurses, doctors, SES and other crucial workers who play such an important role. I wish you especially a merry Christmas.

I would like to pay tribute to the Assembly staff, the attendants and the committee staff. I would like to pay tribute to Sam Salvaneschi. I think Sam does a sensational job. I think she is just amazingly efficient, and I would like to wish her especially a merry Christmas. I say to all of the Corporate Services staff, to Tom Duncan and the Clerk's office: well done.

I would like to pay tribute to all of our Liberal staff, and I know that a number of them are here. They hate being acknowledged, so I am going to acknowledge them individually because I think it is important that we do that. They do not like to be acknowledged because they like to work behind the scenes, but I think on occasions like this we should, as it is a Liberal Party team. I acknowledge all of the staff who work for the Liberal Party and who have worked for the Liberal Party over this year: Steve Doyle, Tio Faulkner, Ian Hagan, Nick Chapman, Maria Viola, Merlin Kong, Juliet Toohey, Keith Old, Adam Duke, Hannah Passfield, Emily Davis, Kate Davis, Sue White, Jess Hynson, Brigitte Morten, Clinton White, Belinda Chapman, George Ober, Tim McGhie, Haidee Cornish, Candace Burch, Duncan McDonald, Ruth Biggs, Elizabeth Biggs, and also Lee Hillier, who did work experience here. I apologise if I have missed anyone. I would like to pay tribute to the wonderful work they have done.

I say to the Liberal Party and to the president, Tio Faulkner, to the management committee, the branch members and the branch chairs, thank you very much for your support and the work you do. I see one of our wonderful volunteers is here in Katie Lankuts, so well done, Katie, on all your work this year.

I would like to mention my family. We do not get enough time with our family in this job, and we notice it particularly in sitting weeks, and it is tough. So to Ros, Michael, Tommy, William and Olivia, I would like to tell them how much I love them and how I wish I could spend more time with them in weeks like this, but I do look forward to spending a lot of time with them in the coming weeks.

I had a wonderful moment with Olivia this week when she pretended to be the boss. She wanted to play work, and she pretended to be the boss, and she was a much better boss than I am. I asked her what I should do and she gave me some advice, and then the next day I called in sick and she asked if they should send an ambulance for me. She offered to come and visit me. I thought, "No, I don't want my boss visiting me when I'm having a sickie," so I suggested she not come. But she was very persistent. I love her very much, as I do all of my children and my wife, Ros.

To my opponents, I would just like to wish you all a merry Christmas. To Katy, Andrew, Simon, Joy, Chris, Mary, John, Meredith, Shane, Caroline and Amanda, I wish you all a good break and a merry Christmas.

Finally, to my team of Liberal MLAs, I want to take this opportunity to say just how proud I am of you guys this year. I think that it has been a very good year. I am really proud of the work you have done for your community. I am really proud of the work you have done in representing the Liberal Party and representing Liberal values here in the ACT. You all work extremely hard for your electorates. You all work extremely hard in taking up great causes, and I appreciate that work. I appreciate the way you work together as a team. I appreciate the way you back each other up and give each other support. I think you are doing an outstanding job. I would like to wish you all a merry Christmas. To Brendan, Jeremy, Vick, Doszie and Al, thank you very much. Have a wonderful Christmas. Next year is going to be a big year, and we look forward to it.

To all Canberrans, have a happy and holy Christmas and a very safe holiday.

Valedictory

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (5.35): I would also like to acknowledge Kas Paul who, after many years, is retiring. I wish him all the best and hope that he does have some quiet moments in between running, which seems to be his passion. I would also like to thank other members in this place, wish you all a happy holiday and also the best over Christmas. I hope that you do get to spend time with your families and loved ones.

Of course, this place would not run without all of those people behind the scenes, and that is in Hansard, Corporate Services, Chamber Support, the library and IT. This year

I have had some support. As many of you know, I moved up to the first floor for a while and then moved back down again. I would like to thank Rick very much for assisting in those moves, and also Neal.

As many of you know, Neal works in the education office, but he also is the keeper of the key to the art cupboard. He certainly helped me out to make sure that the artworks got safely transported from one floor to the other. He also gave me a bit of a look in that cupboard, but I understand that there are some artworks off limits because, apparently, they have to rest. Neal and I did have a good chat about how you rest an artwork, but there you go. You will need to go and have a chat to him if you want to find out more about that.

Mrs Dunne: Did you get a gin and tonic as well?

MS HUNTER: I am not sure about the gin and tonic. I would also like to thank the Committee Office and acknowledge the great work of Margie and Sandra, who both left during the year. Sandra had headed up the office and had done such a wonderful job. Of course, we all wish her the best. I also mention my secretary Sam, who Mr Seselja has already mentioned. I thank Sam for her hard work since coming on board.

I would like to thank the attendants. I think it is fantastic that Andrew does keep a supply of lollies just outside here in the booth. Thank you. I certainly have dropped by on occasions. Particularly during those long debates where tedious repetition could be raised as a bit of an issue, it does help to have a bit of a sugar hit.

I would like to acknowledge the whole Greens staff team. It is a fantastic team of people who really do assist the four of us to do the work that we do. During the year we had some people leave. I would just like to acknowledge Marion, Ashlin, Justine, Helen, Pat, Chris and Wieslaw for assisting us, for being there. They have moved on. We wish them all the best.

To the rest of the team, I hope that they have a bit of a break over Christmas. We have got a big year next year. So it will be important that they have some down time—a bit of eating, drinking and being merry. I would also like to acknowledge Alex and Will over at the ACT Greens office. They also do a fabulous job and they are always helpful when we need that outside help.

I finish by acknowledging my wonderful colleagues—Shane, Amanda and Caroline—who have done a magnificent job this year. We continue to roll out a Green vision for Canberra. We continue to get legislation up, to get motions up, to make a real difference. The hard work, the dedication, the passion—I know I really thrive on your sort of input, the time that we spend together, the discussions, the work that we do. Thank you very much.

Of course, I wish all the people of Canberra a happy and safe Christmas. Hopefully, they will have a bit of a break because, as we know, next year is an election year. We all know that we are going to start appearing outside shopping centres with big photos of ourselves. There will be many people who will wish we had not quite got in their way. Hopefully they will have a bit of a break from that before 2012.

Valedictory

MR HARGREAVES (Brindabella) (5.40): Mr Speaker, I rise in this adjournment debate to say thanks to those who have got me through this year and my years in the Assembly and to those who have been a significant part of my life for so long. Mr Speaker, we spend more hours in a week with our work colleagues than we spend with our families. So I feel the need to thank those who have shared my highs and lows in the last year with me.

The chamber has been the focal point of much of my entertainment this year, giving me cause to smile, to laugh and to be the butt of some stinging repartee. It has been a serious time with much good legislation, much emotional and passionate debate and some serious sledging.

I said at this time last year for us all to be wary. This place can kill. Parliaments are well-known killing fields, and we must all be watchful for not only ourselves but our friends and colleagues as well.

Each year I say thanks to the Clerk and to his crew. To the attendants, I say thanks for their professionalism, their friendship and their concern for our welfare. These people are often undervalued and unseen by the community at large, but not by me. You can get advice from this lot on almost any subject—for example, if you want some paint for your lawn, a tip on the horses, unsolicited advice on football by inarticulates like Carlton or St Kilda supporters, or on any subject you like.

Thanks to Hansard and the techos, especially Sting Ray Blundell. Thanks to the library and the education guys, thanks to the committee office. Sorry if I have been a difficult old git at times. Thanks to the IT gurus.

Mr Smyth: At times?

MR HARGREAVES: At times. I expected you to enter this debate a bit earlier than that!

Thanks to Corporate Services and to Chamber Support. We members come and go—some not quickly enough perhaps—but these guys continue on, supporting us all—new and longer serving members. Thanks to Kas Paul. Mate, enjoy your retirement. Kas has been a signature part of this place for as long as I can remember. His demeanor is an often calming one—for me, anyway.

Members, you all will be going into the election year next year, and I wish you all the luck you deserve. I said that about a former Chief Minister once and got myself into a bit of hot water, I remember. But I just ask that you remember the pressure on your families. My family—my wife, Jenny, and my daughters, Tracey and Amanda, and their families and my sisters and brothers and their kids—have been my mainstay and I owe them heaps.

To my colleagues on this side, to colleagues on the crossbench and to those opposite and their staff and their families, I hope Santa is very generous to you. Addressing my own staff, those on this side but also, particularly, the staff of the opposition and the crossbench, I say that you have served your members very well and professionally and we on this side have enjoyed your company, so thank you.

I need to thank Jim Mallett and Ian McNeill, the two grumpy old blokes in my office. We have had many a stressful time, many a laugh, often at our own expense, and we have enjoyed some culinary masterpieces with some distinguished guests, like Noel Towell. Also a big thank you to Nelson Mendonca, a volunteer in my office who comes and goes. He is an absolute inspiration because he is a young bloke with a lot of talent. When I finish up next year, the place will be the poorer for the absence of these two ageing warriors—Jim Mallett and Ian McNeill. That is, of course, unless a couple of you pick them up as staff members, and then I wish you the best of British luck.

Mr Speaker, it is a sign of longevity and I hope a small sense of affection that people are recognised by nickname. At this point I want to acknowledge a former Clerk, Mr Mark McRae, who believed absolutely in the appellation of members by their title—Mr, Ms or Mrs. I know he will not like it when I say that it has given me immense pleasure to be addressed and referred to as “Johnno” much more recently than in the past, and it feels good. As people know, I hate the formality of being a member, and I have finally cut it. It makes me feel good. Thank you.

Mr Speaker, let us all wish each other and our families a great break and come back refreshed. Make sure you have a relaxing time in the bosom of your families.

Valedictory

MRS DUNNE (Ginninderra) (5.45): I would like to begin by adding my good wishes to Kas Paul. He has served the Assembly for many years with the utmost professionalism and I wish him well in retirement.

I want to pass on my undying thanks to the tireless, affable and hardworking Clinton, to the lamented Belinda and to the newly arrived George who have kept my office going and my head above water.

I would like to put on record my thanks to the Assembly staff who make this place run. I particularly want to mention this year support offered to me as the chair of the justice and community safety committee and the scrutiny of bills committee by Dr Brian Lloyd, Mr Peter Bayne and Mr Stephen Argument.

This year the scrutiny of bills committee has started an educative process by putting together primers and fact sheets for the edification of all. While I was perusing the fact sheet called “Subordinate legislation—technical and stylistic standards”, a must read for all members, my mind started to wander to other helpful primers that would be useful for the education and edification of members which might be passed on to them this festive season.

Being the Speaker is a hard job, and I came across a useful, if slightly recherche, publication which may be of use to you, Mr Speaker. It is Harry Jenkins's "Good Speaker's guide".

To the Chief Minister, who has a bit of a reputation for holding back when it comes to policy announcements in the run-up to elections, I have found a slim volume which may be helpful—"Open government: putting it all on the table".

Mr Doszpot has had a lot of sport in the last few years pointing out a series of spectacular backflips from Mr Barr. So frequent has that become that even the leader writer of the *Canberra Times* has picked up on the theme. In an attempt to perfect his style might I recommend an advanced gymnastics manual called "Backflips with flair".

The Attorney-General is not a lawyer, and neither am I, and I have been casting around for something light hearted that might be of use. I found on Amazon *A Young Lawyer's Jungle Book: A Survival Guide*, which is 99c on your kindle.

Ms Burch has a great fondness for dominoes but, like many autodidacts, she struggles with the basics. Could I recommend to her "Dominoes for dummies". From this she will learn a few useful basics such as her opponents never have their dominoes in anyone's court and that if the dominoes are all in the air then the game is over.

This year Dr Bourke has had a meteoric rise from political also-ran to minister. He might benefit from the 1969 book "The Peter Principle: a treatise on workplace hierarchies".

Ms Porter has had a few disappointments this year, some of which could have been avoided if she had a bit more—as they say in the Labor Party—mongrel in her. So my gift to her this year is Graham Richardson's *Whatever it takes*.

Mr Hargreaves too has had a share of disappointments. He has been pretty testy of late so the self-help book "The spleen and its uses" might come in handy as he deals with his anger.

Mr Seselja is a keen bushwalker so he gets a real book—"Bushwalking near Canberra". Because we in the Canberra Liberals value our leader, I am throwing in a collection of topographical maps to ensure his safe return from any sortie.

Mr Smyth's gift is obvious: "Moonshine over the Molonglo: a distiller's guide".

Mr Hanson is a great advocate for Weston Creek. He jealously guards his turf, repelling all interlopers along the high ground created by the Tuggeranong Parkway. For him comes a new publication in the spirit of Isaak Walton—"The compleat Weston Creek: a celebration in prose and verse of all things Weston Creek from Narrabundah Hill to the RSPCA".

Mr Doszpot has made a great career out of politics and sport, so for him “Power Plays: Politics, Football, and Other Sports”. That is also available on your kindle.

Mr Coe endeavours to individually name every elector in Ginninderra in the term of the Assembly. This will be greatly enhanced by the new book, “Verbalising your speed reading”.

All the Greens live in the inner north, even if they are not members for Molonglo. So for Ms Hunter, she will get a street directory with the pages in her electorate carefully tagged and highlighted. And for Ms Bresnan, “Brindabella brew: a guide to good coffee in Tuggeranong”.

Ms Le Couteur presents a problem because the options are too numerous. There is an uplifting publication I came across on recycling grave sites and a number of DIY coffin manuals, but I really could not go past Julian Montague’s—I kid you not, this is a real book—*The Stray Shopping Carts of North Eastern North America: A Guide to Field Identification*.

I promised myself that I would eschew uplifting reading this year, but I have recently acquired *Anna Karenina* and Noel Pearson’s *Up from the Mission*, so that should fill my card.

I would like to conclude, Mr Speaker, by wishing everyone a happy Christmas. I want to thank the people of Ginninderra for their continued trust and faith in me. I would like to thank the officials that I work with on a regular basis for their professionalism, and I would like to pay tribute to my family—Lyle, Olivia, Tom, Julia, Isabella and Connor—for all their support.

Valedictory

MS LE COUTEUR (Molonglo) (5.51): I would like to start by thanking Mrs Dunne for her very generous gift for me.

I was sitting at home last week on Saturday and feeling a bit melancholy, because I was thinking this could well be my last Christmas as an MLA because, as everyone knows, I have the most marginal seat in the Assembly. While I was thinking about this I read Noel Towell’s Assembly column. I read him every week, of course, as I am sure we all do. I am planning to base my re-election campaign on his advice. Noel’s column this time was about censure motions. I started thinking: could censure motions be the way for me?

Mr Smyth keeps on getting re-elected and he has the honour of having done the most censure motions of any member, so I thought perhaps this is the secret of success. But I have not moved a censure motion before, so I thought, “I’ve got to think about who I censure.”

My first thought was Mr Coe. Yesterday it was wonderful: his red shirt with a yellow tie was outrageous. You looked just like a hotdog with mustard. I thought, “Maybe

not just a censure but a no-confidence motion.” But then I went even further. Inspired by my success with shopping trolleys, which I am very glad that Mrs Dunne appreciated, I am going to do legislation on ties—strict rules on ties: their colours and size and most of all their interaction with shirts. Members will be delighted to know that if you wear a hairshirt you can wear whatever tie you want.

Then I thought of censuring Mr Stanhope because he has not been here for a very long time—but then I remembered he had resigned.

Then of course I thought about our new Chief Minister. I thought, “We should censure Ms Gallagher because there has been a 95 per cent decline in the amount of love expressed for Canberra’s trees in this Assembly since Mr Stanhope’s departure, and that is very sad.”

I thought of censuring Mr Corbell for never understanding my questions without notice—but I thought, “Why should he have all the fun?” He has been hogging the censures all year, and it is simply not fair.

Then I thought maybe I should censure both Mr Seselja and Mr Hanson for crimes against tautology. I know I might not get support for that motion and that the motion might just not be supported. But that is okay—I would just try again the next week.

Next I thought maybe I should censure Mr Doszpot for reading his absolutely wonderful adjournment speeches so quickly that we cannot understand them at all. At least if Mr Doszpot loses his race to the Assembly he has a career in auctioneering or calling horse races ahead of him.

Mr Barr, I think, deserved a censure for no longer being able to keep politics out of planning. But I decided to leave him in the Assembly, and instead try and execute a cyber-censure on him. This involves stealing all his Twitter followers and usurping him as mayor of foursquare.

Dr Bourke, I have to say that I think you just do not qualify for a censure. You have only been a minister for a week; to be fair, you should be in for at least a fortnight. So please be ready for a February censure, probably about your lack of achievements over the Christmas shutdown.

Mr Hargreaves, it was felt that you probably deserve a censure for your abrupt and startling escalations in volume. I have seen Ms Porter jump from her seat in fright a number of times.

Thinking of startling noises moved me to the new bells. I understand they are from New Zealand, but I do not feel that is an excuse. They certainly deserve censuring; but I looked at the standing orders and you can only censure members, not bells. Mr Speaker, I trust that you do something about this and that they are fixed over Christmas or you will have to be added to the list with Dr Bourke.

I thought of possibly censuring Mrs Dunne for overlooking the local economy and shopping online for cheaper foreign furniture, and I thought that Mr Smyth might even support that as it was not diversifying the local economy.

I thought about Ms Porter and maybe the number of filing cabinets.

Ms Burch had an absolutely wonderful question brooch—was that a brooch? I thought it was probably a magnet, and I am sure there is a standing order against wearing magnets. But it did work very well for you, I have to say, Ms Burch, in terms of questions.

Then I thought I had better look at what Greens I could censure. Mr Rattenbury was the Greens' favourite for a censure motion. I said it was because he had just shaved off his mo, but I am afraid my colleagues said it was because he had a mo in the first place.

When there were so many options, I thought back to my original purpose: I want to get re-elected. So I went to the Greens party room and I said, "Please could I have a censure motion against me? Could we all agree with that?" Mr Rattenbury, of course, has already had one. They graciously agreed, so I give notice that at the next sitting I will move a censure motion against myself for wilful and persistent failure to make an interjection in the Assembly.

I would also like to thank all the Assembly staff—the attendants, the secretariat and in particular Dr Cullen, who is the PAC secretary, and my staff.

Members: Hear, hear!

MS LE COUTEUR: Yes; hear, hear! She is a very hardworking woman. And I thank Indra, Logan and Jacquie. Thank you all, and a happy Christmas.

Valedictory

MR SMYTH (Brindabella) (5.57): It is quite possible to suspend standing orders now, censure Ms Le Couteur and give her her Christmas wish early if she wants. I am quite happy to stay. Mr Speaker, thank you for the opportunity to have some Christmas cheer. Again, I would like to start with the Liberal Party staff. Thank you for all that you do, the way that you work and the way that you work together.

I have been here some 13 years now and under Mr Seselja's leadership I think the solidarity of the teamwork, the effort and the output are just fantastic. You are all to be congratulated. Contrary to public opinion—I know people will be shocked—the politicians do not do all the work. We cannot do without the staff. Thank you very much. I hope you enjoy your break and your time with your families.

To the party, I would like to say thank you very much, particularly to Tio the president and the staff of the division. Parties are important and ours is working very, very well under Tio's leadership. I say particularly to the staff of the division, the

members of the southern branch and the Long Gully branch, thanks for all the meetings that we go to. They are very enjoyable. Thank you for all the donations of whisky to my place—the whisky sub-branch that gets together occasionally. Long Gully is a good branch and the whisky is fine. Johnno, you might consider joining. We would probably reject your application.

To Zed, thank you very much for your leadership throughout the year. It is great to work in a team. To Jeremy, Vicki, Alistair and Steve, thanks for the way that we all work together. It is great to work as part of a team. I thank my office staff, Tim and Haidee. Tim has everything at his fingertips. The man has dozens of files that he has developed over a decade. If you want to know something, go and see Tim. If he does not know it, it is not worth knowing.

Mr Speaker and Mr Clerk, to yourselves and all your staff, whether they be the chamber staff, the committee staff or the corporate staff, I would like to thank them all for the great job that they do.

To the people of Brindabella, I say that Brindabella is a very special place. It is so special that even Mr Seselja wants to represent them and we welcome him to that task. It will be an exciting year next year. I am disappointed to hear that Ms Hunter thinks that going to the shopping centre starts next year. Going to the shopping centre starts the day after the last election. If you have not been doing that then you have not been representing your electorate and that is a bit of a shame.

For those that do not know, there are 46 weeks to go to the election. Come the first sitting week next year, we will be down to 38 weeks to the election. I have to say that I cannot wait, because I love a good election year. There is nothing better than getting out and meeting people, greeting, finding out what they want and having those discussions that really matter.

I think Zed made the point that we should remember the workers who will be working over the Christmas break. To those in the health system, to those particularly in the emergency system, we wish you well and we thank you for what you do. To the volunteers, particularly the RFS and the SES volunteers—certainly the rural fire services in Western Australia and South Australia have already had a bit of a workout; some of the rain we have had will put our season back probably to late January, early February, but there is plenty of fuel out there—and to those that have joined the brigade and do a good job, I say thanks very much for what you do.

This is also an opportunity to keep in mind those less well off who will not celebrate Christmas. There are some who cannot afford it. There are some who have no-one to celebrate Christmas with. If you have a bit of room in your house or at your Christmas table or if you have got an opportunity in the lead-up to Christmas, there are plenty of giving trees and plenty of charities who are looking for volunteers. There will be plenty of events on Christmas Day where people go out and think of the real spirit of Christmas, which of course is inclusion.

To those who are less well off, we have a thought for you as well. I am sure everybody here will do something to assist those. Let us make sure everybody out

there does it. Christmas should not just be one day in the year. There is a lot of work that we all need to do there and I bring that point to you.

Mr Hargreaves and I very rarely agree, but as he sends us off to the bosom of our families I would like to say that on that much at least I certainly do agree. I am very lucky. Dad and Elizabeth are wonderful. They live nearby and I get to see them every week. I do not get to see all my brothers and sisters every week but, yes, I hope to see Ellen, Moira, Amelda, Angela, Gerard, Matthew, Loretta, Damien and Monica over the Christmas break, together with the 28 grandkids, the three great-grandkids and sundry spouses.

There is nothing like a good Christmas in the Smyth family. I do look forward to it. I think my tolerance for the chamber has come from growing up at the Smyth family table. If you can survive a family of 10, you can survive this place quite easily. You guys have got nothing on a big family Christmas at home.

To my own family, we all know that our spouses are great and they do a good job at looking after us, but, Robyn, thank you very much. You are an absolute goddess. You have put up with the late hours, the early starts, the phone calls and all the things that we go to. For that I am very, very grateful. To my daughters Amy and Lorena, I wish you well in the coming years as you grow up and make your own way in the world. They are now both living in Sydney and they are doing great. I am very, very proud of them. To little Dave, who has just finished kindergarten—last year at the preschool he was the Angel Gabriel; this year in the kindergarten play he is a sheep, so it is a quick fall from being the Angel Gabriel to being a sheep—Dave the sheep is on show tomorrow morning at 9.30 and I just cannot wait. To my stepson Peter, best of luck to you and your family and to the two grandkids.

To all in this place, bless you all. I will say a prayer for you and I say that sincerely. I think we should remember that Christmas comes from Christ's mass. He is the reason for the season. I will offer mass for you all and look forward to seeing you in the trenches next year because I love both aspects.

Valedictory

MS PORTER (Ginninderra) (6.03): I thank Mrs Dunne for her book. I have often had this advice, that I should be more mongrel around this place. But I refer her to my presentation on the 7.30 ACT program and my response to that. I also thank you for—I am not sure what you censured me for but I think it was filing cabinets.

Ms Le Couteur: Too many filing cabinets.

MS PORTER: Have you looked in my office lately? I have only got, I think, one left. The scanning machine is a magic thing. It took many hours to scan them all but we managed to do it.

I am happy to be able to thank everyone, like everyone else has in this place, and wish everyone a happy festive season, all the best for 2012 and obviously a happy retirement for Kas Paul. Everyone here keeps this place running, especially the Clerk,

the Serjeant-at-Arms, all the staff in your office and all the assistants that you have. Thank you for your great advice at all times. I thank the hardworking attendants who give us a great smile every morning when we come in and sometimes say goodnight to us, but often as not they have gone home before we have.

Thank you very much to all the corporate staff, the education office, Hansard and the various committee secretaries that I have worked with on my standing committee. There have been quite a number so I will not name them all, but I am sure they know that they are held in high regard by me and other committee members. I also thank the secretaries of the other standing committees that I have worked with and the whole of the secretariat staff who support us so much in our committee work.

I thank the library and the Parliamentary Counsel, particularly the Parliamentary Counsel for their valuable advice and assistance to me, and the various InTACT staff who help to sort out my little glitches every now and again with IT. It does not take much to have a glitch with IT with me, I am afraid.

Lastly, or it is not really lastly, I would like to thank my staff particularly. Members will know that Andrew Hunter left me at the beginning of this year to return to South Australia, to work for a federal member. Since then Monica Vannasy has joined the Porter team. I thank each member of my team, Charles—or Murimi as we know him in our office—Jack, Monica and Murielle.

I would like to thank all of those opposite and those on the crossbench. I am not quite sure what I am thanking you for; a stimulating year, shall I say? It has not always been pleasant but it has been stimulating. I am looking forward to another stimulating year in 2012.

I would like to thank all of my colleagues in the Labor Party for their support and particularly my colleagues in this place for their support during 2011. I look forward to working with them next year.

I would like to thank all those in the electorate who have been constant visitors to my mobile office, on the phone and giving me emails, letting me know how I can make a difference in their lives. I am very grateful to them for working with me to make a difference to the whole community.

Lastly, I would like to wish you all a happy new year and a good festive season.

Dr Gary Lin
Valedictory

MR COE (Ginninderra) (6.07): Firstly, a little bit of business, which is not unlike me. I rise this evening to pay tribute to Dr Gary Song-huann Lin, representative for the Taipei Economic and Cultural Office to Australia. Dr Lin has served in Australia for six years and has built on the strong ties that have prospered between Australia and the Republic of China for many years. Dr Lin is a model diplomat. He is wise, considered, considerate and committed to strengthening the bilateral relationship

between our two countries. Dr Lin is well respected by all sides of politics and at all levels.

Dr Lin was well supported by his wife, Sophia, who both started their working lives as teachers in Taiwan. However, their call to serve Taiwan through diplomatic service came, and this service included postings as the ambassador to South Africa and other countries before coming to Australia as a representative. Soon Dr Lin will return to Taipei and take a very similar role within the Taiwanese public service.

On a personal note, I and Mr Seselja in particular had the honour of getting to know Dr Lin very well, and he will be missed. His positive outlook and generous hospitality have made the times we have met a real privilege. I have fond memories of Gary and Sophia; I wish them both well for their future endeavours and I look forward to seeing him again in Canberra or in Taiwan.

Now onto the traditional adjournment speech for this time of the year. It really is quite something to be criticised for dress sense by a Green. I mean, there is no greater insult! I may not wear a hessian bag as a skirt, but that is really something else. To be likened to a hot dog—which is something the Greens wanted to ban the sale of, I might add—really is something else. But I thank and pay credit to Caroline for delivering some of the best adjournment speeches I think we have heard in this place. If that marginal seat is not held by the Greens, if nothing else we will certainly miss her adjournment speeches at this time of year.

There are lots of people to thank. I think I am up to “T” in the *White Pages*, so I have to ram through quite a few in the final two minutes and 30 seconds. I will do my best.

To the party organisation, Tio Faulkner, in particular, and to the other senior members of the management committee—John, Jimmy, Peter and Matthew—and to my branch chairman, Robert, I thank them for their service to the party and for the benefits that I reap as a result of their hard work.

I thank departed members of staff this year, in particular, Adam Duke, who did a superb job running the media side of things, and also Duncan McDonald and Candice Burch. I thank those in the leader’s office who give us so much support, in particular, Steve Doyle, the chief of staff, and also Ian Hagan, Keith Old, Merlin Kong, Juliet Toohey and Hannah Passfield. I would like to thank Emily Emma Davis for the wonderful support that she gives my office and also Ruth Biggs for the work she does as a paid member of my staff but also for being one of the party’s most committed volunteers. She is only paid for a fraction of the hours she does but she is, in effect, full time in my office and gets paid far, far less than that, so I am very grateful.

Finally, I go to Kate Davis, who I cannot thank enough for all she has done over the past year and a half in my office. Her judgement, her nous, her sense of occasion, her experience and her knowledge are immeasurable, and I am very grateful. People in my office have to put up with some very particular systems, some particular styles, particular fonts, particular formatting and all sorts of things that I tend to like to be done absolutely the same way every time, so I apologise for that fanaticism when it

comes to the presentation of some things, but I am grateful, particularly to you, Kate, for putting up with all that.

As has been said, I wish everyone a very merry Christmas. As it has also been said, I ask you to pause and consider the reason for the season. We all look forward to the hustle and bustle of 2012.

Valedictory

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) (6.11): I want to briefly make some comments and wish people well as we come to the end of the year.

To the Assembly staff, the committees, attendants and the clerks, for wise wisdom over the year, thank you for the work that you do. You keep us all honest, on board and functioning day to day. I imagine that sitting weeks are as exciting for you as they are for us at times.

I want to extend an acknowledgement to Kas Paul, who has certainly served us well over his time here. I do not know if it was deliberate or not, but we have moved from a Kas to a Jas, so that will be very easy in many ways for next year.

Ms Porter: We could go through the alphabet.

MS BURCH: We could. I want to also thank the staff in my office—Phil, Joel, Chris, Erin, Victor and Emma—who have provided some very solid background and a stabilising influence in the hurly-burly of this office. Their advice and support to me have been extraordinary, and I want to thank them for that. Two staff have left my office in the year—Neil Finch and Amy, who have gone on to other things. I want to thank them for their work as well.

To the Community Services Directorate staff, executive and front-line workers, I want to thank them for the work they do for our community, whether it is in the electorate of Brindabella, Molonglo or Ginninderra. These are the people that get out front each and every day and look after families that are doing it tough. They deserve the respect and goodwill of all members in this place.

I want to thank the Labor team here: the Chief Minister, Katy; Andrew; Simon; and Chris. I am going to give you that red question mark badge for February, Chris, so that you get a good serve of questions in the new year. I want to thank Mary and Johnno for their work and support over the last 12 months. Johnno has been a source of guidance and despair, all in the same moment more often than not, but we have an incredibly supportive team that is far from tired and is very forward thinking. It is a pleasure to be part of that.

I want to thank my family—Cam, Kain, Tom and Lloyd. Cam, my husband, and my three sons have learned to be tolerant and compliant of all my whims as we come to

the end of sitting weeks. Sometimes I know we go home to family and it is very hard for family to understand the hurly-burly of the week. I want to thank them.

I also want to thank the good folk of Brindabella. They are an absolutely fabulous community. It is very good to see that some members of this place are coming home to roost; it will be an interesting 12 months for that. Brindabella is probably the best electorate. I wake up every morning and see the mountains as I go shopping, and around the place you see the vista of the Brindabellas in the background. It is truly a special place.

For everyone here—the Greens—it is always interesting. I am not fussed if you wear hot-dog clothes or hessian. I am not fussed. It is always an interesting debate. The fact is that we can come here and have a debate and there is the argy-bargy that goes on here. I find it interesting as we come to an adjournment at the end of the year that we can be so savage to each other during the year but we come with all kindness and light at a particular point of the year. It is worth reflecting on that in itself.

With that said, I wish everybody well. Have a very safe and happy Christmas and new year. Always keep a mind out for those that are less fortunate, but hold your family and your friends close, because there is nothing more important than your family and friends.

Valedictory

MR HANSON (Molonglo) (6.15): Mr Speaker, thank you. I start on a sad note. My dear friends John and Pam McAllister, who are also my neighbours, have been like parents to my wife and me and grandparents to my children while our own parents are interstate. Today was the day of John's mother's funeral, May, who died just recently, and I would have dearly loved to have been there. My wife was able to attend, but it is the nature of this place that it does take us away from other commitments that sometimes we would rather attend. So I would like to share my thoughts with John and Pam and remember May McAllister, who had her funeral today.

On a more happy note, I would like to wish you all a very merry Christmas, and I would like to start with my office staff. Jess appears to have gone, but there is Brigitte. The work that Brigitte does in my office is remarkable. She is a remarkable young woman. I know that the Greens struggle sometimes to work out how someone like Brigitte who is so well dressed and so nice and so effective and so efficient would work for a bastard like Jeremy Hanson. I know that it is a constant amazement to them and gives her another reason to tut-tut and roll her eyes whenever I am around, but I know that she has not yet worked it out. There may be a conspiracy involved. But thanks also to Jess and also to Jack, who volunteered in my office this year.

The analogy I use when I talk about the Canberra Liberals is that we all have different strengths and weaknesses, but the key is that we are all in the same rowing boat, rowing in the same direction together as a team, and that makes all the difference. The Canberra Liberals have not always been like that, nor have other political parties. But we are all rowing in the same direction, and the effort that each of us puts in is making

us a remarkable team, and I have worked with a lot of teams over the years in the Army.

To Alistair Coe, I think that your ground game, your work that you do in your electorate, your understanding of local issues is unparalleled. You were probably expected to struggle when Jon Stanhope was put up as your adversary, and it was the opposite. So well done, Al. I think what you do is remarkable.

Steve has had to leave because he has an appointment, and he asked me to pass on his thanks to all of the staff, but Steve is someone who has got an amazing ability with the meet and greet and is a very genuine individual. He is not a grandstander and he is not someone who chases the limelight, but his work with disability groups and his pastoral work, as he calls it, is outstanding.

Vicki Dunne, her knowledge, her work that she does in this chamber—I rattled off a few yesterday—about Bimberi, the Murray-Darling Basin, liquor licensing, childcare, sentencing, care and protection, and the leadership she has shown on so many issues for this Assembly and for this territory, and the changes that has effected have been quite remarkable.

To Brendan, how you stay so enthusiastic and so optimistic after so many years in this place and also up on the hill I think is a credit to you. Your knowledge, your understanding of the history of this place, your loyalty to your leader and to your party is unparalleled.

Of course, it does not happen without a leader and Zed, thank you for your leadership of this party. All of us desperately want to see a Liberal government, and that is not going to happen without strong leadership and without people in the Liberal Party in the broader community who say, “We want this man as Chief Minister,” and I know that all of us want to see you as Chief Minister, and I wish you every success in doing that, and that is what we all want to see.

To the staff of the Assembly, of course we only look good whenever we do because of the staff that we have working for us and we have pooled many of our staff so they are not Zed’s staff, they are not Jeremy’s staff, they are not Brendan’s staff. We work as a team for Steve, for Merlin, for Ian, for Hannah, for Emily, for Juliet, for everybody, for Keith, for Ian, in that team that works so hard for all of us, I really do appreciate it and we are as successful as we are because of that.

To the Assembly staff, much has been said. I echo all of that. I congratulate Kas and wish him well in his holiday to China. I know he would rather go to Italy but sometimes we have to do what our wives tell us. I wish you all the best.

To the people of Molonglo, I am thankful every day for the honour it is to represent you. And obviously to my family, to Fleur, to Robbie and to Will, it is a sometimes challenging job that takes us away from home and I am very lucky to have the beautiful family that I have. To all of you, merry Christmas and a happy new year. I wish you all the best for a safe and happy Christmas.

Valedictory

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (6.21): Mr Speaker, representing the people of Ginninderra is a privilege and personally satisfying. My goal for my political life is to make a contribution to improving the lives of the residents of my electorate and, as minister, for the residents of Canberra. But even the small personal changes to people's lives give me much happiness. For example, recently I was at one of my regular shopping centre stalls focusing on the lost superannuation campaign. A constituent came up to ask me how he could find his lost super. I had my laptop computer and using the SuperSeeker website I was able to find his lost super there and then. Needless to say the man was delighted.

Road and traffic issues are raised with me regularly. Another example occurred several weeks ago when an elderly constituent wrote to me to point out that on a busy street in her suburb cars were parking regularly on a bend in the street, potentially dangerously. I raised the matter with the Chief Minister in her capacity as Minister for Territory and Municipal Services and earlier this week the Chief Minister advised me that Roads ACT had agreed with the constituent's assessment and that parking restrictions would be placed at the bend in the street. The constituent was thrilled with the result. Every day the concerns of my constituents are a priority.

Mr Speaker, the final adjournment debate of the year is an opportunity for me to thank the many people who have assisted me in my first six months in the Assembly. I would like to acknowledge the help given to me by you, Mr Speaker, and your office; the Clerk, Tom Duncan; his deputy, Max Kiermaier, and their staff who ensure that the Assembly operates smoothly for 17 demanding members; the staff of the committee office who do so much research and report writing on behalf of committee members; the Assembly library staff; the attendants, who do a tireless job throughout the building; Hansard and support staff who record almost every word we utter; Chamber Support; Strategy and Parliamentary Education; Corporate Services, who ensure members and staff are paid, which is really rather important; and the necessary services provided at executive support.

I must thank the former Chief Minister, Jon Stanhope, for his leadership and strong representation of the Ginninderra electorate over many years. His retirement earlier this year allowed me to come into the Assembly in June. Of course I also thank my Labor colleagues for their patience and support for the new boy on the block. I thank them for their friendship and their good humour. I also thank my wife for her encouragement, her help and her forbearance. Finally I wish to thank my staff for their hard work and their loyalty. I wish you, Mr Speaker, and the opposition and crossbench members a merry Christmas and an enjoyable end of year break.

MR SPEAKER: I might, as is the tradition, take the opportunity to speak from the chair on this rare occasion in adjournment. I would like to, like many others, thank a few people. I would particularly like to start with the Secretariat through the Clerk, Tom Duncan, and the team of staff across the chamber and across the building who do

provide us with a high level of service, with great professionalism and I suspect on many occasions with good humour which may well be put to the test at times.

I would like to particularly thank the staff in my office—Richard for his thoroughness, his diligence and particularly his creativity, as he adds great value to the work that I seek to do, and to Laura who adds so much value to our office and generally makes the place a bit more fun.

We would like to note of course, as many members are already aware, Helen has left us for a while on parenting leave. It is a great journey for her and it has been an excitement for all of us for her to finally achieve that goal that she sought for so long and she remains in our thoughts, even in her absence.

I would like to thank the Greens team across the Assembly very much, including all of our staff and particularly Meredith, Caroline and Amanda. Working with those three is a pleasure and I think we all give each other a great deal of strength. I would also like to acknowledge our party. It is a great pride for me to spend my days seeking to deliver on the collective vision of that great group of people who put so much time and energy into supporting those of us that publicly represent them and I think that there is so much energy and so many ideas in that party that it is a real privilege to represent them in this place.

I simply wish to close by wishing all members a happy and relaxing festive season. I for one am certainly looking forward to this time of year. It is always great to spend time with family and friends at a pace that is perhaps a little less frenetic than how we all spend our days. And I hope to see as many of you as possible who have the free time at the Speaker's end of year occasion tomorrow afternoon. It is always a nice chance for us all to let our hair down a little bit, have a quiet drink or two and hopefully leave some of the antics of the chamber behind us. So I know you have all received the invitation. I hope to see you there, and see you all in the new year.

Question resolved in the affirmative.

The Assembly adjourned at 6.26 pm until Tuesday, 14 February 2012, at 10 am.

Schedule of amendments

Schedule 1

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

Amendments moved by the Minister for the Environment and Sustainable Development

1

Clause 5 (a)

Page 3, line 6—

omit

in and around the ACT

substitute

in the Australian capital region

2

Clause 6 (1), definition of *large renewable energy generator*, paragraph (b)

Page 3, line 22—

omit

2MW

substitute

200kW

3

Proposed new clause 10 (2A)

Page 7, line 5—

insert

(2A) The determination may state the minimum capacity of a large renewable energy generator's generating system in relation to which a FiT entitlement may be granted under the FiT capacity release.

4

Clause 10 (2) (b) (iii)

Page 7, line 2—

after

in the ACT

insert

or may be located elsewhere in the Australian capital region

5

Clause 11 (1)

Page 7, line 15—

substitute

(1) The Minister may grant a person a FiT entitlement under a FiT capacity release in relation to a large renewable energy generator located in the Australian capital region.

6**Proposed new clauses 11 (2A) and (2B)****Page 7, line 18—***insert*

- (2A) The Minister must not grant a FiT entitlement under a FiT capacity release before—
- (a) if there is a motion to disallow the determination under section 10 for the release and the motion is negated by the Legislative Assembly—the day after the motion is negated; or
 - (b) the day after the 6th sitting day after the determination for the release is presented to the Legislative Assembly under the Legislation Act, chapter 7; or
 - (c) if the determination for the release provides for a later date or time for the grant of the entitlement—that date or time.
- (2B) Subsection (2A) is subject to any disallowance or amendment of the determination under the Legislation Act, chapter 7.

7**Clause 22 (5)****Page 19, line 21—***omit*

a report of

8**Dictionary, proposed new definition of *Australian capital region*****Page 21, line 23—***insert****Australian capital region*** means the region made up of—

- (a) the following areas:
 - (i) ACT;
 - (ii) Bega Valley Shire;
 - (iii) Bombala Valley Shire;
 - (iv) Boorowa Shire;
 - (v) Cooma-Monaro Shire;
 - (vi) Cootamundra Shire;
 - (vii) Eurobodalla Shire;
 - (viii) Goulburn Mulwaree Council Area;
 - (ix) Gundagai Shire;
 - (x) Harden Shire;
 - (xi) Queanbeyan City Council Area;
 - (xii) Palerang Council Area;
 - (xiii) Snowy River Shire;
 - (xiv) Tumbarumba Shire;
 - (xv) Tumut Shire;
 - (xvi) Upper Lachlan Council Area;
 - (xvii) Yass Valley Local Government Area;

- (xviii) Young Shire; or
 - (b) if a regulation prescribes areas that make up the region—the prescribed areas.
-

Answers to questions

Justice and Community Safety Directorate—travel (Question No 1800)

Mr Seselja asked the Attorney-General, upon notice, on 21 September 2011:

- (1) What was the Justice and Community Safety Directorate's total spend on travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What was the total spend on business class travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (3) What is the total funding allocated to travel for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15 and what proportion of this funding is allocated for business class travel.

Mr Corbell: The answer to the member's question is as follows:

- 1) The Directorate's total spend on travel including accommodation was:

	2008-09 (a) \$'000	2009-10 (b) \$'000	2010-11 (c) \$'000
Total Spend on Travel	742	643	771

(Total includes travel for ACT Law Courts and Tribunals).

- 2) For 2010-11 expenditure on business class travel was \$126,011, of which \$99,714 was judicial related travel. Data for the previous financial years is not available in the form and at the level of disaggregation requested without diversion of significant resources from the Justice and Community Safety Directorate's ongoing business that I am not prepared to authorise.
- 3) Budget allocation for travel for this year and the forward years is managed within the general Supplies and Services budget as outlined in the JACS Directorate Chapter of the 2011-12 Budget Paper No. 4.

Treasury Directorate—travel (Question No 1824)

Mr Seselja asked the Treasurer, upon notice, on 21 September 2011:

- (1) What was the Directorate's total spend on travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What was the total spend on business class travel for the years (a) 2008-09, (b) 2009-10 and (c) 2010-11.

- (3) What is the total funding allocated to travel for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15 and what proportion of this funding is allocated for business class travel.

Mr Barr: The answer to the member's question is as follows:

- (1) Treasury Directorate's (including Shared Services, ACT Insurance Authority, Home Loan Portfolio, Superannuation Provision Account and Territory Banking Account) total spend on travel was:

Year	\$ 000s
2008-09	\$354
2009-10	\$302
2010-11	\$214

- (2) Of the above total spend, the following amounts were spent on business class travel:

Year	\$ 000s
2008-09	\$44
2009-10	\$54
2010-11	\$29

- (3) Treasury Directorate Budgets are developed at a high level. Individual Divisions have discretion on how they manage their expenses within their overall budget allocation. Funding is not specifically allocated to travel for the years 2011-12 to 2014-15.

Treasury Directorate—consultants (Question No 1825)

Mr Seselja asked the Treasurer, upon notice, on 21 September 2011:

- (1) What was the Directorate's total expenditure on consultants' fees for (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the budgeted expenditure for consultants' fees for the years (a) 2001 12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

Mr Barr: The answer to the member's question is as follows:

- (1) Treasury Directorate's (including Shared Services, ACT Insurance Authority, Home Loan Portfolio, Superannuation Provision Account and Territory Banking Account) total expenditure on consultants' fees is available in the Annual Report for each of the reporting entities for the years 2008-09, 2009-10 and 2010-11.
- (2) Treasury Directorate Budgets are developed at a high level. Individual Divisions manage their expenses within their overall budget and project allocations.

**Territory and Municipal Services Directorate—travel
(Question No 1844)**

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 18 October 2011:

- (1) What was the total amount spent on (a) travel and (b) business class travel for the Territory and Municipal Services Directorate for (i) 2008-09, (ii) 2009-10 and (iii) 2010-11.
- (2) What is the total funding allocated to travel for (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.
- (3) What proportion of the funding referred to in part (2) is allocated for business class travel.

Mr Corbell: The answer to the member's question is as follows:

- (1) (a) Territory and Municipal Services expenditure on travel was:
 - (i) \$0.714m
 - (ii) \$0.564m
 - (iii) \$0.245m
 - (b) Separate financial records are not kept to distinguish business class travel. The TAMS Travel Guidelines restrict business class travel to that by the Director General or Executives which exceeds 4 hours in the air.
 - (2) The amount budgeted for travel for 2011-12 is \$0.211m. Detailed budget allocations are determined at the beginning of each year, so information on budgeted travel for 2012-13, 2013-14, 2014-15 is not yet available.
 - (3) Separate financial records are not kept to distinguish business class travel. The TAMS Travel Guidelines restrict business class travel to that by the Director General or Executives which exceeds 4 hours in the air.
-

**Territory and Municipal Services Directorate—advertising
(Question No 1846)**

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 18 October 2011:

- (1) What was the total expenditure by the Directorate on advertising in (a) 2008 09, (b) 2009-10 and (c) 2010-11.
- (2) What is the funding allocation for advertising for (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

Mr Corbell: The answer to the member's question is as follows:

- (1) Territory and Municipal Services expenditure on advertising was:
 - (a) \$4.7m
 - (b) \$2.2m
 - (c) \$1.2m
 - (2) The amount budgeted for advertising for 2011-12 is \$0.7m. Detailed budget allocations are determined at the beginning of each year, so information on budgeted advertising for 2012-13, 2013-14, 2014-15 is not yet available.
-

**Aboriginal and Torres Strait Islander Elected Body—report
(Question No 1848)**

Mr Hanson asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 18 October 2011:

- (1) In relation to the Government response to the *Aboriginal and Torres Strait Islander Elected Body Second Report to the ACT Government 2011*, did the Government agree, in response to recommendation 3, to provide to the Elected Body annual information on justice outcomes; if so, (a) can the Minister provide this information for 2010-11 and (b) when will the information for 2011-12 be provided to the Elected Body.
- (2) Did the Government agree, in response to recommendation 17, to provide an annual report on its progress on closing the gap; if so, (a) when will this annual report be completed and (b) will this annual report be tabled in the Legislative Assembly.
- (3) In relation to recommendation 20, what was the total number of (a) Aboriginal and Torres Strait Islander trainees and (b) Aboriginal and Torres Strait Islander trainees who completed their traineeship, in (i) 2009-10 and (ii) 2010-11.
- (4) What were the reasons given for non-completion for those trainees who did not complete their traineeship.
- (5) What was the total cost of providing the traineeships in (a) 2009-10, (b) 2010-11 and (c) 2011-12.

Ms Burch: The answer to the member's question is as follows:

- (1) Recommendation 3 of the Aboriginal and Torres Strait Islander Elected Body Second Report to the ACT Government 2011 recommended that:

In line with the National Indigenous Law and Justice framework, the Justice and Community Safety Directorate provide a report on actions and funds allocated and expended to date based on the framework goals as shown below:

- Improve all Australian justice systems so that they comprehensively deliver on the justice needs of Aboriginal peoples and Torres Strait Islanders in a fair and equitable manner.
- Reduce over-representation of Aboriginal and Torres Strait Islander offenders, defendants and victims in the criminal justice system.

- Ensure that Aboriginal peoples and Torres Strait Islanders feel safe and are safe within their communities.
- Increase safety and reduce offending within Indigenous communities by addressing alcohol and substance abuse.
- Strengthen Indigenous communities through working in partnership with governments and other stakeholders to achieve sustained improvements in justice and community safety.

The Government agreed to this and noted that through the ACT Aboriginal and Torres Strait Islander Justice Agreement, progress on and funds allocated to these initiatives will be reported to the Elected Body on an annual basis.

(a) & (b)

Officers from the Justice and Community Safety Directorate are preparing information for the Elected Body on justice outcomes. Once the Elected Body has received this information a copy can be made available to members of the Legislative Assembly.

- (2) The Government agreed in its response to recommendation 17 of the Report to produce an annual 'Closing the Gap' report for the ACT. The first annual report will be tabled in the Legislative Assembly in 2012.
- (3) (a) Since the pilot program conducted in 2007-08, the total number of Aboriginal and Torres Strait Islander trainees has been 44.
- (b) (i) There were no traineeship graduations in 2009-10, as the second round of the traineeship commenced in July – August 2009 and was completed in September 2010.
- (ii) Thirteen out of fifteen trainees from the second intake graduated in September 2010.
- (4) Two trainees from the second intake did not complete their traineeship due to personal reasons. One trainee from the third intake decided not to pursue a public service career.
- (5) (a) The total cost of providing the second intake of the traineeship in 2009-10 was \$62,392.
- (b) Continuing second intake cost into 2010-11 was \$17,352.
- (c) Expenditure to date for the third traineeship intake in the 2011-12 financial year is \$40,975.

**Motor vehicles—electric
(Question No 1850)**

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 18 October 2011:

- (1) When and where will electric vehicle charging points be available in the ACT and can the Minister provide a timeline for development and locations.
- (2) When and where will battery swap stations be available that will allow ACT residents to make interstate trips in electric vehicles and can the Minister provide a timeline for development and locations.
- (3) What involvement does the ACT Government have in selecting locations and the facilitation of construction for recharge points and battery swap stations.
- (4) Will Better Place recharging infrastructure be compatible with all models of electric vehicles; if not, which models will it be compatible with.
- (5) Is the ACT Government working with any companies apart from Better Place to deliver electric vehicle recharging infrastructure.
- (6) What options currently exist in the ACT for recycling the batteries that are used in electric cars.
- (7) Will Better Place recharging infrastructure accommodate standard vehicles that have been upgraded to electric vehicles.
- (8) Can the Minister provide the number of ACT registered private passenger vehicles, both in numbers and as a percentage of all, that are/were (a) electric and (b) hybrid vehicles, for the last five years.
- (9) Can the Minister provide the number of ACT Government fleet vehicles, both in numbers and as a percentage of all, that are/were (a) electric and (b) hybrid vehicles, for the last five years.

Mr Corbell: The answer to the member's question is as follows:

- (1) Electric vehicle charging stations are the electric vehicle equivalent of a petrol station. These will be provided by private industry.

One electric vehicle service provider, Better Place Australia, in July 2011 announced its foundation network of thirteen charging points in the ACT. These will be rolled out by them throughout 2011 and 2012.

- (2) The ACT Government has no jurisdiction over the placement of interstate facilities. Placement will be a function of State decisions and industry investment. It should be noted that only a limited range of electric vehicles utilise the battery swap technology so coverage may be patchy depending upon the prevailing vehicle models sold in each jurisdiction.
- (3) The ACT Government has not had involvement in selecting locations and the facilitation of construction for recharge points and battery swap stations. The ACT Government will be involved in the administration of planning regulations for recharge points and battery swap stations.
- (4) I am advised that, for those who subscribe to use their services, Better Place will make arrangements that all electric vehicles can be recharged at their charging points.

- (5) The ACT Government will respond to inquiries from any company that seeks to facilitate electric vehicle recharging infrastructure in the ACT.
- (6) ACT NOWaste deals with spent batteries. Batteries at the end of their service life in electric vehicles may have other uses depending upon whether they utilise lead-acid or lithium ion technology. At present there is no Australia based lithium ion recycling industry. Spent batteries with no alternate use at present are sent overseas for processing (Korea, Japan, or Denmark).
- (7) I am advised that, for those who subscribe to use their services, Better Place will make arrangements that all electric vehicles can be recharged at their charging points.
- (8) In 2007: 1 electric, 8 hybrid; in 2008: 1 electric, 14 hybrid; in 2009: 6 electric, 32 hybrid; in 2010: 8 electric, 140 hybrid; and in 2011: 10 electric, 240 hybrid.
- (9) One electric vehicle was obtained in 2011. There are 18 hybrid vehicles currently in the ACT Government fleet.

The ACT Government has, as part of the ACT Sustainable Energy Policy 2011-2025, committed to introduce electric vehicles into its fleet in 2012-13.

Roads—Majura Parkway (Question No 1851)

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 18 October 2011:

- (1) What consideration has the Government given to including a bus only or high occupancy vehicle lane as part of the new Majura Parkway project, either as (a) an additional lane, for example, two standard lanes and one bus lane or (b) replacing one of the proposed standard vehicles lanes, for example, one standard lane and one bus lane.
- (2) What modelling has the Government done on how the configurations referred to in part (1) would impact on future travel patterns on the parkway and by how much would these configurations reduce the number of vehicles travelling along the parkway.
- (3) How does the Government intend to use the Majura Parkway for routes as part of the ACTION bus network.
- (4) What near and long term plans does the Government have to improve the public transport network linking Gungahlin to (a) Canberra Airport and Majura Park, (b) Fyshwick, (c) Hume and (d) Campbell.

Mr Corbell: The answer to the member's question is as follows:

- (1) A bus only or high occupancy vehicle lane was not included in the design of the Majura because the Parkway is not part of the inter-town public transport corridor. The projected traffic volume on Majura Parkway, even after allowing modal shifts towards public transport in accordance with the ACT Sustainable Transport Plan, will require two traffic lanes each direction.

- (2) The modelling work that was undertaken considered more uptake of public transport in the medium and long terms. The modelling took into account the public transport corridors in the network and the overall transport strategy. The Majura Parkway's predominant roles are to provide peripheral (ring road) options for the traffic to take traffic away from key public transport spines such as Northbourne Avenue and provide an alternative route for freight movement. The configurations that were modelled reflect Majura Parkway's intended roles.
- (3) The Majura Parkway can form part of the peak express routes that service directly from Gungahlin to Fairbairn/ Majura/ Brindabella Parks.
- (4) In the near term:
 - a. Canberra Airport and Majura Park: peak express routes will be planned for commuters to provide fast services.
 - b. Fyshwick: Red Rapid transit services will provide 15 minutes or better frequent services, throughout the day, from Gungahlin to Fyshwick. The travel time will be minimised by constructing a bus lane on Canberra Avenue and Flemington Road.
 - c. Hume: assess the potential public transport demand and consider in the Network 13 planning.
 - d. Campbell: coordinated services with the Red Rapid linking Russell.

In the longer term:

- a. Canberra Airport and Majura Park: peak express routes with direct and fast services. Additional frequent services (15 minute) from City coordinated with segregated, rapid and frequent public transport between Gungahlin to City may be considered.
- b. Fyshwick: Red Rapid transit services will provide 15 minutes or better frequent and rapid services, throughout the day, from Gungahlin to Fyshwick. The travel time will be minimised by constructing segregated public transport on Flemington Road, Northbourne Avenue and Canberra Avenue.
- c. Hume: assess the potential public transport demand and consider future peak express route planning.
- d. Campbell: Coordinated services with the Red Rapid linking Russell, with segregated rapid and frequent public transport.

Sport—sportsgrounds and ovals (Question No 1855)

Mr Doszpot asked the Minister for Tourism, Sport and Recreation, upon notice, on 19 October 2011:

In relation to question on notice E11-761 of the Select Committee on Estimates 2011-2012, can the Minister provide the completed activity usage summary for sports grounds and ovals for the year 2010-11.

Mr Barr: The answer to the member's question is as follows:

The summary is attached.

(A copy of the attachment is available at the Chamber Support Office).

**Energy—solar
(Question No 1857)**

Mr Coe asked the Minister for the Environment and Sustainable Development, upon notice, on 19 October 2011:

- (1) How many inspectors are currently available to carry out inspections on solar panel installations.
- (2) Are all inspectors referred to in part (1) ACT Planning and Land Authority (ACTPLA) employees and what minimum qualifications must they hold.
- (3) What provision is there for non-ACTPLA employees to inspect and approve installations;
- (4) How many (a) requests for inspections have been lodged with ACTPLA, (b) requested inspections, referred to in part (a), have been undertaken, (c) inspections were approved and (d) inspections were not approved and what reason was given for the non-approval, for each month of 2011 to date.
- (5) How many inspections have taken place during (a) week days and (b) weekends.
- (6) For each inspection which has taken place on a weekend, when were the requests for inspections lodged and when were the inspections carried-out.
- (7) What is the cost for an inspection and to whom is the payment made and what are the acceptable payment methods.
- (8) What is the average wait for an inspection to be carried out if lodged in (a) May 2011, (b) June 2011, (c) July 2011, (d) August 2011, (e) September 2011 and (f) October 2011.

Mr Corbell: The answer to the member's question is as follows:

- (1) There is a total of 15 electrical inspectors of which 14 undertake PV auditing and one is assigned to new housing approvals only.
- (2) All inspectors referred to in part (1) are employees of the ACT Environment and Sustainable Development Directorate and must, at a minimum, hold an unrestricted electrical license.

- (3) Electrical inspectors must be appointed by the construction occupations registrar in accordance with section 41 of the *Electricity Safety Act 1971*. While temporary appointments can be made from outside the Directorate, it usually takes up to eight weeks to train an electrician to undertake the work and means that senior inspectors need to be diverted away from field inspections to provide that training. The Directorate's budget does not extend to engaging additional contractors and, in any event, they would not be fully operational within the timeframe required to impact on the current backlog of work. Additional full time inspectors have been appointed and trained and they are starting to impact on the backlog.
- (4) The existing booking system does not provide for this level of disaggregated information. For the month ended 31 October 2011, the approximate numbers are as follows:

Certificates of Electrical Safety (CES) forms received and inspections not booked	775
Inspections booked	1300
New CES received each day by fax & email Approx	110
Unbooked defects Approx	450
No access – need to be rebooked Approx	60
Total number of jobs (booked and unbooked)	2695

In general, the failure rate for electrical safety inspections of photovoltaic installations has changed over time but has recently reached approximately 50%. Failures are due to non-compliance of the installations with mandatory electrical safety criteria of the Australian Wiring Rules (AS/NZS 3000: 2007) and/or the relevant photovoltaic standards AS/NZS 5033: 2005, and range in severity.

- (5) The existing booking system does not provide for this level of disaggregated information. However, the vast majority of inspections carried out during weekends to date have been for inspections of dwellings under construction and temporary supply installations. Overtime during weekend periods is regularly utilised to keep on top of temporary supplies and new homes/units. As such the PV installations are predominantly inspected during the weekdays.
- (6) See response to question 5.
- (7) The inspection fee is currently \$192.50. It can be received as public monies by ESDD at the Mitchell office and may be paid by cash, cheque or credit card.
- (8) The average time waiting times for an electrical inspection for a PV installation booked since May 2011 are approximately as follows:

May 2011	6 weeks
June 2011	10 weeks
July 2011	12 weeks
August 2011	12 weeks
September 2011	14 weeks
October 2011	16 weeks

**ACTION bus service—compensation payments
(Question No 1858)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 19 October 2011:

How much compensation has been paid to (a) ACTION employees, (b) passengers of ACTION buses and (c) other drivers as a result of injuries sustained during an accident involving an ACTION bus, for the (i) 2009-10 financial year and (ii) 2010-11 financial year to date.

Mr Corbell: The answer to the member's question is as follows:

(a) The following amounts represent the claims paid to employees as a result of accidents:

- (i) 2009-10 - \$299,495.67
- (ii) 2010-11 - \$229,151.82

Note that the above amounts, while paid from ACTION, will have been reimbursed by Comcare as part of the insurance coverage.

(b) and (c) Passengers of ACTION buses and drivers of other vehicles are covered under ACTION's public liability insurance. Neither ACTION's financial database nor accident database distinguishes between amounts paid to passengers and amounts paid to drivers of other vehicles. Further, amounts paid on claims may include but not be limited to; damage to vehicles, loss of potential earnings, medical expenses and legal fees. Amounts in ACTION's financial statements for the identified two financial years represent the net amount paid over that period (amount paid, less reimbursements). ACTION pays the first \$10,000 of each claim and ACTIA cover the remainder:

- (i) 2009/10 - \$1,102,000
- (ii) 2010/11 - \$158,000

(Ref: TAMS Annual Report Volume 2 page 160)

Note: The large difference between 2010 and 2011 is due to a long standing claim settled in 2010 for an accident which occurred in 1997, prior to ACTION having insurance cover provided by ACTIA.

For (a), (b) and (c) note that amounts paid for insurance claims in any financial year may include amounts for claims made in prior years.

**Art—public works
(Question No 1859)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 19 October 2011:

What is the annual recurrent cost of (a) lighting, (b) security and (c) cleaning of the fibreglass owl art work located on the corner of Benjamin Way in Belconnen.

Ms Burch: The answer to the member's question is as follows:

- a) Lighting – The power used to spotlight the Owl is negligible and, as it is integrated into the street lighting system rather than being separately metered, no recurrent costs are billed to the Community Services Directorate.
- b) Security - None, as the artwork design and construction is consistent with the principles of crime prevention through urban design.
- c) Cleaning of the fibreglass - None, as the artwork is designed to be self cleaning with dust periodically removed by the rain.

Chief Minister and Cabinet Directorate—invoices (Question Nos 1860 to 1868)

Mr Seselja asked the Chief Minister, the Minister for Health, the Minister for Economic Development, the Minister for Education and Training, the Attorney-General, the Minister for the Environment and Sustainable Development, the Minister for Territory and Municipal Services and the Minister for Community Services upon notice, on 20 October 2011 (*redirected to the Treasurer*):

- (1) How many invoices were paid after the due date by the Minister's Directorate in the 2010-11 financial year.
- (2) Of the payments referred to in part (1), how many were paid (a) between 1 and 30 days, (b) between 31 and 60 days, (c) between 61 and 90 days and (d) more than 90 days, after the due date.
- (3) What was the total number of invoices paid by the Minister's Directorate in 2010-11.

Mr Barr: The answer to the member's question is as follows:

The table below is in response to questions 1, 2 and 3.

Reporting Entity	Number of Invoices Paid to External Parties During 2010-11					
	On Time	Payment made past due date (refer note 1 below)				Total
		1-30	31-60	61-90	90+	
CMCD	2,548	393	118	45	60	3,164
	81%	12%	4%	1%	2%	100%
CSD	33,925	5,684	2,394	823	1,025	43,851
	77%	13%	5%	2%	2%	100%
EDD	10,438	1,478	449	187	232	12,784
	82%	12%	4%	1%	2%	100%
ESDD	6,912	452	159	63	75	7,661
	90%	6%	2%	1%	1%	100%
ETD	25,903	3,335	852	396	605	31,091
	83%	11%	3%	1%	2%	100%
HD	72,680	7,816	2,344	910	1,170	84,920
	86%	9%	3%	1%	1%	100%

JACSD	21,630	2,837	755	361	487	26,070
	83%	11%	3%	1%	2%	100%
TAMSD	56,692	7,120	1,512	662	1,033	67,019
	85%	11%	2%	1%	2%	100%
TD	20,131	2,438	718	300	369	23,956
	84%	10%	3%	1%	2%	100%

Notes:

1. This information has been extracted from the Oracle Financials System by Shared Services based on 35 days from the invoice date. Due to how the 'due date' field is used in the system, this methodology provides the most accurate payment data possible. A parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before a directorate receiving invoices from suppliers.
2. Invoices can remain unpaid past the due date for a variety of valid reasons:
 - the invoice is being disputed by the directorate with the vendor or further documentation is required;
 - the invoice received is an invalid tax invoice;
 - the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency; or
 - the invoice is issued by the vendor well after the date specified on the invoice.

Chief Minister and Cabinet Directorate—invoices (Question Nos 1869 to 1877)

Mr Seselja asked the Chief Minister, the Minister for Health, the Minister for Economic Development, the Minister for Education and Training, the Attorney-General, the Minister for Environment and Sustainable Development, the Minister for Territory and Municipal Services, and the Minister for Community Services, upon notice, on 20 October 2011 (*redirected to the Treasurer*):

Can the Minister provide a list of the Directorate's current unpaid invoices, including the required payment date, that were received (a) between 1 and 30, (b) between 31 and 60, (c) between 61 and 90 and (d) more than 90, days ago.

Mr Barr: The answer to the member's question is as follows:

I am not prepared to release the details of suppliers as this would take considerable resources to prepare and will often have confidentiality and privacy implications.

The table below, however, provides the relevant statistics.

Reporting Entity	Outstanding Invoices to External Parties as at 31 October 2011				
	Days Outstanding				Total Number Invoices
	1-30	31-60	61-90	90+	
CMCD	7	2	1	2	12
CSD	65	17	18	24	124

EDD	24	8	4	5	41
ESDD	14	1	0	1	16
ETD	94	29	9	6	138
JACSD	263	63	14	10	350
HD	160	83	25	49	317
TAMSD	143	34	16	28	221
TD	195	60	8	20	283

Notes:

1. An invoice has been classified as outstanding if it has not been paid within 35 days from the invoice date. A parameter of 35 days has been used instead of 30 days to allow for the normal time lag that occurs before a directorate receiving invoices from suppliers.
2. Invoices can remain unpaid past the due date for a variety of valid reasons:
 - the invoice is being disputed by the directorate with the vendor or further documentation is required;
 - the invoice received is an invalid tax invoice;
 - the invoice details are incorrect resulting in the invoice not being received by the correct agency or area within the agency; or
 - the invoice is issued by the vendor well after the date specified on the invoice.

Housing—home buyer concessions (Question No 1879)

Mr Seselja asked the Treasurer, upon notice, on 20 October 2011:

- (1) In relation to question on notice No 1703, what is the estimated number of Home Buyer Concessions to be given to low income earners for the years 2011-12 to 2014-15.
- (2) What is the estimated value of Home Buyer Concessions given to low income earners in 2012-13 to 2014-15.

Mr Barr: The answer to the member's question is as follows:

- (1) Home Buyer Concessions are not estimated by number.
- (2) The estimated value of Home Buyer Concessions provided to eligible applicants is \$11.700 million per year over the period 2012 13 to 2014-15.

Territory and Municipal Services Directorate—consultants (Question No 1881)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 20 October 2011:

- (1) What was the Directorate's total expenditure on consultant's fees for (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (2) What is the budgeted expenditure for consultant's fees for the years (a) 2011-12, (b) 2012-13, (c) 2013-14 and (d) 2014-15.

Mr Corbell: The answer to the member's question is as follows:

- (1) Territory and Municipal Services expenditure on consultants fees was:
 - (a) \$7.8m
 - (b) \$6.8m
 - (c) \$5.7m
- (2) The amount budgeted for consultants fees for 2011-12 is \$5.1m. Detailed budget allocations are determined at the beginning of each year, so information on budgeted consultant fees for 2012-13, 2013-14, 2014-15 is not yet available.

Health—Hospital in the Home program (Question No 1883)

Mr Hanson asked the Minister for Health, upon notice, on 20 October 2011:

- (1) What is the budget allocation for the Hospital in the Home (HITH) program for the years 2011-12 to 2014-15.
- (2) Can the Minister provide a breakdown of the annual budget for the HITH program including wages and salaries, travel, equipment and on-costs.
- (3) In relation to the answer to part (1)(e)(iii) of question on notice No 1714, what was the reason behind the 6.5 full-time equivalent positions at Calvary Public Hospital not being utilised for 2010-11.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) The budget allocation for the Hospital in the Home (HITH) program for the years 2011-12 to 2014-15 is:

2011-12	2012-13	2013-14	2014-15
\$4,463,147	\$4,616,139	\$4,774,389	\$4,938,078

NB: 2012-13 to 2014-15 extrapolates at 3.5% year-on-year inflation.

- (2) A breakdown of the annual budget for the HITH program is:

2011-12	
Wages and Salaries	\$2,921,596
Operating costs including transport expenses	\$1,541,551

- (3) Calvary Public Hospital did not complete the recruitment of the full establishment of permanent staff to HITH in 2010-11. Recruitment of permanent staff to all positions is nearly completed. The staffing establishment is currently filled by staff on temporary transfer.

Calvary is committed to HITH being appropriately staffed and supported by reliable processes.

Tourism—policy and funding (Question No 1884)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 20 October 2011:

- (1) How many staff are committed to working on (a) developing policies for the tourism industry, (b) developing and implementing programs for the tourism industry and (c) providing administrative support and other services, to the tourism functions within the ACT public service.
- (2) Are all those staff referred to in part (1) located within the Economic Development Directorate; if not, in what other agencies are tourism staff located and if tourism staff are located in other agencies why is this the case.
- (3) What funding is provided for the staff involved in (a) tourism policy development, (b) tourism programs and (c) tourism administrative support functions.
- (4) What programs are being implemented for the tourism industry and what funding is committed to these programs.

Mr Barr: The answer to the member's question is as follows:

- (1) Australian Capital Tourism has 52 FTE (including casual staff working at the Canberra and Region Visitors Centre) who work across a number of areas including developing policies for the tourism industry, developing and implementing programs for the tourism industry and providing administrative support and other services, to the tourism functions within the ACT public service.
- (2) Yes.
- (3) Policy development and tourism programs are delivered by the same staff, which total \$4.6m. Business support is \$0.5m.
- (4) The programs are as follows:

Tourism Research	\$0.3m
Product and Industry Development	\$1.5m
Marketing	\$4.0m
International Sales	\$0.1m
Events	\$4.7m
Festival and Events	\$1.7m
Canberra and Regional Visitor's Centre	\$0.4m

**Transport—planning
(Question No 1885)**

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 20 October 2011:

- (1) On what date will the Government release its final Transport for Canberra Plan.
- (2) What proportion of the 40 percent greenhouse gas reduction (on 1990 levels) does the Government plan to make from the transport sector.
- (3) What is the amount of greenhouse gas reduction, both in kt per annum and as a proportion of the transport sector, that the Government plans, will come from (a) modal shift and (b) fuel switching.
- (4) What is the Government's definition of fuel switching, as referred to in the Transport for Canberra Plan.
- (5) What is the estimated number of private motor vehicles that would need to switch from petrol based to a cleaner fuel in order to meet the Government's fuel switching emission reduction target.
- (6) What percentage of transport funding does the most recent ACT budget commit to (a) walking, (b) cycling, (c) public transport and (d) maintaining a safe road network/motorists.
- (7) Can the Minister provide the dollar figures for the categories of transport funding referred to in part (6).
- (8) What is the timeline and process for embedding transport corridors into the Territory Plan.
- (9) Can the Minister provide the Government's rationale for deciding on a frequency of 30 minutes and 60 minutes for the two types of public transport coverage services (group centres/medium density and low density).
- (10) Does the Government have projected costs for increasing the frequency of the two coverage services; if so, can the Minister provide these cost projections.
- (11) Can the Minister provide, if available, the projected costs for increasing the coverage services to 15 minutes and 30 minutes respectively.
- (12) Which areas of Canberra will the Government be investigating for new 40 km/hr zones and how will the Government encourage the increased provision of end of trip facilities for active travel, as referred to on page 39 of the transport plan.
- (13) What work is the Government doing to investigate and explore pedestrian wait times and greenwaves for cyclists and which parts of Canberra are being investigated and when is the work expected to be completed, as referred to on page 43 of the transport plan.

- (14) Can the Minister provide a list of the current congestion levels of major roads in Canberra and the predicted congestion levels of these roads in the future for example in 2020 and 2030 or nearby years.
- (15) What is the Government's strategy to ensure that a parking offset fund can be introduced by 2013 and does the Territory Plan need to be amended to introduce the fund and when will consultation begin.
- (16) Can the Minister provide data for the last five years on the proportion of freight travel to and from the ACT that was made by (a) road and (b) rail.
- (17) What is the timeline for release of an ACT freight strategy.

Mr Corbell: The answer to the member's question is as follows:

- (1) The final Transport for Canberra policy will be released in early 2012 to allow time to respond to the comments received during the consultation period in late 2011.
- (2) The draft *Weathering the Change* Action Plan 2 has been released for public consultation (from 5 December 2011 to 2 March 2012). Draft Action Plan 2 is consulting the community on a range of different mitigation pathways (potential abatement measures within the residential, commercial, transport, waste and energy sectors) that could facilitate the emissions reductions required to meet the ACT legislated GHG reduction targets.

Emissions mitigation pathways will be determined following the consultation. Draft Action Plan 2 included modelling of the potential for emissions reductions from different actions in the transport sector.

- (3) See the response at (2) above.
- (4) 'Fuel switching' refers to vehicles that use lower or zero greenhouse gas emission fuel types including diesel, petrol or diesel hybrids, electric. Detail on the transport sector emission reduction potential is included in draft Action Plan 2 and supporting modelling.
- (5) Detail on the transport sector emission reduction potential is included in draft Action Plan 2 and supporting modelling.
- (6) The percentage of transport capital works and capital upgrades expenditure in the 2011-12 Budget and out-years were:

Roads	86.5%
Public Transport	7.4%
Cycling and Walking	3.3%
Road Safety	2.8%

- (7) The dollars spent on transport capital works and capital upgrades in the 2011-12 budget and out-years were:

Roads	\$213,090,000
Public Transport	\$18,117,000
Cycling and Walking	\$8,250,000
Road Safety	\$6,865,000
Total:	\$246,322,000

- (8) The Frequent Network corridors will be incorporated in the Territory Plan by the end of 2013, subject to community consultation, Assembly agreement and the normal Territory Plan Variation processes. This timing will be confirmed in the final Transport for Canberra policy.
- (9) The rationale for the adoption of minimum coverage standards is included in the *Coverage Services Delivery Study, 2011, McCormickRankinCagney*, available at www.transport.act.gov.au/references.html and will be expanded in the final Transport for Canberra policy. It is noted that Melbourne also has a minimum 60 minute standard for lower density areas.
- (10) The current bus network already meets the proposed coverage standard of 60 minute frequency within 500 meters of 95% of residences. The 30 minute frequency between group and town centres will need to be included in the government's budget decision making process, under consideration for 2012-13 and 2013-14 budgets.
- (11) The design, construction and costing of a bus network is a complex and time consuming task undertaken in the ACT's scheduling system (HASTUS), and is subject to a range of business rules associated with legislative and other obligations in ACTION's current employment agreement.

This process would require resourcing over a number of months and, therefore, it is not possible in the time available to answer the Member's question. However, a spreadsheet-based estimate by TAMS and ESDD shows that:

- a. to increase all coverage services to 30 minute frequency, would represent at least a 50% increase in current ACTION funding;
 - b. to increase all coverage services to 15 minute frequency, would represent at least a 150% increase in current ACTION funding; and
 - c. to provide this increased service, over \$150 million of capital expenditure would be required to purchase additional bus fleet and depot facilities.
- (12) Trials of 40 km/h speed limit zones were implemented in the Gungahlin and Woden Town Centres in August 2011. Following evaluation of these trials in early 2012, the Government may consider extending 40 km/h speed limit zones to other Town Centres.

The Government will be reviewing regulations around parking and provision of end of trip facilities as part of implementing Transport for Canberra.

- (13) To reduce pedestrian wait times at traffic lights the Government is investigating opportunities to automatically trigger pedestrian 'walk' signals, where feasible. This has recently been completed at intersections along Northbourne Ave and further intersections will be considered.

The Government is also actively looking at ways to reduce the cycle time of traffic lights outside peak periods in order to reduce pedestrian waiting times.

'Greenwaves' for cyclists and pedestrian priority will be considered as part of transport corridor studies like the Northbourne Avenue Transport Corridor Study currently underway.

- (14) Approximately 13% of ACT arterial roads experience congestion. This is estimated to grow to 17% and 25% by 2021 and 2031 respectively. However, the anticipated stronger role for public transport through the implementation of Transport for Canberra has the potential to limit the growth of congested roads to some 14% and 17% in 2021 and 2031 respectively.
 - (15) Consultation on the parking offset fund will commence in 2012. The Government proposes to introduce the fund by 2013.
 - (16) Bulk liquid fuel (by Shell) was the only regular rail freight movement into the ACT over the last 5 years. This movement of fuel by rail (approximately 2.4m litres/week) ceased on 21 January 2010. All freight into the ACT (with the exception of air freight) is now undertaken by road transport.
 - (17) An ACT Freight Strategy is proposed for release in 2012.
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Asbestos—removal (Question No 1886)

Ms Bresnan asked the Attorney-General, upon notice, on 20 October 2011
(*redirected to the Minister for Industrial Relations*):

- (1) In relation to the asbestos removal program that occurred in the ACT during the 1980s that reportedly removed asbestos from residential buildings but not commercial buildings, can the Minister provide information on the extent of the program including (a) which classes of building were not covered by the program, (b) were any built-up areas of Canberra not covered by the program and (c) were all residences in the ACT covered by the program; if not, how many residences were not covered.
- (2) Does the ACT Government have information about how many and which buildings in the ACT still contain fluffy asbestos; if so, can the Minister provide this information.
- (3) Has the ACT Government conducted any asbestos removal programs to address the remaining fluffy asbestos since the 1980s program; if so, what were these programs and what was their extent.
- (4) Will the ACT Government proactively assist any residents, businesses or community groups occupying buildings that were not covered by the fluffy asbestos removal program.
- (5) What work has the ACT Government done to create an ACT asbestos register which will officially document asbestos incidents and people who were exposed to asbestos, to ensure that people who develop future illnesses can receive compensation and medical treatment.

Dr Bourke: The answer to the member's question is as follows:

- (1) The Loose Asbestos Insulation Removal Program (the program) was voluntarily entered into by the Commonwealth Government (then serving as government of the ACT) and transferred to the ACT Government upon self-government. This Program was implemented between 1988 and 1993. The program was pioneering and dealt

with the unique occurrence (worldwide) of pure loose-fill asbestos that had been used as a form of ceiling insulation across the ACT. One local firm imported and installed this asbestos insulation, trading as “Mr Fluffy”, between approximately 1968 to 1978.

The program required the development of a new and comprehensive approach. As well as the actual extraction of loose-fill asbestos from homes, removal technology provided for worker safety, barrier containment, negative pressure air systems and associated equipment. Quality assurance covered methods of measurement and laboratory techniques appropriate for examining air samples to identify asbestos fibre levels. The program followed the standards detailed in the 1988 NOHSC Asbestos - Code of Practice which form the basis of the current 2005 NOHSC codes of practice.

The program involved a major survey of all residential homes in the ACT built before 1980 (approximately 65,000 homes). The program identified approximately 1082 houses containing loose asbestos insulation. The program did not extend beyond residential homes and did not include residential homes built after 1980 (given that Mr Fluffy ceased trading in 1978). Specific answers to the members questions are:

- (a) The program included all premises that were constructed and occupied as a residential dwelling before 1980; and those that were being used as a residential dwelling at the time of the asbestos insulation and thereafter.
 - (b) The program covered all houses built before 1980.
 - (c) No. The program only covered houses built before 1980.
- (2) The Government holds records showing which homes were remediated under the program. This information is also contained in the building file for each property and accessible through a lease conveyancing inquiry for a property. The Government is aware of one North Canberra property that still contains loose asbestos insulation. The Government is currently assisting the owners to remediate the property.

The Government does not hold information on how many and which businesses contain loose asbestos insulation. However all non-residential premises in the ACT must have an asbestos register and management plan that is prepared by a licensed asbestos assessor and must comply with all recommendations in the management plan. The Government is aware of at least one commercial premises that contains loose asbestos insulation and regular inspections are conducted on this property. The Government will soon consider an amendment to regulations to require notification of premises where loose asbestos insulation is identified.

- (3) The Government has not undertaken any further asbestos removal programs. The program was considered extremely reliable and has provided a high level of assurance that properties identified as containing loose asbestos insulation have been remediated. However the identification of properties still containing loose asbestos insulation cannot be excluded. Since the program ended in 1993, a total of five residential properties, including the North Canberra Property, have been identified as containing loose asbestos insulation and remediated with Government assistance.
- (4) Consistent with the program, the ACT Government voluntarily assists home owners to remediate residential properties that are identified as containing loose asbestos insulation. This includes the cost of removal and remediation, replacement insulation and the provision of alternate accommodation. Any other incidental costs are considered on a case-by-case basis.

The Government will provide advice to any businesses and community organisation that has loose asbestos insulation through its normal advisory and regulatory functions.

- (5) Following the recent review of the ACT Asbestos Management Strategy, the Government has established a cross-Directorate Asbestos Regulators Forum (the forum). The forum is charged with considering the wider management of asbestos in the ACT. I will ask the forum to consider the viability of developing a register for this purpose.

Environment—Sullivans Creek (Question No 1887)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 20 October 2011:

- (1) In relation to the Territory and Municipal Services depot located between North Oval and Sullivan's Creek in Turner, what regulations govern the storage of waste and/or organic materials in close proximity to water ways in the ACT.
- (2) What measures are in place to prevent the contamination of Sullivan's Creek by the North Oval depot.
- (3) What protocols are in place to test the water quality of Sullivan's Creek and the Barry Drive gross pollutant trap and how often does such testing occur.
- (4) What trends, if any, have been documented in the water quality at these locations in recent years.

Mr Corbell: The answer to the member's question is as follows:

- (1) The *Environment Protection Act 1997* controls the use of the area. This area is used to handle silt and debris that has been removed from Sullivan's Creek itself (via the gross pollution trap nearby) or its catchment. Waste is placed to dry before then being removed to appropriate disposal.
- (2) Sedimentation measures are in place to prevent runoff from the drying area re-entering Sullivan's creek.
- (3) Water sampling can be performed by Environment Protection Officers, contracted agents from Australian Laboratory Services (Fyshwick) or the University of Canberra, all who have training in taking water samples in accordance with the methods prescribed by the American Public Health Association (APHA) Standard Methods for the Examination of Water and Wastewater. If the sampling involves grab samples the analyses are performed at a National Association of Testing Authorities (NATA) accredited laboratory.

Testing of Sullivan's Creek occurs regularly in the online Flemington Road Pond (8 times per year) and other ad hoc samples are taken in response to specific incidents in Sullivan's Creek for example four samples per day were taken along Sullivan's Creek for a week following the fire at Mitchell. No routine testing is undertaken in Sullivan's Creek down-stream of the Barry Drive gross pollutant trap.

- (4) Water quality sampling began at the Flemington Road Pond in early 2010. The dataset from the pond is not large enough to determine trends at this stage.
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**Children—care and protection
(Question No 1889)**

Ms Hunter asked the Minister for Community Services, upon notice, on 27 October 2011:

The Children and Young People's Act requires that annual review report, for a reviewable care and protection order to be written which reports on the circumstances and living arrangements of the child or young person who is the subject of the care and protection order; and whether the Director-General considers the existing arrangements for the care and protection of the child or young person are in the best interests of the child or young person. In relation to care and protection services (a) in 2010 and (b) in 2011 to 30 September, how many

- (a) children and young people were in care and on orders for more than 6 months.
- (b) annual review reports were lodged with the Children's Court.
- (c) annual review reports were lodged with the Public Advocate.
- (d) children and young people received a copy of their annual report.
- (e) kinship or foster carers received a copy of the child or young person's annual report.

Ms Burch: The answer to the member's question is as follows:

- a) In the calendar year, 2010 there were 687 children and young people on a reviewable Care and Protection Order.

From 1 January 2011 to 30 September 2011 there were 646 children and young people on a reviewable Care and Protection Order.

Children and young people subject to Care and Protection Orders are not always in care. The numbers above include orders where the child or young person may remain at home under supervision (if the order is for longer than six months). It also includes children and young people on orders where placements may have included home and care.

- b) In 2010 there were 626 annual review reports filed with the ACT Children's Court.

Between 1 January 2011 and 30 September 2011, there have been 510 annual review reports filed with the ACT Children's Court.

The difference in numbers is attributable to the variance in time when annual reviews are due which varies from child to child and overlaps years, the number of reviews that are not required as a result of an order expiring before the annual review is due and those orders where parental responsibility is removed from the Director-General and made directly to the carer.

All required Annual Reports for the 2009-10 and 2010-11 financial years have been filed with the Childrens Court.

- c) All Annual Review reports lodged with the ACT Children's Court are provided to the Public Advocate's Office.

In 2010 there were 626 annual review reports filed with the Public Advocate's Office.

All Annual Review Reports that are filed with the Childrens Court have been provided to the Public Advocate by Integrated Court Services. The Public Advocate's Office signs that they have received the report. This system has been in place since November 2008.

Between 1 January 2011 and 30 September 2011, there have been 510 annual review reports filed with the Public Advocate's Office.

- d) The Care and Protection Services Annual Review Policy outlines the responsibilities of workers and community partners to provide the Annual Review Report to children and young people.

There is no separate data kept on the number of annual review reports provided to the child or young person.

- e) The Care and Protection Services Annual Review Policy outlines the responsibilities of workers and community partners to provide Annual Report to kinship or foster carers.

There is no separate data kept on the number of annual review reports provided to foster and kinship carers.

Community Services Directorate—staff (Question No 1890)

Mrs Dunne asked the Minister for Community Services, upon notice, on 27 October 2011:

How many staff in the Community Services Directorate are currently employed in roles for or relating to the provision of Child Care in the ACT and (a) what level are these staff engaged at and (b) what are the roles and responsibilities of each staff member.

Ms Burch: The answer to the member's question is as follows:

Staff in the Community Services Directorate are not responsible for the provision of childcare in the ACT.

The Children's Policy and Regulation Unit, within the Office for Children, Youth and Family Support, is responsible for the licensing and regulation of childcare services pursuant to the provisions of the *Children and Young People Act 2008*.

The day to day functions of the Children's Policy and Regulation Unit include, but are not limited to, making both announced and unannounced visits to licensed services, providing advice and support to families, children's services and the community relating to child

care, investigating complaints or concerns relating to the provision of licensed children's services and providing professional advice on the planning, design and establishment of new services.

Positions in the Children's Policy and Regulation Unit are:

Quantity	Classification	Description
1	SOG A	Senior Manager – responsible for Early Intervention and Prevention Services, including child and family centres and Children's Policy and Regulation Unit.
1	SOG B	Manager, Children's Policy and Regulation Unit – responsible for ensuring that education and care services meet the requirements of the <i>Children and Young People Act 2008</i>
2	SOG C	Assistant Manager, Children's Policy and Regulation Unit assists with the management and leadership of the Unit, provides supervision and performance management to the advisers and prepares briefings and other written material relevant to the usual business of the Unit. Policy Officer – education and care policy and sector development initiatives for the ACT (non ongoing).
6	ASO6 / PO2	Monitor compliance with the legislation and standards and provide support and guidance to education and care services.
1	ASO3	Administrative Support Officer.

Additional positions have been created in preparation for the implementation of the National Quality Framework, to assist with the development of policies relating to early childhood development and to progress initiatives to increase workforce capacity in the ACT.

These positions are:

Quantity	Classification	Description
1	SOG B	Manager, Early Childhood Development – leads the ACT'S work in relation to preparation and implementation of the National Quality Agenda for Early Childhood Education and Care.
3	SOG C	Assist with the implementation of the National Quality Framework (non ongoing).
1	PO2	Provide support to services with the implementation of the National Quality Framework (non ongoing).

**Economic Development Directorate—staff
(Question No 1891)**

Mr Smyth asked the Minister for Economic Development, upon notice, on 27 October 2011:

For each of (a) export development and investment attraction, (b) public private partnership facilitation, (c) education promotion, (d) innovation, (e) business and intergovernmental relations and (f) skilled migration, what are the (i) staff numbers, (ii) pay grades of staff, (iii) staff numbers with responsibility for policy development and (iv) staff numbers with responsibility for program delivery and management.

Mr Barr: The answer to the member's question is as follows:

(1) (i) Your grouping of activities listed in points (a) to (f) seem to relate to programs delivered through the Business Development Branch (BDB) of the Economic Development Directorate. All BDB delivered programs which can be accessed at http://www.business.act.gov.au/doing_business_in_canberra.

(ii) As of the 27th of October, there were 26 Full Time Equivalent positions in the Business Development Branch. The mix of position classifications is 1 x Senior Officer Grade A; 3 x Senior Officer Grade B; 12 x Senior Officer Grade C; 4 x Administrative Service Officer Level 6; 4 x Administrative Service Officer Level 5; and 1 x Administrative Service Officer Level 4. There is one Senior Executive Service Officer at the 2.4 Level.

Pay levels for ACT Government appointed staff can be viewed at <http://www.shareservices.act.gov.au/docs/agreements/>

(iii) In relation to the resourcing split between policy and program delivery functions, the Business Development Branch is primarily a business program delivery entity. However, most staff undertakes some policy development work, drawing on their knowledge of the business sector and their understanding of program delivery issues that have policy implications. There are two positions in the Branch which are purely administrative in nature. The Directorate has a separate Policy Branch.

**Economic Development Directorate—programs
(Question No 1892)**

Mr Smyth asked the Minister for Economic Development, upon notice, on 27 October 2011:

(1) What programs and initiatives are currently being delivered by (a) export development, (b) investment attraction, (c) public private partnership facilitation, (d) education promotion, (e) innovation, (f) business and intergovernmental relations and (g) skilled migration.

- (2) For each program and initiative what (a) is the budget from 2011-12 to 2014-15 including the funding source, or output, (b) is the delivery model by government or outsourced and what is the responsible government unit and/or external organisation, (c) is it a revenue generating program and if so, what is the total revenue collected for the years (i) 2008-09, (ii) 2009-10 and (iii) 2010-11 and (d) is a promotional and/or informational website hosted external to government ICT systems, and what are the corresponding costs.

Mr Barr: The answer to the member's question is as follows:

- (1) Please refer to my answer to Question No 1891 and/or see http://www.business.act.gov.au/doing_business_in_canberra.
- (2)
- a. This information is on public record. Please refer to Budget Papers.
 - b. Canberra BusinessPoint, Lighthouse activities for high growth companies, ScreenACT, ACT Exporters Network, ACT Export Awards, CollabIT, and International Student Ambassadors Program are all delivered through a partnership model with external organisations under contract arrangements.
 - c. Skilled and Business Migration Program generates income from application related charges. This was \$131,763 in 2008-2009, \$184,942 in 2009-2010, and \$165,452 in 2010-2011.
 - d. Promotional/information web sites hosted external to government ICT systems are:
 - *Live in Canberra* - \$572.50 (2011-12)
 - Relocation Made Easy - \$39,600 (2011-12)
 - Business and Licensing Information System - \$89,756 (2011-12)

Emergency services—volunteers (Question No 1895)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 27 October 2011:

- (1) What is the cost to the Government to train an Emergency Services volunteer.
- (2) For each volunteer (a) what are the standard uniform and equipment costs and (b) what are the additional associated oncosts.
- (3) How much funding is currently allocated in the budget for Emergency Service volunteer training for the years 2011-12 to 2014-15.

Mr Corbell: The answer to the member's question is as follows:

The ACT Emergency Service Agency (ESA) is supported by volunteers from the:

- ACT Rural Fire Service;
- ACT State Emergency Service;
- ACT Fire and Rescue Community Fire Units; and
- Mapping and Planning Support.

The table at **Attachment A** provides a breakdown of current costs associated with training and provision of uniform and equipment.

Given the nature of the training provided to ESA Volunteers, a majority of training is provided in kind by other more senior volunteers who hold appropriate training and assessment qualifications. This in-kind contribution cannot be accurately quantified and does not represent a measurable cost to the Government.

Advanced Training Courses are available for all volunteers however costs vary between the services dependant on the training.

Attachment A – Cost to the Government to train an Emergency Services volunteer

	ACT Rural Fire Service	ACT State Emergency Service	ACT Fire and Rescue Community Fire Units	Mapping and Planning Support
a) Estimated standard uniform and equipment costs	\$866	\$759	\$729	\$194
b) Additional associated oncosts: estimated cost to the Government for Emergency Services volunteer training	\$827	\$211	\$227	\$50
How much funding is currently allocated in the budget for Emergency Service volunteer training for the years 2011-12 to 2014-15?	The funding allocated for Emergency Service volunteer training for the years 2011-12 to 2014-15 is not separately identified from other training expenses and resourcing requirements of the agency.			

**ACTION bus service—drivers
(Question No 1896)**

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

- (1) What is the total cost to train an ACTION bus driver.
- (2) What is the total time taken for an ACTION bus driver to become qualified.
- (3) How much funding is allocated for bus driver training for each budget year 2011-12 to 2014-15?
- (4) What type of ongoing training, if any, is provided to ACTION bus drivers.

Mr Corbell: The answer to the member's question is as follows:

- (1) \$1,340 (excludes Driver Trainee and Trainer salary costs) per driver to the medium rigid bus level.
- (2) 19 days for medium rigid sized buses, and a further three to six months for heavy rigid sized buses.

- (3)
- 2011-12: \$96,300 (excludes Driver Trainee and Trainer salary costs).
 - 2012-13: Not determined, subject to budget appropriation.
 - 2013-14: Not determined, subject to budget appropriation.
 - 2014-15: Not determined, subject to budget appropriation.
- (4) New bus familiarisation.
- New equipment familiarisation (such as ticketing and radio communications equipment).
 - Driver skills and knowledge maintenance and development.
 - Advanced defensive driver training (as required).
 - Remedial or safety training (as required).

Motor vehicles—registration (Question No 1897)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011 (*redirected to the Attorney-General*):

- (1) How many registrations of passenger carrying vehicles were paid (a) annually, (b) half yearly and (c) quarterly in (i) 2009-10 and (ii) 2010-11.
- (2) How many registrations of goods carrying vehicles were paid (a) annually, (b) half yearly and (c) quarterly in (i) 2009-10 and (ii) 2010-11.
- (3) How many registrations of motorbikes were paid (a) annually, (b) half yearly and (c) quarterly in (i) 2009-10 and (ii) 2010-11.
- (4) What is the per unit cost to the Government for producing vehicle registration stickers.
- (5) What was the total cost to the Government to produce vehicle registration stickers in (a) 2008-09, (b) 2009-10 and (c) 2010-11.
- (6) Is the production of registration stickers contracted out to a non-government business.
- (7) Does the production of registration stickers occur in the ACT.
- (8) What was the total cost of postage of registration renewals and stickers for all vehicle registrations in (a) 2009-10 and (b) 2010-11.
- (9) What percentage of vehicle registrations are paid (a) online via credit card, (b) via Bpay and (c) over the counter at a government shopfront

Mr Corbell: The answer to the member's question is as follows:

- (1) 2009/10 (a) 160,159, (b) 46,065 and (c) 125,922
2010/11 (a) 162,629, (b) 46,631 and (c) 135,244
- (2) 2009/10 (a) 52,567, (b) 5,943 and (c) 19,611
2010/11 (a) 53,910, (b) 6,405 and (c) 21,124

(3) 2009/10 (a) 8,836, (b) 2,503 and (c) 4,900
2010/11 (a) 8,773, (b) 2,585 and (c) 5,461

(4) \$0.15

(5) (a) \$80,613.00, (b) \$85,966 and (c) \$67,908

(6) Yes

(7) No

(8) (a) \$346,000.00 and (b) \$370,000.00

(9) (a) 17%, (b) 23% and (c) 43%

**Territory and Municipal Services Directorate—parks and reserves expenditure
(Question No 1898)**

Mrs Dunne asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

What is the current maintenance and upgrade schedule for the ACT's National Parks, Reserves and Conservation Areas and (a) what is the budget allocated for this schedule for the years 2011-12 to 2014-15, and (b) what is the cost of each item of planned expenditure under the schedule in 2011-12.

Mr Corbell: The answer to the member's question is as follows:

1(a) The budget allocated to the listed maintenance and upgrade projects for the ACT's National Parks, Reserves and Conservation Areas for 11/12 is \$8.419 million. This figure excludes the capital items in Table 5 and excludes the many scheduled and reactive maintenance and upgrade actions performed by Parks and Conservation staff and managed via individual and team staff work programs. Budgets for maintenance and asset upgrade schedules for future years will be determined by government budget allocations, risk identification and asset condition assessment.

1(b) The following Tables 1-5 list only significant projects which have a budget specifically allocated. The projects are funded from various sources including recurrent, capital, initiatives and insurance.

Table 1 National Parks and Reserves maintenance and upgrade schedule 2011-12

Canberra Nature Park (subtotal \$1.207m)		
Action	Budget (\$'000)	Details
Molonglo River Park	200	Contract weed and rabbit control, enhancement of pink tailed worm lizard habitat
Chipping/grinding of willows removed at Jerrabomberra Wetlands	45	Project completed

Jerrabomberra Wetlands revegetation	60	Development and implementation of a revegetation plan to replace removed willows
Jerrabomberra Wetlands remediation of asbestos contamination	175	
Walking Track repairs/upgrades	62	Mt Taylor, Mt Arawang, Red Hill, Oakey Hill, Urambi Hills, Pinnacle
Equestrian gates and signage	10	Isaacs Ridge
Soil erosion advice	20	Address active erosion at Callum Brae and Mt Mugga
Fencing improvements	375	Boundary fencing, access points and information in several nature reserves via Care For Nature Reserves recurrent funding initiative
Woodlands Restoration Project	250	Restoring Yellow Box Red Gum woodlands across Canberra Nature Park, particularly focusing on the Belconnen Hills in 2011/12
Mountain bike compliance signage	10	Mt Majura and Black Mountain
Murrumbidgee River Corridor, Namadgi National Park, Googong, Tidbinbilla (subtotal \$1.542m)		
Picnic facility improvements	12	Upgrade and amenity improvements including BBQ shelters at Bendora, Pine Island and Cotter
Campground upgrades	50	Landscaping upgrade works at Orroral, Honeysuckle and Mt Clear campgrounds
Molonglo Gorge recreation area upgrade	30	BBQ, toilet and water supply system upgrade
Storm damage repairs	1,453	Wide range of repairs to walking trails, car parks, recreational facilities etc.
Walking track upgrade	12	Square Rock and Australian Alps Walking Track
Tidbinbilla recreation facility improvements	67	Maintenance and upgrade of tables and signage, walking tracks and general fencing.
Tidbinbilla wildlife enclosure fencing	20	Maintain and improve integrity of wildlife enclosures and other critical fencing.

Table 2 Fire management section maintenance and upgrade schedule 2011-12

\$2.011 million is allocated to fire management upgrade and maintenance activities. A detailed list of all fire management actions proposed for 2011/12 can be found in the publically accessible 2011/12 Bushfire Operations Plan (BOP) located at: http://www.tams.act.gov.au/play/pcl/fire_management/2010-11_bushfire_operations_plan . Planned expenditure into the future years for the Bush Fire operational Plan (BOP) will be determined by budget allocations and risk identification.

Action	Budget (\$'000)	Details
Road upgrade and maintenance	661.5	Upgrade and maintenance of all unsealed roads and trails within Parks and Conservation estate. The primary purpose of these works is to meet obligations for emergency (bushfire) access.
Access management	1,047	Capital funded access improvements to Mt Franklin, Cotter Hut and Stockyard Spur roads
Infrastructure	303	Maintenance of infrastructure associated with bushfire mitigation and operations (incl. helipads, remote communications facilities and strategic fencing and water supply to enable hazard reduction grazing).

Table 3 Vertebrate Pest Management (maintenance)

A total of \$393,700 has been allocated for vertebrate pest programs in ACT parks and reserves in 2011-12. A complete list of activities scheduled for 2011/12 can be found in the Vertebrate Pest Management Operations Plan 2011-12 which is available on the TAMS web site at:

http://www.tams.act.gov.au/__data/assets/pdf_file/0006/235527/Vert_Pest_Ops_Plan_2011-12_for_web.pdf

Pest Type	Budget (\$'000)	Details
Rabbits	250	Initiative funding for rabbit management in nature reserves and Namadgi National Park;
Wild dogs	55.5	Plus one full time officer
Foxes	4.5	
Feral pigs	53.8	
Feral Horses	30	

Table 4 Environmental Weed Management (maintenance and upgrade)

A total of \$3,264,900 has been allocated for environmental weed control programs in 2011-12. This includes \$1.6 million for willow control as part of the 'Restoration of Waterways and Surrounds' project. A complete list of activities scheduled for 2011/12 can be found in the ACT Environmental Weed Control Operations Plan 2011 which is available on the TAMS web site at:

http://www.tams.act.gov.au/__data/assets/pdf_file/0016/22731...

Species	Budget 2011-12 (\$'000)
Broom/Gorse	10
African Lovegrass	160
Woody weed	202.5
Willow	1,652
Blackberry	506

Chilean Needlegrass	50
St John's Wort	316.5
Broadleaf weed	144
Serrated Tussock	158
Other species	65.5
Total environmental weed control expenditure	3,265

Table 5 Other Capital Works

Other capital works funded programs with a significant maintenance or upgrade component which have not been mentioned previously are itemised in the following table:

CAPITAL INITIATIVES	2011-12 \$'000	2012-13 \$'000	2013-14 \$'000
Centenary Trail	1,700	1,400	200
Molonglo Riverside Park Planning (Design) including willow removal and establishment of outer asset protection zones	1,900		
Mulligans Flat Dam Restoration	200		
Mulligans Flat Walking trails signage and interpretation	150		
Tidbinbilla Gibraltar Rocks Walking Trail	1,672	101	
Jerrabomberra Wetland Infrastructure Improvements (incl Master Plan)	397	1,670	0
TOTAL CAPITAL	6,019	3,171	200

ACTION bus service—patronage (Question No 1899)

Mr Coe asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

- (1) What is the patronage of the following ACTION bus services broken down by month since April 2010 (a) 5, (b) 51, (c) 52, (d) 56, (e) 58, (f) 59 and (g) RedEx.
- (2) What is the total patronage for all ACTION services by month for (a) 2008, (b) 2009, (c) 2010 and (d) 2011 to date.

Mr Corbell: The answer to the member's question is as follows:

- (1) Monthly recorded patronage for route 5, 51, 52, 56, 58, 59 and RedEx since April 2011 is represented in the table below.

Route	Apr	May	Jun	Jul	Aug	Sep	Oct
5	34982	45484	39712	35697	43997	43192	34954
51	22612	28982	25836	23375	29546	27409	23770
52	23038	28937	25500	22575	28357	26535	22514
56	30275	39884	34216	31794	38050	36545	31401
58	22664	29764	26481	24219	30964	28872	25396
59	20548	27797	25159	21468	29766	28087	22328
200	53235	65779	59025	57735	69483	65916	58195

(2) Monthly recorded patronage since 2008 is represented in the table below

	Jan	Feb	Mar	Apr	May	Jun
2008	866267	1428918	1346252	1253267	1568323	1398930
2009	861545	1409161	1553759	1162945	1497461	1362720
2010	859540	1456168	1654629	1204709	1501485	1271528
2011	1104010	1952174	2327862	1485503	1571928	1441132

	Jul	Aug	Sep	Oct	Nov	Dec
2008	1332631	1500349	1517085	1399895	1352036	1065894
2009	1272094	1443084	1412372	1318983	1350823	1051825
2010	1295443	1430129	1405473	1305784	1326180	1201179
2011	1338089	1762348	1678530	1415300		

Waste—system costings (Question No 1900)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011 (*redirected to the Minister for Environment and Sustainable Development*):

In relation to costings and assessment of waste system options, could the costings and other data, for example GHG emissions, that underpin the conclusions reached in the draft Waste Strategy in relation to organic and residual waste sources at page 17, be provided in the form of a single diagram or table, that includes capital infrastructure costings as well as costing and GHG gas emissions for collection/transport, for example self-haul.

Mr Corbell: The answer to the member's question is as follows:

The URS and Eco Waste reports contained substantial data to inform consideration of future waste services and infrastructure options. They included data on capital and operating costs, GHG emissions, resource recovery rates, and total tonnes to landfill. The report summarised the results for 17 scenarios including a business as usual scenario.

The first report also considered the viability of the next generation of energy-from-waste technologies such as slow pyrolysis and gasification. These bioenergy technologies have the potential to generate renewable energy and sequester carbon.

The URS and Eco Waste reports were released in their entirety on my Directorate's website on 8 December 2010.

Following extensive public consultation on the *draft ACT Sustainable Waste Strategy 2010-2025* (draft waste strategy), the Directorate procured Hyder Consulting to evaluate a smaller set of scenarios. This report will help inform the Government's understanding of the costs to ratepayers, along with the appropriate approaches to managing financial and technical risks under potential procurement options. The report of this consultation will also be made publicly available.

**Waste—collection and disposal
(Question No 1901)**

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011 (*redirected to the Minister for Environment and Sustainable Development*):

- (1) The ACT Government's Sustainable Energy Policy at page 25 states that the draft Sustainable Waste Strategy "provides a pathway to recover a pathway to recover organic wastes currently sent to landfill". The draft Sustainable Waste Strategy at page 17 describes two options that were analysed by consultants for collecting and separating house household organic waste in the ACT. These were a third residential organics (garden and food) bin and a mixed residual Material Recovery Facility (or dirty MRF). The strategy states that the consultants concluded that a mixed residual MRF would provide higher rates of organic resource recovery at a lower cost to taxpayers, with the organic waste processed into compost, biochar or energy. Has the Government already decided on a pathway for organic waste recycling prior to the release of the final Waste Strategy as the Sustainable Energy Policy strongly indicates, being that of a dirty MRF.
- (2) The 'Services Agreement' document, http://www.procurement.act.gov.au/__data/assets/pdf_file/0016/228103/Services_Agreement_FINAL.pdf calls for the contracted consultant Hyder Consulting to refine and assess five waste system scenarios as part of their recommendations on 'best performing' scenarios in a final report on waste infrastructure and procurement services in the ACT, due 28 October 2011. These 5 scenarios include a weekly organic waste collection service for kitchen scraps and garden waste, a fortnightly or monthly garden waste collection service and a dirty MRF facility. How will the Government be taking the recommendations of this Hyder Consulting final report into consideration in relation to organic recycling for inclusion in the final Waste Strategy.

Mr Corbell: The answer to the member's question is as follows:

- 1) No, the Government had not decided on a pathway for organic waste recycling prior to the release of the final Waste Strategy. The URS and Eco – Waste reports that were commissioned by the Government did indicate that a third bin collection service for household garden waste or food waste appeared to be a relatively expensive way to recovery resources in the ACT. The draft waste strategy reflected this finding.

Further analysis has been undertaken by Hyder to inform Government considerations of how to best recover organic waste in the ACT.

- 2) As noted, the Hyder results are being used to help inform Government considerations of how to best recover organic waste in the ACT. This will be reflected in the final waste strategy.

**Waste—statistics
(Question No 1902)**

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

- (1) There has been significant revision and re-revision of reported waste statistics for 4 years in a row, as seen in Budget Estimates Hansard, 24/05/11 p 858-9; TAMS Annual Report Hearings 2009-10 Hansard, p 54-55; 86-87; 2011-12 Budget Estimates Paper 4, p 73, for example, reported 'percentage of material recovered from the total waste stream' figures were revised in 2011, 2010, 2009 and 2008. What processes has the Government put in place to prevent this level of inaccuracy from continuing to occur in the future.
- (2) Could the Government provide complete tables of the revised and corrected waste statistics as categorised in the Budget Estimates and Annual Reports for the years 2008 through to the present.
- (3) Where do the ACT's current waste generation and recovery statistics presently stand relative to other states and territories in Australia.

Mr Corbell: The answer to the member's question is as follows:

- (1) There is only one change to reported waste statistics in the references provided above.

In the TAMS Annual Report Hearings 2009-10 (Hansard pp 54-55 and 86-87), Mr Byles corrected the record in relation to waste data reported in the 2008-09 TAMS Annual Report. Mr Byles noted that resource recovery in 2008-09 was actually 584,000 tonnes, but had been reported as 640,000 tonnes. The error had occurred because of incorrect recycling data provided by private industry due to a calculating error by private industry. The error was detected following checks and cross-comparisons with the next year's data run by TAMS and was then corrected by private industry.

The incorrect data lead to provision of targets that were later revised. Budget Estimates on 24 May 2011 (p 858-9 Hansard) provided further information about this.

The 2011-12 Budget Paper 4, p 73, sets out 2010-11 Targets, 2010-11 Estimated Outcomes and 2011-12 Targets for various aspects of waste and recycling.

'Targets' are set in consultation with the business unit prior to the commencement of the year. 'Estimated outcomes' are estimated outcomes of performance based on data collected to date. Neither is a reported statistic, they are goals and estimates.

Actual performance as reported can differ from goals and estimates. This is particularly so for waste and recycling for several reasons. For instance, the ACT Government does not control overall waste generation rates. Major influences such as drought (which decreases garden waste) and increased building activity (which increases construction and demolition waste) are difficult to predict. In addition, around 90% of all recycling is done by the private sector and data is collected once each year via an industry survey. Until the year's recycling data is collected from the private sector, it is very difficult to predict what actual performance is likely to be.

Landfill data is collected via weighbridge data, which is controlled by TAMS. This data is continually checked and forms the basis of Estimated Outcomes.

As noted above, recycling data is collected via survey once each year. TAMS runs checks against the data received from private industry to ensure it is consistent with past performance and industry trends, which is how the 2008-09 private industry error was detected.

- (2) Data on waste to landfill, resource recovery and other key information is on the TAMS website for 1993-94 to 2009-10 at www.tams.act.gov.au/live/recyclingwaste/about_ACT_NOWaste/progress_and_charts. The website will be updated shortly to include 2010-11 data.
- (3) Current comparative data for all jurisdictions is not available.

The most recent national comparison of waste generation and recovery statistics in Australian jurisdictions is based on 2006-07 data and is reported in the 2010 National Waste Report. Table 2.5 from that report is attached. The full report is at <http://www.ephc.gov.au/taxonomy/term/89>.

Waste—lights and batteries (Question No 1904)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

- (1) In relation to the disposal of compact fluorescent light (CFL) bulbs (a) what education or instructions are the government giving to householders and business about how to safely dispose of CFLs; (b) where can the public take these for disposal; (c) what happens to any CFL that are in the green landfill bins; (d) what happens to any CFL that are in the yellow recycling bins; (e) are there any commercial facilities for disposal of CFL's; (f) where are CFL's that are properly disposed of in the ACT taken and how are they then processed.
- (2) In relation to the disposal of household batteries not including car batteries (a) what education or instructions are the government giving to householders and business about how to safely dispose of batteries; (b) where can the public take these for disposal; (c) what happens to any that are in the green landfill bins; (d) what happens to any that are in the yellow recycling bins; (e) are there any commercial facilities for disposal of batteries; (f) where are batteries that are properly disposed of in the ACT taken and how are they then processed.

Mr Corbell: The answer to the member's question is as follows:

- (1) (a) CFLs from domestic sources: Canberra Connect, the ACT NOWaste website and responses to queries advise that used CFLs from a domestic source can be dropped off free of charge at the Mugga Lane and Mitchell Resource Management Centres.

People who do not wish to drop off their CFLs at the Resource Management Centres are referred to the Environment Protection Unit and are advised that they may wrap CFLs in newspaper and place them into the household green-lidded waste bin.

CFLs from commercial sources: Canberra Connect, the ACT NOWaste website and responses to queries encourage recycling of CFLs from commercial sources, which usually attracts a fee. The Recycling Guide on the ACT NOWaste website lists companies that provide recycling services for CFLs.

Businesses and offices involved in the ACTSmart Office or ACTSmart Business Recycling Programs are advised that they can utilise a commercial recycling service for CFLs. The ACTSmart program facilitates this service with the provision of signage and education to those organisations encouraging staff to recycle CFLs.

The Environment Protection Unit also provides direct advice about how to dispose of large or commercial quantities of CFLs and how to safely clean up a CFL that is accidentally broken.

(b) Members of the public may dispose of CFLs in the manners noted above.

(c) A CFL placed in a household green-lidded waste bin will be collected in the regular household waste collection and transported to the Mugga Lane Resource Management Centre, where it will be interred in landfill.

(d) A CFL placed in a household yellow-lidded recycling bin will be collected in the regular household recycling collection and transported to the Materials Recovery Facility at Hume. It will be sorted out from the recyclables and directed into the contamination stream, which is interred in landfill.

(e) There are commercial facilities that recycle and dispose of CFLs. Some of these are listed in the 'Recycling Guide' on the ACT NOWaste website.

(f) CFLs sent to landfill in the ACT are interred in the engineered lined landfill at Mugga Lane. Disposal of CFLs in that landfill is consistent with the Environmental Authorisation.

CFLs collected at the Resource Management Centres are collected under contract by Chemsal Pty Ltd. Other CFLs are collected by commercial recyclers / transporters, where the owner of the item has arranged this. The CFLs are then transported interstate under the Movement of Controlled Waste between State and Territories National Environment Protection Measure (NEPM). Recycling facilities crush CFLs where the metal, glass, and mercury containing powder are recycled.

- (2) (a) Canberra Connect, the ACT NOWaste website and responses to queries advise that mobile phone batteries can be dropped off at the Mobile Muster collection points provided at each of our Recycling Drop Off Centres and Resource Management Centres. The Mobile Muster website describes the program fully.

Canberra Connect, the ACT NOWaste website and responses to queries encourage people to take other household batteries to Battery World in Phillip for recycling. Battery World recycles small amounts of most household batteries from domestic sources free of charge. If people do not wish to use this recycling option, they may also be advised that small amounts of fully discharged lithium batteries or other household batteries (but not NiCAD batteries) can be wrapped in newspaper and placed into the household green-lidded waste bin.

For large or commercial quantities of NiCAD batteries, the Environment Protection Unit provides direct advice about which companies can dispose of these. For household quantities of NiCAD batteries, Canberra Connect and the Environment Protection Unit encourage people to recycle them with companies such as Battery World, Cleanaway Canberra, SITA Environmental Solutions Canberra and MRI.

The ACTSmart Business and Office program encourages participants to set up mobile phone recycling for mobile batteries, handsets, chargers etc. They also encourage participants to set up battery recycling for staff, and at many sites, staff are encouraged to bring in batteries from home to recycle through the workplace recycling program. These form part of the accreditation under the program.

(b) Members of the public may dispose of batteries in the manners noted above.

(c) A battery placed in a household green-lidded waste bin will be collected in the regular household waste collection and transported to the Mugga Lane Resource Management Centre, where it will be interred in landfill.

(d) A battery placed in a household yellow-lidded recycling bin will be collected in the regular household recycling collection and transported to the Materials Recovery Facility at Hume. It will be sorted out from the recyclables and directed into the contamination stream, which is interred in landfill.

(e) There are commercial facilities that dispose of batteries. Some of these are listed in the 'Recycling Guide' on the ACT NOWaste website.

(f) Batteries sent to landfill in the ACT are interred in the engineered lined landfill at Mugga Lane. Disposal of batteries in that landfill is consistent with the Environmental Authorisation.

Batteries collected in the ACT by commercial recyclers / transporters are transported interstate for processing under the Movement of Controlled Waste between State and Territories National Environment Protection Measure (NEPM). Processing facilities usually break items into component parts for recycling. Details of exact processes used by different companies should be obtained directly from those companies.

Waste—third organic bin (Question No 1905)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011 (*redirected to the Minister for Environment and Sustainable Development*):

- (1) In relation to third organic bin costings what are the full costings of, and assumptions behind, a third bin collection as presented in the URS Supplementary report, 'Economic Modelling of Options for Waste Infrastructure in the ACT' 2010, p 7-8.
- (2) What are the reasons why costings for a third bin were provided by TAMS whereas the figures for other options including the dirty MRF were provided by the technology suppliers.
- (3) How were these different sources of costings, and hence the differing assumptions on their respective practical applicability, taken into account in order to make comparable option assessments in the URS modelling.
- (4) What are the details underpinning the reasons for why the draft Waste Strategy (p 17) assessed Canberrans as not very capable or willing to participate in source separation.

- (5) What data that underpinned concerns about smells and pests associated with a third organic bin as described in the draft Waste Strategy (p 17).

Mr Corbell: The answer to the member's question is as follows:

- (1) The third bin collection service costs used in the second URS & Eco Waste report were estimated from ACT Government contract costs associated with existing collection services.
- (2) The ACT has relatively low household waste collection costs (\$/household/year) due to the ACT being much larger than most Australian councils and having excellent road networks. Thus, using URS or Eco Waste in-house data or public domain data could have unfairly disadvantaged a third-bin collection service.
- (3) Cost Benefit Analysis generally involves varied assumptions, estimates and forward predictions. The results were tested via extensive sensitivity analysis and a sensitivity analysis associated with costs was included. The full results, including sensitivity analysis were released 8 December 2010.
- (4) The draft waste strategy stated that "some people may choose not to sort food waste". Participation rates are a key issue for all organic waste collection services that have been implemented in Australia and globally. Hyder has been contracted to review participation rates in organic waste collection systems in Australia and internationally as well the ACT's own 2001 trial in Chifley.
- (5) Experience of other Australian and international jurisdictions indicate that odour and flies (especially outdoors) and cockroaches or vermin (especially indoors) are key issues that must be managed in any food waste collection service. The increasing prevalence of nappies, that cannot be accepted into the organic bin can be a source of odour nuisance. If the relevant jurisdiction seeks to manage the high costs of these services by using either fortnightly collection for the organics bin or the residual-waste bin these odour issues may be particularly prevalent.

Waste—charity discounts (Question No 1906)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

In relation to charities that have access to landfill at a discount rate (a) what organisations are able to dump at a discount rate, (b) what is the discount rate, (c) is there a restriction on the type of goods that can be dumped, (d) can charities dump electronic waste, (e) can the tip recycling shop, Tiny's, dump waste at a discount rate, (f) what volume of waste is dumped by charities each year and (f) can charities dump at both Mitchell and Mugga Lane.

Mr Corbell: The answer to the member's question is as follows:

- (1) (a) No charities have access to landfill at discount rates.

(b) There is no discount rate. However the following charities have a Ministerial fee waiver from landfill fees:

- Anglicare
- Barnados
- Hand to Hand / Ginninderra Care Inc
- Koomarri
- Lone Fathers Association
- Oasis Care Inc
- Salvation Army
- Society of St Vincent De Paul Pty Ltd
- St Barnabas Anglican
- The Smith Family

Charities that have a Ministerial fee waiver are fully exempt from landfill fees.

All charity fee waivers will terminate on 31 December 2011 ahead of the commencement of a new system on 1 January 2012.

(c) There is no restriction on the type of goods as such, but the waste must be generated in association with an established recycling process. There will be restrictions under the new system.

(d) Any organisation can bring Ewaste to the Resource Management Centres. The Ewaste is not dumped but is collected for recycling. Charities that have a Ministerial fee waiver are not charged for this service.

(e) Tiny's Green Shed operates the Reusables Facilities at Mitchell and Mugga Lane under contract. Those contracts allow Tiny's Green Shed at each site to:

- (i) send up to 30 tonnes per month to landfill free of charge;
- (ii) once 30 tonnes has been sent to landfill in a month, send the next 31-50 tonnes at a rate that is 50% of the general commercial landfill fee; and
- (iii) once 50 tonnes has been sent to landfill in a month, send any remaining waste to landfill at the full commercial landfill fee.

(f) Tonnages vary from year to year. In 2010-11, the charities listed above delivered a total of around 2,400 tonnes to landfill.

(g) Any organisation can take material to either the Mitchell or Mugga Lane Resource Management Centre. There are different operational requirements at each site.

Roads—drivers licences

(Question No 1907)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011 (*redirected to the Attorney-General*):

- (1) In relation to driving license requirements for older Canberrans, what are the existing ACT laws regarding driving testing for aged people.
- (2) Has the ACT Government assessed whether these laws offend age discrimination laws or does it have legal advice on this issue and can the Minister provide this assessment and any legal advice.

Mr Corbell: The answer to the member's question is as follows:

- (1) There are no ACT laws requiring driver testing for older people, unless the person holds a public vehicle driver licence, in which case the driver is required to have an annual driving assessment from 70 years of age. Vision tests are required for all drivers on initial licence, then at the ages of 50, 60, 70 and 75 and thereafter annually. Medical assessments are required for all licence classes are required for drivers at 75 years and annually thereafter. Further information regarding medical standards for licensing are defined by the Medical Standards for Licensing and Clinical Management Guidelines approved by the Australian Transport Council (http://www.austroads.com.au/upload_files/docs/AFTD%202003-F_A-WEBREV1.pdf)
- (2) In so far as this driving assessment is a pre-condition for retaining or being issued a public vehicle driver licence when one is an older driver, eyesight and medical checks as outlined above would not amount to unlawful discrimination on the basis of age under the *Discrimination Act 1991*.

Section 57J of that Act deals with age discrimination, in the context of the provision of services etc. It provides as follows:

"57J Goods, services and facilities—health and safety

- (1) Section 19 or section 20 does not make it unlawful to discriminate against a person on the ground of age in relation to the provision of goods, services or facilities if that discrimination is practised to comply with reasonable health and safety requirements relevant to such provision.
- (2) In deciding what health and safety requirements are reasonable for subsection (1), all the relevant circumstances of the particular case must be taken into account, including the effects of the discrimination on the person discriminated against."

Roads—Gungahlin Drive extension (Question No 1908)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

- (1) What is the current level of congestion on Gungahlin Drive/Gungahlin Drive Extension (GDE) and how does this compare to congestion levels over the last 5 years.
- (2) Can the Minister provide data from the last five years about the number of vehicles using the Gungahlin Drive/GDE and can the data include comparisons of vehicles using Gungahlin Drive/GDE before and after the completion of the road works.

- (3) Does the Government have data on the reasons for the increase of travel on Gungahlin Drive/GDE since the completion of the roadworks; if so, how much of the increased travel is from (a) vehicles moving to the road from another route, (b) people who formerly used public transport or car pooled, and (c) new induced trips.
- (4) Can the Minister provide any survey data held by the Government relating to Canberrans' use of Gungahlin Drive/GDE.
- (5) Has the Government measured whether the opening of the GDE has affected travel on other roads in Canberra; if so, can the data be provided.

Mr Corbell: The answer to the member's question is as follows:

- (1) Traffic is flowing well on the Gungahlin Drive Extension (GDE) since it has been fully opened. Prior to this, over the last five years, traffic conditions during peak times were slow with regular delays being experienced.
- (2) Roads ACT is currently collection traffic data during November on three sections of the GDE:
 - a) Barton Highway – Ginninderra Drive;
 - b) Ginninderra Drive – Belconnen Way; and
 - c) Belconnen Way – Glenloch Interchange.

A copy of this information will be provided to you together with previous information once it has been collected and assessed.

(3) No.

(4) No.

- (5) Roads ACT is currently collecting traffic data on the GDE and monitoring the impact of other roads in North Canberra. A copy of this information will be provided to you once it has been collected and assessed.

Roads—Barry Drive (Question No 1910)

Mr Coe asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011 (*redirected to the Minister for Territory and Municipal Services*):

- (1) In relation to Barry Drive, when was the last time a traffic study was conducted and what are the details of that study.
- (2) How much money was spent on the Barry Drive bus lane.
- (3) How many vehicles travel on Barry Drive on (a) weekdays and (b) weekends.

Mr Corbell: The answer to the member's question is as follows:

- (1) The Belconnen to City Transitway Study is the latest traffic study involving Barry Drive and was undertaken in 2010-11. This study examined the provision of public transport and walking and cycling improvements from Belconnen to the City.
 - (2) The Barry Drive bus lane project cost was \$4.5m exclusive of GST.
 - (3) (a) approximately 27,000 vehicles per day use Barry Drive between Clunies Ross Street and Boldrewood Street each weekday; and
(b) approximately 17,000 vehicles per day use Barry Drive between Clunies Ross Street and Boldrewood Street each weekend day.
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**Dogs—euthanasia
(Question No 1911)**

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011 (*redirected to the Minister for Territory and Municipal Services*):

- (1) In relation to domestic animal euthanasia how many days does Domestic Animal Services (DAS) hold stray dogs for before they are euthanized.
- (2) How does this time compare to other jurisdictions.
- (3) Are there any times that DAS hold the dogs longer than the set time, and for what reason.
- (4) What efforts does DAS make to contact dog rescue organisations, in order to rehome healthy dogs as an alternative to euthanasia.
- (5) How many dogs were euthanized by DAS in 2010-11.

Mr Corbell: The answer to the member's question is as follows:

- (1) Under the *Domestic Animals Act 2000*, Domestic Animal Services (DAS) is required by legislation to keep a dog for a minimum of seven days. On the eighth day the dog becomes the property of the ACT and may be sold, rescued or euthanized.
- (2) The ACT holds the dogs longer than any other State or Territory. Tasmania is required to keep dogs for three days, Victoria five days and New South Wales are five days and are currently moving to three days.
- (3) Stray dogs are regularly kept at DAS for longer than the set time. The reasons for retaining the dogs relates to the capacity at the facility, extended negotiated collection times for parties interested in buying the dog and the potential for the dog to be sold.
- (4) DAS has a Rescue Service Co-ordinator who is a member of ACT Rescue and Foster (ARF). Each Saturday, all stray dogs are temperament tested at DAS by ARF, who then liaise with other rescue services to find homes for suitable animals.
- (5) 210 dogs (13.8% of dogs impounded) were euthanized by DAS in the 2010-11 financial year. This number is made up of:

- 101 stray dogs;
 - 12 dogs euthanized for welfare reasons (usually parvo virus); and
 - 97 dogs unsuitable for sale.
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**Canberra nature park—mountain bikes
(Question No 1913)**

Mr Rattenbury asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011 (*redirected to the Minister for Territory and Municipal Services*):

- (1) What restrictions exist for the use of Canberra Nature Park for recreational users such as mountain bikers.
- (2) Which reserves inside the Canberra Nature Park are frequently used by mountain bike riders.
- (3) Is there any evidence that ecological damage is caused by misuse of reserve areas by mountain bike riders.
- (4) What measures are put in place to manage the risks of the damage referred to in part (3) occurring.
- (5) Has the Government undertaken engagement with the mountain bike community outside of the project underway at Bruce Ridge.
- (6) What are the outcomes, to date, of the project at Bruce Ridge, including ecological outcomes and community engagement outcomes.
- (7) What actions does the Government take to ensure compliance with restrictions on the use of nature parks for mountain biking.
- (8) Do rangers monitor reserves on both week days and weekends and what powers are available to the rangers if they observe someone breaching restrictions.
- (9) How many times have rangers officially reprimanded park users who breach restrictions in the past 12 months and what actions have been taken.
- (10) How many rangers are available on a typical weekend to monitor and enforce the appropriate use of the Canberra Nature Park by recreational users.
- (11) What other policy options has the Government considered to manage the use of the Canberra Nature Park with regard to mountain bike riders.

Mr Corbell: The answer to the member's question is as follows:

- (1) Mountain bike riders are generally restricted to riding on formed trails. These multi-use trails are accessible to service vehicles, horse riding (in identified reserves), mountain bikes and walkers.
- (2) The Canberra Nature Park reserves most frequently used by mountain bikers are Mt Ainslie, Mt Majura, Bruce and O'Connor Ridge, Black Mountain and Isaacs Ridge.

- (3) Riding on formed trails does not result in ecological damage. However, some damage is evident in the form of illegal tracks used by mountain biker riders in some areas.
 - (4) Parks and Conservation has implemented the following measures to manage the risk of damage:
 - a) Signage in each of the reserves to indicate where mountain bikes can be ridden;
 - b) Ranger patrols in areas that have particular issues with illegal mountain bike access;
 - c) Working with the Friends of Bruce Ridge ParkCare Group, which has a mix of mountain bike enthusiasts and conservationists as members, to develop a shared trail system on Bruce Ridge; and
 - d) Quarterly meetings with key recreation user groups which includes representation from Canberra Off Road Cyclists (CORC).
 - (5) As well as working with the Friends of Bruce Ridge ParkCare Group as outlined in 4d), TAMS Parks and City Services (PCS) works closely with cycling event organisers on a case by case basis to ensure the protection of conservation values. In addition, CORC has been involved in the development of the ACT Trails Strategy Discussion Paper.
 - (6) PCS initiated the formation of the Friends of Bruce Ridge with the aim of seeking community assistance with managing this Reserve. A number of volunteers have joined this ParkCare Group which has worked with PCS to realign or close some of the trails in ecologically sensitive areas and repair other trails to prevent erosion. All trails are now being managed to the International Mountain Biking Association specification for sustainable trails.
 - (7) Rangers patrol nature reserves in Canberra Nature Park. In addition there is ongoing communication with the Recreation Users Group.
 - (8) The reserves in Canberra Nature Park are patrolled by ranger staff on weekdays and on weekends as part of their duties. Rangers are authorised as conservation officers under the *Nature Conservation Act 1980*.
 - (9) A number of unofficial warnings have been given. However, there haven't been any prosecutions. A strategy of engagement and education is the preferred approach.
 - (10) Four rangers are rostered to work in Canberra Nature Park each weekend. Rangers undertake a range of duties (e.g. fire standby during summer and urban wildlife) as well as patrolling in nature reserves.
 - (11) TAMS Parks and Conservation is developing a Trails Strategy for the ACT that considers a range of issues in relation to the provision of recreation trails. At a local scale, PCS has been working with community groups such as the Bruce Ridge ParkCare Group to develop a shared trail system for Bruce Ridge Nature Reserve which is sympathetic to the conservation values of the reserve.
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**Energy—solar
(Question No 1914)**

Mr Rattenbury asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011:

- (1) How many applications to install solar panels have been made to the ACT Planning and Land Authority (ACTPLA) in each month since 1 July 2010.
- (2) What is the total number of safety inspections undertaken by ACTPLA in each month since 1 July 2010.
- (3) What is the number of installations that have failed their initial ACTPLA inspections in each month since 1 July 2010.
- (4) Since July 2010 and up to and including the most recent applications to install solar panels, what are the waiting times experienced by applicants in regards to having their systems inspected and can the Minister provide the number of people who have had to wait (a) less than 4, (b) 4-8, (c) 9-16, (d) 17-24, (e) 25-32, (f) 33-40 and (g) more than 40, weeks.
- (5) What have been the numbers of staff allocated to the task of undertaking inspections of solar installations since 1 July 2010 and can the Minister provide these numbers by month.
- (6) Has there been difficulties recruiting staff to fill any of these positions.
- (7) Has there been any consideration of contracting extra staff to fill these positions.

Mr Corbell: The answer to the member's question is as follows:

- 1) The ACT Government does not install solar panels and as such does not receive any applications to install solar panels.

Under the *Electricity Safety Act 1971* a licensed electrician is required to submit to the Construction Occupations Registrar a Certificate of Electrical Safety (CES) for any work that they undertake in the ACT. Depending on the classification of the work (new/existing/alteration) the electrical inspectorate within the Environment and Sustainable Development Directorate undertakes inspections of the work.

In the case of PV installations that electrical work is classed as new work and is inspected at a rate of 100%. In 2009/10 the electrical inspectorate received approximately 480 CES's for PV installation and in 2010/11 the electrical inspectorate received approximately 4800 CES's for PV installations.

- 2) Total number of safety inspections:

July 2010	65
August 2010	73
September 2010	38
October 2010	38
November 2010	92
December 2010	30
January 2011	96
February 2011	131
March 2011	112
April 2011	106
May 2011	141
June 2011	229

July 2011	245
August 2011	168
September 2011	324
October 2011	177
November 2011	109
Total	2,174

3) Number of installations that have failed initial ACTPLA inspections:

July 2010	18
August 2010	20
September 2010	11
October 2010	7
November 2010	18
December 2010	7
January 2011	32
February 2011	47
March 2011	26
April 2011	46
May 2011	58
June 2011	114
July 2011	162
August 2011	114
September 2011	184
October 2011	127
November 2011	77
Total	1,068
Failure rate:	49%

4) The current booking system does not disaggregate information to that level. However, the average time waiting times for an electrical inspection for a PV installation booked since May 2011 are approximately as follows:

May 2011	<i>6 weeks</i>
June 2011	<i>10 weeks</i>
July 2011	<i>12 weeks</i>
August 2011	<i>12 weeks</i>
September 2011	<i>14 weeks</i>
October 2011	<i>16 weeks</i>

5) In July 2011, the Environment and sustainable Development Directorate employed ten electrical inspectors to undertake electrical inspection work within the ACT. This number was increased to thirteen in August 2011 and further to fourteen in September 2011. A fifteenth inspector was added in early October to work exclusively on inspecting new housing.

6) New electrical inspectors are difficult to source, as they are required to be licensed electricians with wide-ranging industry experience in relation to the Australian Wiring Rules, the various types of electrical installations to be inspected, such as PV installations, along with extensive training in inspections for compliance with

regulation. Existing government awards provide limited remuneration, resulting in this level of expertise being difficult to attract.

- 7) Engaging contract staff is a measure which has previously been applied. However because contractors need an extensive level of additional on the job training to enable them to address all relevant safety aspects associated with such electrical installations, it can take a couple of months before they are fully effective. Further, this training requires existing inspectors to be taken off-line for considerable periods of time. The Government has provided additional funding to ESDD to recruit full time inspectors as noted in 5 above.

Motor vehicles—registration (Question No 1915)

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011 (*redirected to the Attorney-General*):

- (1) Does the ACT Government provide any discounts on vehicle registration to Class A (green) vehicles.
- (2) How does the ACT Government make any allowance for the increased weight of some Class A vehicles in registration fees.
- (3) What consideration has the Government given to reducing vehicle registration fees for vehicles that drove a small amount of kilometres during the previous registration year.
- (4) What incentives does the ACT Government currently provide for people to buy and use Class A vehicles.

Mr Corbell – Assuming that the Class A (green) vehicles the Member is asking about is the A-rated vehicle under the *Taxation Administration (Amounts Payable – Motor Vehicle Duty) Determination 2010 (No 2)*, the answers to the Members questions are as follows:

- (1) The ACT Government does not currently provide vehicle registration discounts to these vehicles. The ACT Government does, however, provide a registration discount of 20% to vehicles that are fully electric (not hybrid) vehicles and vehicles built or modified to operate on automotive gas (Liquefied Petroleum Gas (LPG), Compressed Natural Gas (CNG), or Liquefied Natural Gas (LNG)).
- (2) The ACT's light vehicle registration fees are mass based and do not take account of the technology of the motive power, whether that be petrol, diesel, automotive gas, hybrid, or electric. The mass of a vehicle provides a reasonable measure of the damage that the vehicle will cause to infrastructure and more environmentally friendly vehicles that are heavier than less environmentally friendly vehicles will cause more damage than the less environmentally friendly vehicle.
- (3) Registration is a charge for availability of access to the road network, and provides access 24 hours per day, 7 days per week. The decision to access that infrastructure is a decision of the owner driver of the vehicle. As indicated previously, registration fees in the ACT for light vehicles are mass based, and no allowance is made for vehicles that only travel a small number of kilometres.

- (4) To encourage the purchase of more environmentally friendly (A-rated and B-rated) vehicles and to discourage the purchase of less environmentally friendly (D-rated) vehicles the ACT Government imposes variable stamp duties depending on the vehicle rating. Better performing vehicles have a lower duty imposed and vehicles with poorer performance have a higher duty imposed. Vehicle ratings and the duties payable can be found at <http://www.legislation.act.gov.au/di/2010-133/current/pdf/2010-133.pdf>.
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Roads—driving fines (Question No 1916)

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 27 October 2011 (*redirected to the Attorney-General*):

What alternatives does the Government provide to the revocation of a driving license in instances where fines remain unpaid and does it allow for garnishee debt recovery in these instances.

Mr Corbell: The answer to the member's question is as follows:

The *Road Transport (General) Act 1999* (the Act) provides for a driver licence, vehicle registration or right to drive suspension to be applied where a vehicle related infringement notice remains unpaid. The Act provides for no alternatives. There are no garnishee debt recovery arrangements for unpaid vehicle related infringements.

Roads—driving fines (Question No 1917)

Ms Le Couteur asked the Treasurer, upon notice, on 27 October 2011 (*redirected to the Attorney-General*):

What alternatives does the Government provide to the revocation of a driving license in instances where fines remain unpaid and does it allow for garnishee debt recovery in these instances.

Mr Corbell: The answer to the member's question is as follows:

The *Road Transport (General) Act 1999* (the Act) provides for a driver licence, vehicle registration or right to drive suspension to be applied where a vehicle related infringement notice remains unpaid. The Act provides for no alternatives. There are no garnishee debt recovery arrangements for unpaid vehicle related infringements.

Government—investments (Question No 1918)

Ms Hunter asked the Treasurer, upon notice, on 27 October 2011:

- (1) Does the Territory invest in any way in 3M Company, Best Buy Co Inc, Pentair Inc, Target Corp; if so, how did the Territory vote, or instruct our representative to vote, on resolutions put at their annual general meetings concerning political contributions and sexual orientation discrimination.
- (2) Does the Territory own shares in Ambassadors Group Inc, ConocoPhillips, Dr Pepper Snapple Group Inc, Exxon Mobil Corporation, Gardner Denver Inc, Nutraceutical International Corp, Southside Bancshares Inc, eHealth Inc; if so, how did the Territory vote, or instruct our representative to vote, on a resolution put at their annual general meeting to amend its written equal employment opportunity policy to explicitly prohibit discrimination based on sexual orientation and gender identity or expression.

Mr Barr: The answer to the member's question is as follows:

- (1) The Territory does not own any shares in the companies identified.
- (2) The Territory owns shares in ConocoPhillips. The Territory's fund manager abstained from voting on the resolution identified.

The Territory owns shares in Exxon Mobil Corporation. The Territory's fund manager voted against the resolution identified.

The Territory does not own any shares in the other companies identified.

Mental health—funding (Question No 1920)

Mr Hanson asked the Minister for Health, upon notice, on 15 November 2011:

- (1) What is the total amount of mental health funding that is provided to non-government organisations for the (a) 2010-2011 and (b) 2011-2012 financial years.
- (2) Which non-government organisations were in receipt of mental health funding in the (a) 2010-2011 and (b) 2011-2012 financial years.
- (3) What is the total amount each organisation referred to in part (2) received in the (a) 2010-2011 and (b) 2011-2012 financial years.
- (4) Can the Minister state whether the funding for each organisation referred to in part (2) is ongoing or a one-off grant.

Ms Gallagher: The answer to the member's question is as follows:

- (1) (a) In 2010-2011 the ACT Government provided \$11,141,018 mental health funding to 31 non government organisations.
(b) In 2011-2012 the ACT Government will provide \$12,051,366 mental health funding to the same 31 non government organisations.
- (2) (a) In the 2010-2011 financial year the following non government organisations were in receipt of mental health funding, as per Attachment A.
(b) In the 2011-2012 financial year the same non government organisations will be in receipt of mental health funding, as per Attachment A.

- (3) (a) The following total amounts were provided to each organisation referred to in part (2)(a) in the 2010-2011 financial year, as per Attachment A.
- (b) The following total amounts will be provided to each organisation referred to in part (2)(b) in the 2011-2012 financial year, as per Attachment A.
- (4) For each organisation referred to in part (2) Attachment A the funding is ongoing.

Attachment A

Organisation	2010-2011 Funding	2011-2012 Funding
ADACAS (ACT Disability Aged & Carer Advocacy Service)	\$104,916	\$108,483
ACT Mental Health Consumers Network	\$293,139	\$303,106
Barnardos	\$104,848	\$108,413
Belconnen Community Service	\$785,326	\$812,027
Beyondblue	\$70,000	\$70,000
Brindabella Women's Group	\$31,000	\$32,054
Carers ACT	\$300,340	\$360,552
CatholicCare (formerly Centacare)	\$2,599,703	\$2,688,093
Community Coalition of the ACT	\$437,464	\$632,338
Community Connections	\$139,604	\$144,350
Companion House	\$184,641	\$190,919
GROW	\$155,177	\$160,453
Gugan Gulwan Youth Aboriginal Corporation	\$150,000	\$155,100
INANNA	\$638,080	\$676,350
Majura Women's Group	\$31,000	\$32,054
Marymead	\$41,557	\$42,970
Mental Health Foundation	\$899,303	\$929,879
MIEACT (Mental Illness Education ACT)	\$338,173	\$349,671
Mental Illness Fellowship of the Victoria	\$887,105	\$917,267
Morshead Older Persons Home	\$91,542	\$94,654
Oz Help Foundation	\$484,056	\$500,514
PANDSI (Post & Ante Natal Depression Support & Information)	\$187,682	\$212,281
Richmond Fellowship	\$849,043	\$875,760
Social Ventures Australia	\$53,278	\$135,089
St Vincent De Paul (Samaritan House & Outreach Support Program)	\$258,250	\$267,031
Tandem	\$234,245	\$242,209
Vista Vocational Services (formerly Mental Illness Fellowship ACT)	\$378,967	\$391,852
Volunteering ACT (Connections Volunteers)	\$128,316	\$132,679
Winnunga Health Service	\$74,471	\$77,003
Woden Community Service	\$185,000	\$382,580
Women's Centre for Health Matters	\$24,792	\$25,635
Total	\$11,141,018	\$12,051,366

**Peter Cullen Trust—funding
(Question No 1921)**

Mrs Dunne asked the Minister for the Environment and Sustainable Development, upon notice, on 15 November 2011:

- (1) Has the Government, in response to approaches from any person/organisation, provided funding to the Peter Cullen Trust; if so, (a) who made the approaches, (b) how much funding has been provided, (c) when was the funding provided, (d) to what purpose was the Peter Cullen Trust to put the funding and (e) what were the acquittal requirements.
- (2) Has the Government, on its own initiative, made any decision to provide funding to the Peter Cullen Trust; if so, (a) how much funding has been provided, (b) when was the funding provided, (c) to what purpose was the Peter Cullen Trust to put the funding and (d) what were the acquittal requirements.
- (3) What arrangements are in place for future government funding of the Peter Cullen Trust.

Mr Corbell: The answer to the member's question is as follows:

- (1) The ACT Government has processed funding to provide Australian Government funding to the Peter Cullen Trust. No ACT Government funds were involved.
 - (a) The Upper Murrumbidgee Catchment Coordinating Committee (UMCCC) approached the ACT Natural Resource Management Council and Upper Murrumbidgee Waterwatch .
 - (b) \$2,000 of Australian Government funding from the Caring for Country program was provided.
 - (c) 28 June 2011 (NRM Council) and 7 March 2011 (Waterwatch).
 - (d) Sponsorship of Peter Cullen Trust Leadership Program 2011.
 - (e) Nil.
- (2) No.
- (3) Nil.

ACT GardenSmart—rebates (Question No 1923)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 16 November 2011:

- (1) What has been the value of rebates paid under the ACT GardenSmart service to date.
- (2) How many rebates have been paid under this program to date.
- (3) How many GardenSmart services, for example, visits, have been carried out to date.
- (4) What is the budgeted cost of this service to the ACT Government for the years 2011-12 to 2014-15, including rebates and the cost of providing the service.

Mr Corbell: The answer to the member's question is as follows:

- (1) From the start of the GardenSmart program in 2004 to 31 October 2011, \$140,349.77 has been paid in GardenSmart rebates to ACT residents.

- (2) There have been 2,151 rebates paid to ACT residents since the commencement of the GardenSmart program in 2004.
- (3) Since the commencement of the GardenSmart program in 2004, a total of 6,298 GardenSmart visits have been performed for ACT residents.
- (4) Budget for:
 2011-12: \$263,000;
 2012-13: \$269,000; and
 2013-14: No budget has been allocated.

Education—behaviour management programs (Question No 1926)

Mr Doszpot asked the Minister for Education and Training, upon notice, on 17 November 2011:

What is the budget allocation for each behaviour management program, including pilot initiatives, currently offered in ACT schools for the years 2011-12 to 2014-15.

Dr Bourke: The answer to the member's question is as follows:

The budget allocation for 2011-12 is: \$1.8 million

- | | |
|---|----------------|
| i. Behaviour Support Partners | \$1.4 million |
| ii. Suspension Support Team | \$0.2 million |
| iii. Alternative Flexible Programs Fund | \$0.25 million |

The budget allocated to behaviour support programs in future years are established as part of internal budget allocation processes each financial year.

St Patrick's Catholic Church, Braddon—heritage listing (Question No 1927)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 17 November 2011 (*redirected to the Acting Minister for the Environment and Sustainable Development*):

In relation to the proposed heritage listing of St Patrick's Catholic Church in Braddon, can the Minister provide more details on why the ACT Heritage Council failed to formally list the building within the five months after its provisional listing as is required by the ACT Heritage Act.

Mr Barr: The answer to the member's question is as follows:

St Patrick's Church, Braddon was initially nominated to the ACT Heritage Register by a member of the public in April 2010. The place was provisionally registered in September 2010 and registered in July 2011.

Provisional registration is generally for a period of up to five months. The Council adopted the view that its obligation to make a decision continued, even where Provisional Registration had expired.

In this case provisional registration lapsed on 15 February 2011. Up to and beyond this time the Heritage Council had been in discussions with the Archdiocese of Canberra and Goulburn – the property owner- in relation to its concerns regarding the provisional registration and was awaiting further information supporting the Archdiocese' position. The Archdiocese requested additional time to collate this information and this was agreed to by the Council. The information was provided after the five month period ended. As a result, the Council's decision on final registration was made after the expiration of the provisional registration.

The Council now intends on making all decisions on whether to register a place or object, within five months of their provisional registration, so as to avoid being in the position it was in, when it registered the St Patrick's church in July 2011.

Planning—Jacka (Question No 1928)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 17 November 2011 (*redirected to the Acting Minister for Environment and Sustainable Development*):

- (1) In relation to planning processes for Gungahlin, at what stage is the planning for the new suburb of Jacka.
- (2) What is the process for ensuring that appropriate environmental studies have been undertaken in the Jacka area prior to undertaking engineering studies, noting that there is an open tender on the Procurement ACT website for "Engineering consultancy for the construction services including superintendency for civil engineering and landscape works for Jacka 1 Residential Estate comprising of 116 blocks".
- (3) What cultural and natural heritage studies have been done in the Jacka area and are these studies publicly available; if so, can the Minister provide copies of these studies.
- (4) Has Jacka been referred to the Federal Environment Protection and Biodiversity Conservation (EPBC) Strategic Environmental Assessment process; if not, what is the planned process and timing for this.
- (5) What other studies have been undertaken, or are being currently undertaken, for the remaining future urban areas in Gungahlin.
- (6) Is the Government preparing any other referrals to the Federal EPBC process for the Gungahlin area.

Mr Barr: The answer to the member's question is as follows:

- (1) Jacka has been listed in the ACT Government's Indicative Land Release Program since 2008 for possible release in 2011-12. Please refer to Attachment A for the portion of land in Jacka identified for release.

Structure and concept planning were completed and incorporated into the Territory Plan in 2003 and 2008, respectively.

An Estate Development Plan development application (DA) for Jacka 1 residential estate was lodged by the Land Development Agency on 23 November 2011. The public notification for the DA was between 30 November 2011 and 21 December 2011. The application is presently under assessment by the ACT Planning and Land Authority (ACTPLA).

The Jacka 1 residential estate is located south of Horse Park Heritage Precinct and Wetlands.

- (2) The processes are established under the *Planning and Development Act 2007* and under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- (3) Cultural and heritage studies were undertaken by ACTPLA (the Environment and Sustainable Development Directorate) as part of the North Gungahlin Structure Plan (Variation 130). Further studies were subsequently undertaken by ACTPLA as part of the Jacka Concept Plan. The Concept Plan is available on the Environment and Sustainable Development Directorate website.

The Land Development Agency is currently undertaking a heritage assessment for the remaining area of Jacka.

- (4) The Jacka 1 residential estate does not trigger the EPBC legislation process and as such does not require a referral. If it is found that future stages of Jacka impact on matters of national environmental significance under the EPBC Act, these would require referral under the Act.
- (5) The ACT Government, through various Directorates, undertakes a wide range of studies including: capital works (feasibility, forward design), planning (strategic, concept, estate, land supply/programming), environmental (surveys and monitoring), education (demographic, facility), commercial (demand and forecasting) as required to ensure the timely delivery of land and services.
- (6) Yes, EPBC referrals are prepared as and when required.

(A copy of the attachment is available at the Chamber Support Office).

Waste—Civic recycling bin trial (Question No 1929)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 17 November 2011:

1. In relation to the Civic recycling bin trial, can the Minister provide the full details of the waste audits and surveys which have been conducted in Civic, including:
 - (a) the total volume of waste collected from the Civic rubbish bins and the proportion of material that could be recycled,

- (b) a breakdown of the types of recyclable material found in these rubbish bins and their proportions of the total, for example, glass, plastic, paper,
- (c) the total volume of material collected from the prototype trial recycling bin and the proportion that was recyclable,
- (d) a breakdown of the types of recyclable material from the prototype bin, for example, glass, plastic, paper, and their proportions of the total and (e) figures underpinning the estimate, in the media release from the Minister entitled New Recycling bins to be trialled in Civic dated 14 November 2011, that the 37 recycling bins will divert 12 tonnes of waste from landfill.

Ms Gallagher: The answer to the member's question is as follows:

1. The Territory and Municipal Services (TAMS) Directorate has conducted the following audits and surveys of waste and recycling in Civic:
 - 2007: Waste and Recycling Audit of Glebe Park (results from this audit were superseded by the May 2011 Audit);
 - May 2011: CBD Public Litter Bin Waste Audit Report; and
 - August 2011: TAMS website survey of prototype bin design for recycling (survey assessed bin design for effectiveness and did not assess types of recyclables collected).
 - (a) The CBD Public Litter Bin Waste Audit Report, May 2011 estimated that 100 tonnes of waste was collected from the Civic precinct per annum. The audit found that 44 per cent of the litter bin contents were "potentially recyclable".
 - (b) The CBD Public Litter Bin Waste Audit Report of May 2011 found the following composition of rubbish bins in the City:
 - 27.6% - Residual waste
 - 32% - Recyclable containers
 - 28.8% - Organic matter
 - 11.6% - Paper and cardboard
 - (c) The Material Recovery Facility indicated that 95 per cent of the material removed from the prototype recycling bin was recyclable.
 - (d) TAMS did not collect the break-down of recyclable materials from the prototype. The Material Recovery Facility accepted all of the material collected.
 - (e) The figures underpinning the estimate in the media release issued on 15 November 2011 used information from the CBD Public Litter Bin Waste Audit Report, May 2011, which estimated that 80 waste bins in the Canberra Central Business District generated approximately 100 tonnes to public land fill per annum and that 44 per cent of the litter bin contents were potentially recyclable. Therefore, 37 bins could generate approximately 20.34 tonnes per annum or 11.87 tonnes over the seven month trial period (December 2011 to June 2012).
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**Motor vehicles—registration
(Question No 1931)**

Ms Bresnan asked the Attorney-General, upon notice, on 17 November 2011:

- (1) What is the amount of money paid to the Government for vehicle registration fees in each of the last five years.
- (2) How many individual registrations for private vehicles were paid and what number and percentage were paid late thus incurring the additional late fee cost.
- (3) What factors are considered in the setting of registration fees and how do these factors relate to the costs of different vehicles.

Mr Corbell: The answer to the member's question is as follows:

- (1) 2006-07 = \$71,429,952.18
 2007-08 = \$75,026,419.83
 2008-09 = \$80,892,854.43
 2009-10 = \$86,016,139.06
 2010-11 = \$91,945,643.68

- (2) 2006-07 = 328,082
 2007-08 = 328,441
 2008-09 = 337,782
 2009-10 = 344,883
 2010-11 = 359,527

A vehicle registration can be renewed up to 12 months after the expiry date. There is no late fee applied to the renewal of a vehicle registration. Where a vehicle is registered after the registration has been expired more than 12 months it is classed as an establish registration transaction. Where the registration of a vehicle previously registered in the ACT is re-established there is an administrative fee of \$38.90. The following number registrations have been re-established:

2006-07 = 1,904
 2007-08 = 2,345
 2008-09 = 2,421
 2009-10 = 3,350
 2010-11 = 6,071

- (3) The cost of registering a vehicle in the ACT increases with the weight of the vehicle and depending on the weight of the vehicle, it will fall into a particular fee category. NSW also uses this system and the weight categories in the ACT align with those in NSW. Registration provides access to the road network and the registration fees go some way towards constructing and maintaining the road network as well as administering and operating the registration system.

The reason it costs more to register a larger, heavier vehicle is that a heavier vehicle typically imposes a greater wear and tear on road infrastructure than a smaller, lighter vehicle.

The ACT Government provides a range of concessions on the cost of registering a motor vehicle including a 100% concession to eligible pensioners and veterans. The owners of gas or electric powered vehicles receive a 20% concession, while seniors receive 10%.

Roads—parking (Question No 1932)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 17 November 2011:

- (1) What is the number of on street and off street public car parking places in Canberra and where are they located.
- (2) What are the vacancy and occupancy rates of these car parking places.
- (3) Can the Minister provide the costs to Government of providing public car parking spaces in Canberra and the breakdown of these costs.

Ms Gallagher: The answer to the member's question is as follows:

- (1) There are on-street parking spaces on almost every street in Canberra and it is not possible to provide an accurate number for these spaces. In total, there would be many hundreds of thousands of spaces available across the road network.

In relation to off-street car parking spaces, these include spaces in the City centre, in the town centres, in industrial areas, in group centres and local centres and at recreational facilities and at other facilities across the Territory. While it is not possible at such short notice to detail all the numbers, the following data provides parking spaces of group centres, local centres, town centres and the City.

Group and local centres:

From surveys undertaken for a number of purposes in recent years, there are approximately 10,500 spaces provided by the Territory in group centres and local centres. This figure does not include any privately provided, but publicly available, parking spaces, such as those in the Manuka Plaza basement car parks.

City:

There are approximately 13,300 publicly available car parking spaces in the City (including the Braddon and Torrens commercial areas). Of these, around 4,200 are publicly owned surface car parking spaces, with the balance of around 1,600 surface car parking spaces provided by the private sector. The commercial parking stations at the Canberra Centre, the National Convention Centre, the City West Car Park and the ANU's 121 Marcus Clarke Street car park together provide approximately 7,500 spaces.

Town Centres:

There are approximately 3,700 spaces in Belconnen (of which 700 are on Commonwealth land and another 900 are privately owned but publicly available – excluding the Westfield retail centre car parks).

In Woden, there are around 3,400 surface car parking spaces, of which around 400 are privately owned but with public access. These figures do not include the Westfield retail centre parking spaces.

In Tuggeranong, there are around 800 publicly provided car parking spaces in the town centre, with a further 700 provided by the private sector for public use. These figures exclude the parking spaces provided by the Tuggeranong Hyperdome.

There are around 1500 off-street surface parking spaces provided in Gungahlin Town Centre, of which about 850 are provided by the Territory, with the balance provided by private lessees. Of the publicly provided spaces, about 400 are formed, with the balance informal spaces on unleased land.

- (2) In terms of utilisation, a parking survey of the City and town centres was undertaken. The approximate utilisation figures for each of the major centres are as follows:

City	74%
Belconnen	70%
Woden	87%
Tuggeranong	58%
Gungahlin	41%

Note: These figures include both publicly provided and private for public car parking spaces.

- (3) Parking spaces are generally provided by developers of sites and as part of the road network in residential, commercial and industrial developments by the development industry. The only new parking spaces which the Territory has constructed in recent years are those on and near the Acton futsal slab, west of Commonwealth Avenue in the City. The average cost per space was around \$4,000, but this included the construction of a new section of road (Corkhill Street). The estimated cost of surface parking spaces is in the order of \$2,500 to \$3,500, depending on site conditions.

Arts—community arts officers (Question No 1933)

Ms Bresnan asked the Minister for the Arts, upon notice, on 17 November 2011:

- (1) Will the existing community arts officers' roles be redefined as generalist arts officers; if so, (a) what will be the role of these new positions and (b) when will this change occur.
- (2) When will community arts officers be relocated to Belconnen and Tuggeranong.
- (3) What is the management strategy for this transition.
- (4) Will there be a Government officer dedicated to managing this transition.
- (5) Do any of the current community arts officers represent the ACT on any arts boards; if so, what are these positions.
- (6) Will generalising the positions mean that the officer will no longer have a position on these boards; if so, which positions will be affected.

- (7) Where will funding from the new positions come from and who will be responsible for managing this funding.

Ms Burch: The answer to the member's question is as follows:

- a) The existing specific, sector based arts officers will be redefined to community inclusion cultural development officers. The role of the officers will to enhance community engagement and inclusion in the arts for all Canberrans including the existing groups of multicultural, disability and Aboriginal and Torres Strait Islanders as well as others who are at risk and marginalised. This transition from specialists to generalists will occur during 2012 and take effect in 2013.
- b) It is anticipated that the community arts officers will be relocated to Belconnen and Tuggeranong in January 2012.
- c) artsACT has established a working party with representatives from the ACT Community Arts Office, Gorman House Arts Centre (which currently hosts the Office) and the Belconnen and Tuggeranong Arts Centres to manage the transition process.
- d) artsACT staff are managing the working party meetings and transition process.
- e) The artsAbility Officer is the ACT representative for Arts Access Australia.
- f) It is proposed that this representative role will rotate on an annual basis amongst the community inclusion cultural development officers. It is proposed to expand the engagement of the regional cultural community development offices with national branches such as Kultor, Arts Access Australia, and Regional Arts Australia on a rotational basis to broaden specific arts skills across the six officers.
- g) The funding is available from the ACT Arts Fund. For 2012, Gorman House Arts Centre will manage the funds during the transition period, and from 2013, the Belconnen and Tuggeranong Arts Centres will manage the funding.

Children—programs (Question No 1936)

Mrs Dunne asked the Minister for Community Services, upon notice, on 7 December 2011:

- (1) In relation to the 2010-11 annual report of the Community Services Directorate, Output 1.2 – Child and family centre program, p 47, what has been the trend over the last few years as to the number of Canberra families accessing this program.
- (2) What assessment has the Directorate made of future trends; if no assessments have been made, why not.
- (3) What has been the trend in the average cost over the past few years for Canberra families accessing this program and how will that cost trend over the current budget cycle.

Ms Burch: The answer to the member's question is as follows:

- (1) There has been a steady increase in the number of families accessing the service:

2006/2007	668
2007/2008	946
2008/2009	1177
2009/2010	1152
2010/2011	1279

- (2) There is likely to be an increase in the number of families accessing the Child and Family Centre as a result of:

- a. The opening of West Belconnen Child and Family Centre and the proximity of the Centre to the population of Belconnen; and
- b. The continuing growth in population of the Gungahlin Region.

- (3) The average cost per service since 2008/09 is \$8.39. There is no anticipated change to this average cost over the current budget cycle.

Children—adoption (Question No 1937)

Mrs Dunne asked the Minister for Community Services, upon notice, on 7 December 2011:

- (1) In relation to the 2010-11 annual report of the Community Services Directorate, Output 2.2 – Children's Services, p 51, what has been the trend in adoption applications received by the Directorate over the past few years.
- (2) What has been the trend in adoption placements over the past few years.
- (3) If there are differences between the trends referred to in parts (1) and (2), why.
- (4) What has been the trend over the past few years in those adoption placements coming from overseas.
- (5) How long does it take, on average, between adoption application and placement, of both local and overseas children, and what are the factors that contribute to that time factor.

Ms Burch: The answer to the member's question is as follows:

- (1) & (2) There has been a decline in the number of adoption applicants, most particularly for those applicants wishing to adopt children from overseas.

Currently there are 27 applicant files waiting for a placement proposal for an overseas born child.

For local adoptions the number of new applications and placements has been small for a number of years due to recognition by the broader community of the very small number of infants, whose parents make a plan of adoption for their care. On average there is one adoption placement per year.

- (3) See answer to question 1.
- (4) The AIHW routinely provide statistics for all states and territories related to adoption and include the number of children placed from overseas countries with Australian families. These numbers have continued to decline over the last decade and are related to the corresponding decline in adoption applications experienced by all states and territories. Increasingly the children placed through the Intercountry adoption programs are older and have high and complex care needs.
- (5) The time frame from an adoption application being lodged for either overseas adoption or local adoption through to an approval and placement of the applicants on the suitability roster will vary but in general will be completed within a six month period.

Issues which may impact on this time frame include the timing of applicant inquiry and subsequent attendance at the required information sessions and preparation seminar program, specific health issues which require clarification with treating specialists prior to commencement of applicant assessment and the applicants provision of the required documentation to facilitate the assessment process.

Thereafter timeframes for placement of a child for adoption with approved applicants is unpredictable. For local born infants the birth parent/s will be significantly involved in the planning for their infant and will ultimately make the final choice of the parent for their child, from suitable approved applicants. As previously noted this will result in on average, one adoption placement per year.

The time frames for the process of placement of a child for intercountry adoption are determined by the overseas country. Currently time frames have significantly increased in all programs.

Sleep Laboratory—patients and staff (Question No 1944)

Mr Hanson asked the Minister for Health, upon notice, on 7 December 2011:

- (1) What is the median waiting time for treatment for a patient referred to the Sleep Laboratory.
- (2) What is the total full-time equivalent (FTE) staff employed at the Sleep Laboratory.
- (3) What is the total FTE staff employed at the Sleep Laboratory in the categories of (a) doctors and specialists, (b) nurses and (c) administration.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) Referrals for a sleep study from a General Practitioner are sent in to the Department of Respiratory and Sleep Medicine and they are triaged by a specialist physician. Urgent cases are seen within one month of referral. A routine referral for a sleep problem today will be booked for a specialist physician consultation most likely in mid 2012.

If the patient is found to have sleep apnoea and deemed to require Continuous Positive Airway Pressure (CPAP) therapy by the physician, the case is assessed as to the clinical need and treated and managed based on this assessment. Urgent CPAP therapy can be arranged within 1 – 2 weeks. There is a wait of 2 to 3 months to commence less urgent CPAP therapy.

(2) The total full-time equivalent (FTE) staff employed at the Sleep Laboratory is 4.93 FTE

(3) The total FTE employed at the Sleep Laboratory in the categories of

(a) Doctors and staff specialists-

Staff specialists in Respiratory and Sleep Medicine – 1.8 FTE.

The physicians conduct inpatient and outpatient consultations in both respiratory and sleep medicine and report sleep studies as well as performing other duties. They are not full-time in the sleep lab. The staff specialists are supported by Junior Medical Officers who cover both respiratory and sleep laboratory.

(b) Sleep Scientists (Health Professional Officers) – 2.5 FTE

(c) Nurses – 0.63 FTE

(d) Administration – not specified as administration is covered by the Department of Respiratory and Sleep Medicine.

Taxation—revenue (Question No 1947)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 7 December 2011 (*redirected to the Acting Minister for Environment and Sustainable Development*):

- (1) What was the actual revenue received from the Commencement and Completion Fee, under Section 298B of the Planning and Development Act 2007 for the (a) 2009-10 and (b) 2010-11 financial year.
- (2) What is the estimated revenue to be collected from this fee for each year from 2011-12 to 2014-15.
- (3) How many (a) residential, (b) commercial and (c) rural works paid a fee for the (i) 2009-10 and (ii) 2010-11 financial year.
- (4) How many works were exempt from paying the fee, referred to in part (3), and what was the (a) scope of each set of works exempt and (b) basis for each exemption for the (i) 2009-10 and (ii) 2010-11 financial year.

Mr Barr: The answer to the member's question is as follows:

- (1) The actual revenue received from the Commencement and Completion Fee, under Section 298B of the Planning and Development Act 2007 for the (a) 2009-10 financial year was \$1,771,475.78 and the (b) 2010-11 financial year was \$2,353,085.04.

- (2) The estimated revenue to be collected from the 2011 – 12 to 2014 – 15 financial years are as published in the 2011-12 budget papers and indexed by 4% as follows:

2011-12 = \$3,883,000.00

2012-13 = \$4,038,320.00

2013-14 = \$4,199,853.00

2014-15 = \$4,367,847.00

The above figures are not listed separately in the budget papers but have been included in the figures under User Charges – Non ACT Government on Page 307 of Budget Paper 4.

- (3) The number of (a) residential (b) commercial and (c) rural works that paid a fee for the (i) 2009-10 and 2010-11 financial years was:

2009-10 408 Residential leases and 33 commercial leases; and

2010-11 335 Residential Leases and 24 Commercial leases

This information is only for the residential and commercial works. No rural works were indentified.

- (4) Current databases used within the Environment and Sustainable Development Directorate (ESDD) do not allow for the collection of information in regards to the number of works that are exempt from paying a fee as such.

The *Rates Act 2004* sets out criteria for the exemption of rates as follows:-

Section 8 Meaning of rateable land

*(1) All land in the ACT, including Commonwealth land, is **rateable land**, except—*

(a) commons, public parks and public reserves not held under lease or licence; and

(b) sites of cemeteries, public hospitals, benevolent institutions and buildings used exclusively for public charitable purposes; and

(c) sites of churches and other buildings used exclusively for public worship; and

(d) sites of buildings used for free public libraries; and

(e) land leased from the Commonwealth that is occupied by, or used in connection with, a school; and

(f) Commonwealth land that is not leased and is unoccupied (other than land that, immediately before becoming unoccupied, was occupied by a lessee of the Territory or Commonwealth on a weekly or fortnightly tenancy).

If a lease is exempt from the payment of rates then they are automatically exempt from the payment of Extension of Time Fees for the periods of extension post 31 March 2008.

The *Planning and Development Act 2007* and *Planning and Development Regulation 2008* permits a lessee to apply for a reduction in fees due to hardship for the periods of extension post 31 March 2008. Regulations 204-207 outline the criteria for such a reduction.

Each application for an extension of time is assessed against the criteria and may be granted a full or partial reduction of the fees applicable to that lease.

There have been 51 leases which were subject to an exemption of the extension of time fees as provided for under the hardship provisions outlined above. The amount that has been waived since the commencement of the *Planning and Development Regulation 2008* is \$107,099.31.

In addition to the above fee waiver the *Financial Management Act 1996* authorises a waiver in relation to fees due and payable in respect of extensions of time fees due for industrial and commercial leases (including mixed development where no more than 49% of GFA is to be residential). The Moratorium applied to fees payable on applications between 1 July 2009 and 30 June 2011 and only to any component of the fee applicable to that period.

There have been 56 waivers under the Moratorium during the period of its validity. The amount that has been waived is \$2,248,245.80

Health—sexually transmitted infections (Question No 1948)

Ms Hunter asked the Minister for Health, upon notice, on 8 December 2011:

- (1) What campaigns are currently being run by the ACT Government to educate the community about the risks of Sexually Transmitted Infections (STIs) in the Territory.
- (2) Is the ACT Government planning any campaigns in 2012 to address the climbing STI rates in the community.
- (3) How does the ACT Government currently engage with young people to encourage safe sex and educate about the risks of STIs.
- (4) What are the number of cases of (a) Chlamydia, (b) Gonorrhoea and (c) Syphilis in the ACT at present for young (i) women and (ii) men aged between 12 -25.
- (5) What is the ACT Government's estimate of undiagnosed cases of Chlamydia, Gonorrhoea and Syphilis in the ACT.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) The ACT Health Directorate funds specific non-governmental organisation partners to produce and distribute high quality sexual health information and education to priority populations in the ACT, as defined in the HIV/AIDS, Hepatitis C and Sexually Transmissible Infections: A Strategic Framework for the ACT 2007-2012. Partners such as the AIDS Action Council of the ACT (AAC), Sexual Health and Family

Planning ACT (SHFPACT) and the ACT Hepatitis Resource Centre (HRC) are well-respected institutions that are currently running the following sexual health education campaigns:

- “On the Rise” is a local condom reinforcement campaign by AAC in response to higher rates of Gonorrhoea infection in the ACT;
- “I ♥ Sex, I ♥ Condoms” is the third iteration of a successful condom reinforcement campaign which highlights condoms as the best prevention strategy for HIV and other STIs;
- AAC-managed websites provide up to date and accurate information on the prevention of HIV and STIs and general sexual health and include links to other relevant sexual health websites;
- In addition, AAC operates a telephone enquiry service for those who prefer to speak to someone directly. Information on HIV and STIs is regularly provided to people of various cultural and linguistic backgrounds and different sexual orientations;
- SHFPACT works in close partnership with the Canberra Sexual Health Centre (CSHC), ANU Medical School Academic Unit of Internal Medicine and the Population Health Policy Support Office to deliver the Stamp Out Chlamydia 2 project (SOC2). SOC2 employs social marketing to raise awareness of chlamydia in the ACT and uses opportunistic event-based testing at locations such as Summernats and Foreshore to reach target populations who are otherwise frequently poor users of sexual health services;
- SHFPACT also works in close partnership with CSHC to deliver the Sexual Health Lifestyles and Relationships Program (SHLiRP) into ACT Government secondary colleges. SHLiRP is a combined health education and clinical screening program in each secondary college on a two-year cycle. Each student attending college will therefore have one opportunity to participate in the SHLiRP Program. SHLiRP specifically educates college students about the most significant STI risks (chlamydia, herpes and HPV), and blood-borne viruses risks (Hepatitis B and C and HIV), for young people and provides a unique opportunity to access sexual health services on campus;
- SHFPACT distributes a range of campaign-branded safe sex packs tailored to the projects above and other activities that appeal to a wide range of community members, including young people, and are distributed broadly through health, education and community service locations;
- HRC delivers education and health promotion activities to young people that include Hepatitis A, B and C information. As Hepatitis B is spread through body fluids the HRC educates about the importance of safe sex practices to prevent transmission.

(2) The campaigns mentioned above will continue into 2012. In addition, ACT Health Directorate partners will be launching the following new campaigns in 2012:

- “The Drama Down Under” is an AAC campaign aimed at raising awareness in the gay men and men who have sex with men community about commonly diagnosed STIs, their transmission, symptoms and treatment.
- AAC will introduce a female condom promotion campaign in 2012 with the aim of encouraging women to take control of their own sexual health & wellbeing.

(3) The ACT Government supports strategic non-governmental partners to engage with young people about sexual health education and health promotion.

The AIDS Action Council:

- Works closely with tertiary institutions and colleges, including forum participation and condom donation, and collaborates with sexuality departments at the ANU, CIT and University of Canberra;
- Developed and manages the QNET website for same sex attracted youth;
- Organises outreach sexual health testing at colleges, tertiary institutions, and at Bit Bent (a venue for same sex attracted youth) in partnership with the CSHC and the Medicare Local HIV Project;
- Delivers peer-based groups entitled “Out There” for young men who are exploring their sexuality which include sections on safe sex, HIV and STIs;
- Manages Facebook and other social marketing websites with sexual health information; and,
- Conducts visits to schools and youth community groups for class room presentations, forum attendance, and sexual health testing.

Sexual Health and Family Planning ACT:

- Engages directly with young people through the campaign approaches noted at Question 1 above;
- Provides free clinical services to young people under 21 years or full-time students who are not eligible to be bulk-billed;
- Provides outreach clinical services to locations that are more accessible for young people, including migrant and refugee young people through partnerships with Companion House, and engages with young parents through the Canberra Community Cares program at Canberra College;
- Engages directly with children in upper primary school through regular engagement with a number of primary schools to deliver puberty education. Effective understanding of reproductive and sexual development underpins later education about sexual and reproductive health, including STIs transmission and prevention, effective use of contraception, and the importance of values in sexual decision making. Comprehensive approaches to sexuality and relationship education are demonstrated to delay onset of sexual activity by adolescents, and to improve safe sexual behaviours when sexual activity is commenced;
- Provides a broad suite of information resources about sexual health, including STIs, in print and online formats; and,
- Makes available sexual health information and advice by qualified health practitioners via telephone, email and SMS. SHFPACT staff contribute to the sexual health content responses of the Somazone website, available online nationally and internationally, and recommended as a reliable information resource by SHFPACT for young people in relation to a broad range of health issues, including drug and alcohol, mental health, relationships and sexual health;

ACT Health Directorate:

- In 2011 the ACT Ministerial Advisory Council on Sexual Health, HIV/AIDS, Hepatitis C and Related Diseases collaborated with curriculum support officers in the Education and Training Directorate to survey teacher practice and confidence in teaching sexual health, and begin designing teaching resources for primary and secondary school sexual health education that address identified gaps and needs, including health literacy approaches to STIs and contraception education.

- (4) As of 9 December 2011, the number of cases of gonorrhoea, chlamydia and syphilis (less than 2 years) for young women and men in the ACT aged 12-25 is as follows:

Gonorrhoea: total number 49

- 9 women
- 40 men

Chlamydia: total number 872

- 503 women
- 369 men

Syphilis (less than 2 years): only 1 case (man)

- (5) It is very difficult to estimate the number of undiagnosed STIs in the ACT. This is because many people can be asymptotically infected and therefore may never be tested, notified, and counted in surveillance numbers. This may be more of an issue with chlamydia, where a higher proportion of people, especially females, can be asymptotically infected (up to 70% of females, 1-25% of males). Smaller percentages of gonorrhoea and syphilis cases are asymptomatic. Under-notification is inherent with any surveillance system and with most diseases and only a small proportion of cases will ever seek medical attention. An even smaller number will be tested and notified.

Unfortunately ACT Government data does not include whether the person was symptomatic when tested, nor do we have any data that would be useful in calculating an estimate of undiagnosed cases, so it is very difficult to provide even a rough estimate. However, while the total numbers can give us an indication of the burden of disease, it is more important to identify trends in the behaviour of the cases that are diagnosed to inform prevention strategies. This is especially important for STIs.

The number of undiagnosed cases in the ACT is potentially minimised due to STI screening and contact tracing programs. Many people in the ACT regularly attend the CSHC for STI screening tests (regardless of whether they are symptomatic) or receive a chlamydia test by a health provider when getting a pap smear. Identification of asymptomatic cases is also facilitated by contact tracing which is conducted routinely for gonorrhoea and syphilis, and CSHC has been undertaking a contact tracing program for chlamydia.

Mental health—Official Visitors (Question No 1950)

Ms Bresnan asked the Minister for Health, upon notice, on 8 December 2011:

- (1) How many Official Visitors for Mental Health are there currently.
- (2) What is the total annual financial cost of the Official Visitors for Mental Health to the ACT Government.
- (3) How many hours per week is each of the Official Visitors for Mental Health required to work.

- (4) What is the remuneration per annum for each of the Official Visitors for Mental Health.
- (5) What additional resources, such as a laptop or mobile phone, does the Government provide to the Official Visitors that is above and beyond the remuneration, to assist them in fulfilling their responsibilities and what is the financial cost to the ACT Government for those additional resources for each of the Official Visitors.
- (6) Are there any other quantifiable financial costs the ACT Government covers to assist the Official Visitor in fulfilling their responsibilities; if so, what are they and what are the financial costs for each of the Official Visitors.
- (7) What administrative assistance, such as information technology, secretariat or training, does the ACT Government provide to the Official Visitors.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

- (1) There are five (5) statutory appointed Mental Health Official Visitors (OVs).
- (2) In 2011-2012 the ACT Government Health Directorate provided a budget of \$74,000 for the Mental Health Official Visitors Scheme.
- (3) Each OV works between eight and ten hours per month depending on the mental health facility "visiting roster". In addition there is an on call roster where one of OVs is rostered to be on call (carry the mobile phone and respond to "out of normal visiting hours" contacts) for one month at a time.
- (4) OVs are remunerated according to the number of hours they work at an hourly rate of \$70. The OV rostered on call is remunerated an additional \$140 per month plus the hourly rate for any time spent addressing the "out of normal visiting hours" contacts.
- (5) The OVs are provided with a dedicated office/meeting room with a designated (published contact number) land line phone with voice mail capacity. The office supports a (restricted access) networked desk top computer with internet access, and associated computer hardware including a printer and fax machine. The OVs are provided with a mobile phone also with a published contact number. The office phone is diverted to the mobile phone when the OV's office is unoccupied and is carried by the on call OV, ensuring out of hours access to the OVs for mental health consumers.

The cost of providing the OV's office and the associated IT and communications resources is approximately \$15,000 per annum and is resourced from the annual budget allocation.

- (6) The OVs can claim a motor vehicle allowance (as per the ACT Government *motor vehicle allowance* rates) up to \$60 per month and a parking allowance up to \$20 per month for activities associated with executing the office of Mental Health Official Visitors including the facility visits. The annual budget also provides remuneration for the OV's attendance at the *National Mental Health Official Visitor Training Conference*. The OVs are remunerated for their attendance (at a rate of \$350 per day), as well as having their training/course/conferences fees, accommodation and travel costs, etc provided. The financial cost of the OVs training in 2010-2011 was approximately \$3,000, for each OV.

- (7) The Health Directorate, Mental Health Policy Unit (MHPU) provides administrative support to the OV's. The MHPU assists the OV's manage and monitor their budget, process and monitor their remuneration claims, maintain and support the OV's office and organise their training program.

**Corrective Services—Official Visitors
(Question No 1952)**

Ms Bresnan asked the Attorney-General, upon notice, on 8 December 2011:

- (1) How many hours per week is each of the Official Visitors for Corrections required to work.
- (2) What is the total remuneration per annum for each of the Official Visitors for Corrections.
- (3) What additional resources, such as a laptop or mobile phone, does the Government provide to the Official Visitors that is above and beyond the remuneration, to assist them in fulfilling their responsibilities and what is the financial cost to the ACT Government for those additional resources for each of the Official Visitors.
- (4) Are there any other quantifiable financial costs the ACT Government covers to assist the Official Visitor in fulfilling their responsibilities; if so, what are they and what are the financial costs for each of the Official Visitors.
- (5) What administrative assistance, such as information technology, secretariat or training, does the ACT Government provide to the Official Visitors.

Dr Bourke: The answer to the member's question is as follows:

- (1) Official Visitors do not have a set number of hours that they are required to work. However, in accordance with the *Official Visitor Guidelines and Conditions of Appointment*, they are required to visit the Alexander Maconochie Centre (AMC) at least once a fortnight. An Official Visitor is also required to visit the Periodic Detention Centre at Symonston and the Court Transport Unit in the ACT Magistrate's Court building once a month.
 - (2) Official Visitors are not remunerated on a per annum basis, but on the basis of hours of attendance as evidenced by monthly timesheets checked and signed off by the AMC Superintendent. The Official Visitor's position is funded up to \$34,000 per annum while the Indigenous Official Visitor's position is unfunded and is absorbed into ACT Corrective Services' existing budget.
 - (3) Both Official Visitors have access to computer and office resources whilst visiting the AMC.
 - (4) There are no other quantifiable financial costs.
 - (5) Official Visitors undertake Security Awareness training conducted by ACT Corrective Services as required. No additional training is considered necessary as the occupants of these roles are recruited on the basis that they have the skills to perform the role.
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**Children and young people—Official Visitor
(Question No 1953)**

Ms Bresnan asked the Minister for Community Services, upon notice, on 8 December 2011:

- (1) In relation to the Official Visitor for Children and Young People and noting Determination 15 of 2011 - Children and Young People Official Visitor by the Remuneration Tribunal and that as a part-time holder of the statutory office the Children and Young People Official Visitor is entitled to \$29,981 per annum, how many hours per week is the Children and Young People Official Visitor required to work.
- (2) What additional resources, such as a laptop or mobile phone, are provided to the Official Visitor by the Government, above and beyond the remuneration, to assist her in fulfilling her responsibilities and what is the financial cost to the ACT Government for those additional resources.
- (3) Are there any other quantifiable financial costs the ACT Government covers to assist the Official Visitor to fulfil her duties; if so, what are they and what is their financial cost.
- (4) What administrative assistance, such as information technology, secretariat, or training, does the ACT Government provide to the Official Visitor.

Ms Burch: The answer to the member's question is as follows:

- 1) The *Children and Young People Act 2008* requires the Official Visitor to attend detention places (Bimberi), therapeutic protection places and places of care (Marlow). The Act does not state how many hours per week the Official Visitor must work. The Official Visitor Complaint Guidelines 2009 (No1) state that visits to Bimberi will occur at least once per fortnight, visits to therapeutic protection places at least once each week and visits to places of care at least once each month. The Official Visitor exercises her discretion with regards to the time spent at each location.
 - 2) No additional resources have been requested by the Official Visitor to assist in fulfilling her responsibilities. Determination 15 of 2011 states at 1.2 that the remuneration for the Official Visitor covers all costs associated with the Official Visitor's time including time travelling.
 - 3) No.
 - 4) The Official Visitor, as an independent statutory officer, seeks to maintain her independence in determining what assistance is provided by Government. The ACT Government provides assistance to the Official Visitor by way of information when requested, meetings with Government representatives and minor assistance in completing her Annual Report, an addendum to the Directorate's Annual Report.
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**Housing ACT—asbestos
(Question No 1954)**

Ms Bresnan asked the Minister for Community Services, upon notice, on 8 December 2011:

- (1) Does the ACT Government maintain a central record, or a register, of those Housing ACT dwellings that are known to contain asbestos; if not, why not; if so, (a) how many dwellings, including individual apartments and units, are on that register, (b) how is that register maintained and checked, (c) what steps does the Government take to ensure asbestos is sealed, (d) are tenants always made aware if asbestos exists on the property they are renting and (e) are tenants who have asbestos in the property they are renting provided with education about what precautions to take.
- (2) Is the Government aware of how many Housing ACT properties have asbestos sheds; if so, what is done to ensure they are safe.

Ms Burch: The answer to the member's question is as follows:

- (1) The Community Services Directorate does not maintain a central record or register of housing properties that are known to contain asbestos. Under the Dangerous Substances ACT 2004 and Dangerous Substances (General) Regulation 2004, an Asbestos Register is not required for residential properties in the ACT. A Register is however, required for commercial properties.

Notwithstanding this Housing and Community Services retains records of all public housing properties that may potentially contain asbestos materials based on a construction date (ie pre 1985).

- (a) Housing ACT has approximately 5300 houses and 200 small to large complexes that were built prior to 1985 and these properties are managed on the basis that they **may** contain asbestos.
- (b) As detailed above, the Community Services Directorate does not maintain a central record or register of housing properties that are known to contain asbestos
- (c) Where damaged materials are identified as containing asbestos, they are more likely to be removed than sealed.
- (d) and (e) In 2005, all Housing ACT tenants were informed in writing of materials in their properties that may potentially contain asbestos. The letters and Section 47J notices to all tenants contained an asbestos advice guide and indicated the year the property was built. The letter also informed tenants about their responsibilities under the law including what to do and who to call if they had any concerns or questions. The files for these properties were noted as having the potential presence of asbestos materials and any action in regard to those materials are also noted on file.

Housing ACT continues to ensure all new and current tenants are provided with a fact sheet on managing asbestos, as part of signing or renewing their residential tenancy agreement. The fact sheet includes advice on what to do in the event that materials, possibly containing asbestos are damaged. In addition, the ACT

Government has a web site <http://www.asbestos.act.gov.au> which provides comprehensive advice for the Canberra community. Tenants can also call the 24 hours maintenance line if they have any questions or concerns.

- (2) Housing ACT is not required to, and does not, hold a register of residential sheds that may contain asbestos; however if the shed was constructed prior to 1985, the materials are managed and, where appropriate removed, under the same guidelines as described above.

Cooleman Ridge nature park (Question No 1963)

Mr Rattenbury asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011 (*redirected to the Minister for Territory and Municipal Services*):

- (1) What was the purpose of the works undertaken in the Cooleman Ridge Nature Park in the area to the south west of the end of Kathner Street and what was the budget for the project.
- (2) What environmental assessments were undertaken before the works commenced.
- (3) What consultation took place prior to the commencement of the project.
- (4) What steps are being put in place for ongoing monitoring of the site to ensure further erosion does not take place and to prevent weed infestation following the completion of the works.

Ms Gallagher: The answer to the member's question is as follows:

1. These works were undertaken as part of the Chapman Flood Protection Works project to address major flooding which occurred in this area after the high intensity storms in December 2006 and February 2007. The project cost was \$3.05M.
2. An environmental assessment was undertaken as part of this project and a report issued in March 2010. The environmental assessment was included in the Works Approval Planning Report submitted to the National Capital Authority.
3. The project involved an exhaustive consultation process with various stakeholders, including ACT Government groups, the National Capital Authority, and residents of Chapman. The community consultation component comprised two public consultation sessions, including displays, in November 2009 to provide local residents with an opportunity to be involved in the problem identification phase and proposed design discussions. The project was extensively publicised by way of letter drops to all residents in the vicinity of the works, newspaper advertisements and media releases. The proposed flood protection design and associated report was also made available to the public via the TAMS website.
4. The contractor has the responsibility of maintaining the site during the defects liability period of 52 weeks after completion of the works. This task includes rectification of any defects, erosion, weed control and mowing. Subsequent management of the site will be undertaken by Parks and Conservation.

**Oakey Hill nature park—fuel reduction burn
(Question No 1964)**

Mr Rattenbury asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011 (*redirected to the Minister for Territory and Municipal Services*):

- (1) In relation to the recent fuel reduction burning at Oakey Hill Nature Park, has any evaluation been undertaken of this burn to assess its impact on fuel loads and the environmental values of the reserve.
- (2) Has any assessment been undertaken of the impact of the burn on populations of *Allocasuarina verticillata* present in the reserve.
- (3) Can the Minister confirm observations that a significant number of specimens appeared to have been killed by the burn.

Ms Gallagher: The answer to the member's question is as follows:

1. Yes a post burn assessment was undertaken at Oakey Hill.
2. Yes. The impact of the burn on environmental values was considered and ecological advice was sought from the Conservation Planning and Research Unit of the Environment and Sustainable Development Directorate.

The *Allocasuarina verticillata* and other natural assets required ecological considerations. The burn area was located in an outer asset protection zone and the burn was executed in a manner that ensured the minimum impact on ecological resources while meeting the required targets of hazard reduction as dictated by the Strategic Bushfire Management Plan version 2.

3. *Allocasuarina verticillata* is fire tolerant. Observations post-burn are that more than 90% of the individual trees scorched by the hazard reduction burn are already showing signs of recovery through re-sprouting. Of those not yet showing signs of recovery, it is possible that some of the scorched trees may not recover. However, this cannot be confirmed at this time.

**Transport—rail freight services
(Question No 1969)**

Ms Bresnan asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011 (*redirected to the Acting Minister for Environment and Sustainable Development*):

- (1) Can the Minister provide an update on the development of a rail precinct in the Kingston/Fyshwick area, including (a) what sites are being considered, and has a site been decided upon, (b) what is the timeline for the decision, and the development of the precinct, (c) what is the reason for the delay in making a decision on the location of the rail precinct, (d) what facilities will be included in the rail precinct and (e) will any of the businesses or the facilities at the existing rail yards be relocated; if so, what are the relocation plans.

- (2) Does the Government have any plans to investigate or to develop an intermodal freight facility for Canberra.
- (3) If further investigation is to be done in relation to part (2), (a) what will this involve, (b) what are the timelines and (c) how will it differ from the investigation already done through the Rail Master Plan.
- (4) If the Government has decided not to proceed with a freight hub, what is the rationale for this decision.
- (5) Is the Government aware that suppliers for the Cotter Dam project wished to deliver materials to the ACT by rail, but the lack of an intermodal freight hub made this too difficult; if so, can the Minister provide details of these incidences, including the number of suppliers and the amount of materials involved.
- (6) What other examples is the Government aware of in which suppliers have inquired, or expressed a preference to transport materials to the ACT by rail, but the ACT's lack of freight facilities has made this too difficult.
- (7) Can the Minister provide any assessment the Government has done of the relative environmental benefits to the ACT of rail freight compared to road freight.
- (8) Has the Government made a submission to the Federal Government regarding the development of High Speed Rail; if so, (a) when was this submission made, (b) did the submission express a preference for the location of Canberra high speed rail station, and what was this preference and (c) can the Minister provide a copy of the submission.

Mr Barr: The answer to the member's question is as follows:

- (1) The Government is currently considering a number of issues relating to the East Lake development. Decisions on these issues are expected to be made in the first quarter of 2012.

Pending the outcome of the Government's decisions ESDD will be in a position to finalise the draft Planning and Design Framework for the urban renewal of the East Lake precinct. The draft framework will include clarification of the future land use intentions for the area, including key performance indicators for the achievement of an innovative showcase of sustainable development, the expansion of commercial and retail areas, new community facilities, and the proposed arrangement of public transport and rail station facilities.

- (2) There is an intermodal (rail to road) terminal located at Kingston, however it has not been operational for a number of years. Action 23 in the draft Transport for Canberra policy is "Develop and release an ACT Freight Strategy". Intermodal terminals will be considered as part of this strategy.
- (3) The Railway Master Plan and planning direction for East Lake will inform the development of the a strategy.
- (4) Not applicable – see 3 above.
- (5) No.

- (6) The Government is not aware of any examples of this nature.
- (7) Options to reduce freight emissions into the ACT will be explored as part of the freight strategy. The National Transport Commission has completed research into measures to lower carbon emissions from freight transport at <http://www.ntc.gov.au/filemedia/bulletins/OptionsstocutfreightcarbonemJul08.pdf>. Because freight is about supply chains, emissions reduction measures are generally progressed at the national or inter-jurisdictional level.
- (8) The ACT Government has not made a formal submission to the Federal Government regarding the development of High Speed Rail, but meets regularly with the study High Speed Rail team.

Roads—parking (Question No 1974)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 (*redirected to the Attorney-General*):

- (1) Can the Minister provide a breakdown of parking enforcement statistics for the last five years for the (a) level of resourcing that has been provided for parking enforcement and (b) frequency that parking at group and town centres has been monitored for compliance.
- (2) How many fines have been issued for illegal parking in (a) standard and (b) disabled, parking places.

Mr Corbell: The answer to the member's question is as follows:

- (1)
- | | |
|--|-------------------------|
| (a) The level of staffing allocated to issue infringements were: | |
| 01-07-2006 – 30-06-2007 | 28 staff members |
| 01-07-2007 – 30-06-2008 | 24 staff members |
| 01-07-2008 – 30-06-2009 | 18 staff members |
| 01-07-2009 – 30-06-2010 | 21 staff members |
| 01-07-2010 – 30-06-2011 | 21 staff members |

Parking Operations has a stock of 50 hand-held infringement issuing devices as well as hand held radios for inspector safety. There are eight vehicles allocated to parking enforcement.

- (b) The infringement issuing database known as Pinforce, does not report on specific town centres, however the town centres and group parking areas are a part of a regular daily patrol and are monitored for compliance by officers Monday to Friday.
- (2)
- | | |
|-----------------------------|-----------------------------|
| (a) Standard parking fines: | |
| 01-07-2006 – 30-06-2007 | 91,532 infringements |
| 01-07-2007 – 30-06-2008 | 81,625 infringements |
| 01-07-2008 – 30-06-2009 | 89,260 infringements |
| 01-07-2009 – 30-06-2010 | 83,825 infringements |
| 01-07-2010 – 30-06-2011 | 93,131 infringements |

A total of **439,373** standard parking infringements have been issued in the last five years.

(b) Disabled parking places:	
01-07-2006 – 30-06-2007	935 infringements
01-07-2007 – 30-06-2008	1348 infringements
01-07-2008 – 30-06-2009	1071 infringements
01-07-2009 – 30-06-2010	1517 infringements
01-07-2010 – 30-06-2011	1470 infringements

A total of **6,341** disabled parking spaces infringements have been issued in the last five years.

Civic—graffiti (Question No 1975)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011:

In relation to the Canberra CBD Ltd's two week trial to combat graffiti within Civic (a) how will this trial interact with TAMs existing graffiti program, (b) how will this two week pilot be evaluated, (c) have any measures been put in place in suburbs surrounding Civic to stop graffiti taggers being driven out into these areas instead, (d) are there plans to continue the program once the trial is completed and (e) are there plans to implement this program in other areas; if so, where.

Ms Gallagher: The answer to the member's question is as follows:

- (a) The Canberra CBD Ltd trial supports the Territory and Municipal Services (TAMS) Directorate's graffiti removal program within the City precinct. Canberra CBD Ltd's trial focuses on removal of graffiti from private assets within Braddon, while TAMS inspects and removes graffiti from ACT Government assets in all public open spaces.
- (b) Canberra CBD Ltd has indicated that it will evaluate the trial by (1) the number of graffiti incidents reported; (2) the number of people apprehended for graffiti offences during the trial; and (3) an absence of or reduction in the number of new incidences of graffiti on private assets.
- (c) Measures are already in place in suburbs surrounding Civic, as in all public open spaces. The TAMS graffiti removal contract requires the contractor to inspect and remove graffiti from public assets on a regular basis (for example, public assets at shopping centres are inspected weekly) and all graffiti reported through Canberra Connect is removed within three days of notification, or removed within 24 hours if it is offensive.
- (d) Canberra CBD Ltd will review the effectiveness of the Braddon trial before determining what future actions are taken.
- (e) Canberra CBD Ltd will consider whether it will expand the program after reviewing the Braddon trial.

**Cycling—electric bikes
(Question No 1976)**

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 (*redirected to the Acting Attorney-General*):

- (1) Are there any plans to increase the current allowable maximum power output of the motor on electric bikes.
- (2) How do the ACT regulations currently relate to the national regulations.
- (3) Are electric bikes currently allowed to use the existing bike path network or on-road cycle lanes and are they allowed to travel on roads.
- (4) If there are some restrictions to electric bikes travelling on particular roads, which roads are these.

Mr Barr: The answer to the member's question is as follows:

The States and Territories (including the ACT) have been in discussion with the Commonwealth about possible revision of the Australian Design Rule (ADR) definition of power assisted pedal cycles which currently provides for a pedal cycle to have attached one or more auxiliary propulsion motors having a combined maximum power output not exceeding 200 watts. Consideration is being given to an optional definition in the ADRs allowing for a power assisted pedal cycles to have a continuous rated power of not more than 250 watts provided a number of other limitations including requirements for the rider to be pedalling for auxiliary power to be available above 6km/h and the power assistance to cut out at 25 km/h.

The ADRs are national standards under the *Motor Vehicle Standards Act 1989 (Cth)* which proscribes the import and/or supply to market of vehicles which do not comply with the national standards. The ACT regulations through adoption of the ADRs through the *Road Transport (Vehicle Registration) Regulation 2000* and the Australian Road Rules (ARRs) through the *Road Transport (Safety and Traffic Management) Regulation 2000* mirrors the current power limitations for power assisted pedal cycles.

Should the expected optional definition of power assisted pedal cycle be supported nationally, consequential amendments will be progressed to the ARRr, the *Road Transport (Vehicle Registration) Regulation 2000*, and the *Road Transport (Safety and Traffic Management Regulation 2000* to provide for use of vehicles meeting the revised ADR definition to be used on roads and road related areas.

Vehicles meeting the current definition of power assisted pedal cycle are permitted to be used anywhere a non-power assisted pedal cycle may be used and riders have the same rights and responsibilities as those other users.

There are no roads or road related areas within the ACT where bicycles are permitted to travel, but power assisted pedal cycles are prohibited. There are a very few parts of the road network where all bicycles are prohibited, by clear signage, from being ridden due to the road safety risk in those specific locations.

**Housing—downlights
(Question No 1979)**

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011 (*redirected to the Acting Minister for the Environment and Sustainable Development*):

- (1) In relation to the ACT Planning and Land Authority's enforcement of insulation and downlight safety regime, what monitoring of safety issues around insulation surrounding downlights is undertaken.
- (2) How many fires have been caused in the ACT due to insulation around downlights.
- (3) What is the current rule for ACT buildings in relation to keeping insulation away from downlights.
- (4) What is the thermal insulation and leakage impact of this rule.
- (5) Has there been investigation into making downlight covers to protect insulation from downlights mandatory in the ACT, thereby being able to close the large holes which the building rules now require.

Mr Barr: The answer to the member's question is as follows:

- (1) Inspection of fire risks in roof spaces involving down lights, particularly recessed down lights with associated luminaires (lights) mounted through the ceiling is part of a mandated inspection of a new electrical installation. Retro-fitting down lights in existing ceiling spaces requires certification by licensed electricians in the form of a Certificate of Electrical Safety. This work is deemed 'additions and alterations', which is subject to a 10% audit by ESDD's Electrical Inspectorate. Insulation installed in existing roof-spaces independently of other work is not deemed electrical work under the *Electricity Safety Act 1971* or building work under the *Building Act 2004* and is not subject to an inspection requirement. However, the installation must not breach safety requirements in ACT legislation.
- (2) It is the function of the ACT Fire Brigade to determine cause of fire and report accordingly in relation to fire cause statistics. Although the Electrical Inspectorate assists the ACT Fire Brigade (ACTFB) in determining the causes of incidents when requested this question should be referred to the ACT Fire Brigade for response.
- (3) Clause 4.5 of the Australian and New Zealand Standard, AS/NZS 3000: 2007 *Electrical Installations* (known as the AS/NZS Wiring Rules) regulates how recessed luminaires must function safely at an operational temperature that has no immediate or long-term effect on nearby combustible building elements when such luminaires are surrounded or covered by thermal insulation.
- (4) The default 200 millimetre clearances around recessed luminaires where another form of compliant fire protection is not in place do have a significant impact on the effective level of the insulation. Table 3.12.1.1b *Adjustment of minimum R-Value for loss of ceiling insulation* in Volume 2 of the National Construction Code demonstrates how a loss of greater than 5 per cent of the total ceiling area almost completely reduces the effectiveness of the insulation. Buildings that have less than 5 per cent

reduction in coverage of the insulation must increase the amount of insulation to maintain its effective level.

For class 1 buildings demonstrating compliance with the energy efficiency requirements using the 'elemental' deemed to satisfy pathway this compensation is factored into the verification. The ACT is in the process of including the compensation requirements in energy efficiency rating protocols so that thermal losses are taken into account in assessing thermal performance by software. It is expected that the lighting efficiency requirements introduced in May 2010 will complement energy efficiency standards to reduce the number of penetrations into the ceiling space.

- (5) Energy efficiency standards are performance based, therefore if a person chooses to decrease the efficiency of one building material they will still need to meet the overall efficiency standard by increasing performance in another way. At present, most commercially sold fire-caps have not met any testing standard and so mandating them is not being considered currently. The Standards Australia / Standards New Zealand Wiring Rules Committee EL-01, is developing manufacturing requirements for luminaire barriers by the drafting of a new standard, AS/NZS 5110: 2011. This new standard will specify the safety requirements for fitted barriers or barriers integral to recessed luminaires. The ACT is represented on EL-01 by officers from the electrical inspectorate.

It is a long-standing requirement of both electrical safety and building regulation that installations have adequate fire prevention and protection measures. The default clearance around recessed luminaires was increased from 50 millimetres to 200 millimetres in the 2007 amendment to the AS/NZS Wiring Rules. This was agreed after the previous standard was shown to be inadequate in preventing fires due to heat transfer from luminaires.

Planning—block 15 section 42, Griffith (Question No 1980)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011 (*redirected to the Acting Minister for Environment and Sustainable Development*):

- (1) In relation to developments on Block 15 Section 42, Griffith, can the Minister provide a concise timeline and explanation of any payments that the owners of the site will need to make to the ACT Government to enable construction of residential units, if these are approved as a result of the Draft Territory Plan Variation 307.
- (2) What more work and payments would have to be done before the site is fully deconcessionalised and what is the expected timeline for deconcessionalising the site.
- (3) Is it necessary for the site to be deconcessionalised to take advantage of any opportunities that may arise if Draft Territory Plan Variation 307 goes ahead.
- (4) Are there any restrictions on who the Brumbies can sell the site to, the use of the site, or the process of sale, once the site has been deconcessionalised,

- (5) If Draft Territory Plan Variation 307 is approved and the site is rezoned, will the owners have to pay any money to the Government for the additional development rights.
- (6) If Draft Territory Plan Variation 307 is approved and the site is rezoned, will the owners have to lodge a development application for a lease variation to enable residential construction on the site and (a) will there be any payment associated with this development application, (b) will this payment be based on the number of dwellings, (c) will it be based on before and after values of the site, (d) will there be any discounting of the payment, (e) will the payment have to be made at the same time as the development application, (f) will the lease variation have to specify exactly the number of dwellings on the site, (g) will the lease variation have to specify the gross floor area, (h) what public consultation will there be about this and (i) will plans for the proposed buildings need to be provided as part of the lease variation charge development application.
- (7) After Draft Territory Plan Variation 307 is approved and the site is rezoned and the development application for a lease variation is approved will the owners have to submit a development application for the actual buildings; if so, (a) what public consultation will there be for this and (b) what payment will the owners need to make to the Government.

Mr Barr: The answer to the member's question is as follows:

- (1) DV 307 has interim effect until August 2012. If the Territory Plan Variation is supported by the Assembly then the lessee will be required to submit a development application to vary the purpose clause of the lease and an application for the design and siting of the buildings on the site. These can be submitted as a single application. The lessee will be required to pay the standard application fees and public notification fees in accordance with the Environment and Sustainable Development Directorate (ESDD) approved fees and charges. A lease variation charge assessed under s277 of the *Planning and Development Act 2007* (Act) will also be applicable.

The legislative time frame for a development application (DA) is 30 working days if there are no representations and 45 working days if representations are received. To date, no application has been received. It is, therefore, not possible to provide a concise timeline for such an application.

- (2) A DA to deconcessionalise the lease was submitted on 12 September 2011. The DA was publically notified between 19 September – 12 October 2011. One representation was received. As required by s261 of the Act, the DA has not yet been referred to the Minister for a decision on whether it is in the public interest to consider the application. It is therefore not possible to advise the likely timeframe for determination.

ESDD has determined that the lease is concessional. However, during this assessment, it was established that only part of the lease is concessional. Therefore, if the application to deconcessionalise the lease is approved, the Territory will receive a percentage of the market value of the land relevant to that portion of the land which is concessional.

- (3) A concessional lease cannot include residential purposes. The Act defines a residential lease as a market value lease. Therefore, the Crown lease over the site must first be deconcessionalised if the lessee intends to apply to vary the lease to include residential use.
- (4) Once the lease has been deconcessionalised, there will be no restrictions on the sale or transfer of the lease.
- (5) A lease variation charge calculated under s277 of the Act will be applicable to any DA to vary the lease to include additional uses.
- (6) The lessee will have to lodge a DA to permit residential use.
 - (a) See (5) above.
 - (b) The lease variation charge will be assessed under s277 of the Act because the application will seek to add a use.
 - (c) Under s277, lease variation charge is assessed under a formula based on the before and after values of the land.
 - (d) The lease variation charge determined under s277 will not be discounted.
 - (e) The lease variation charge cannot be assessed until after the development application is approved. Payment must be made before the lease variation can be registered at the Land Titles Office.
 - (f) In order to apply for unit title under the *Unit Titles Act 2001* the lease must specify the number of dwellings. Therefore, it can be assumed that the application for lease variation will also include the number of proposed dwellings.
 - (g) A lease for residential purposes is not limited by gross floor area.
 - (h) A development application must be publicly notified in accordance with the Act. Pre DA community consultation for a lease variation only is a matter for the lessee.
 - (i) Design and siting plans for construction of a development on the lease are not required in support of a development application for a lease variation. However, sufficient information will be required to support the proposed level of development. As noted above in (1) above, the lease variation and design and siting components of the development proposal can be submitted together in a single application. This is a matter for the lessee.
 - (j) Pre-application community consultation will be required for the design and siting component of the development proposal once new Section 20A of the *Planning and Development Act 2007* has commenced. Consultation will be required if the design and siting DA is submitted as a separate DA or as a combined DA including a lease variation.
- (7) The lessee will be required to submit a development application for construction of the proposed development on the site.

- (a) See 6(h) above. Notification will include:
 - i. notification to the adjoining lessees;
 - ii. sign/s on the block; and
 - iii. advertisement in the Canberra Times.
 - (b) The lessee will pay an application fee in accordance with the ESDD approved fees and charges.
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Roads—parking (Question No 1981)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

- (1) How can car parks in multi-unit development residential developments be separately unit titled.
- (2) Has the ACT Planning and Land Authority (ACTPLA) looked into this issue.
- (3) Has ACTPLA investigated any other ways that car parks could be shared, for example, time-sharing, for residential use on weekends, but worker use during the weeks for areas close to employment areas; and maybe in areas around Kingston, for Bus Depot market users on weekends, and residents/workers on weekdays.

Mr Corbell: The answer to the member's question is as follows:

- (1) The relevant Zone in the Territory Plan must first permit car park as an assessable development and secondly the Crown lease must also permit car park as a stand-alone use. Variation of a Crown lease to include "car park" as a permitted use can only occur prior to a units plan being registered as, once registered, no units can be added to a units plan even if the purpose clause permits the use. Further, car spaces may only be created as a separate unit if they are surplus to the on-site car parking requirements generated by the development.
 - (2) The parking provision rates in the Parking and Vehicular Access General Code of the Territory Plan take account of factors such as the availability of public parking and the potential for shared parking with neighbouring developments, particularly in commercial zones.
 - (3) Once a block is sold, the Crown lease determines the permitted uses. It is a matter for the developer or the Owners Corporation to determine the appropriateness of public use as this may create liability issues for the owner/s of the development. Please refer to (1) above.
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Roads—Hibberson Street (Question No 1982)

Ms Le Couteur asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011 (*redirected to the Acting Minister for the Environment and Sustainable Development*):

- (1) In relation to Gungahlin Town Centre Territory Plan Variation 300, what are the details of the Government's plan for operating shared space in Hibberson Street, including (a) which vehicles will be allowed in the area, (b) how car traffic will be reduced, (c) what new infrastructure will be built, (d) what speed limits will be, (e) how much of the street will be shared space, for example, just two blocks, (f) the timing of the development of the business case and (g) other changes that need to be made to the street.
- (2) What consideration has the Government given to safety issues that may arise from buses operating in a shared space in Hibberson Street and how will this work.
- (3) Has there been consultation with ACTION to determine whether buses will be able to meet reduced speed limits.
- (4) Has there been consideration of moving the bus stops out of the shared zone, to reduce the conflicts between buses and pedestrians.
- (5) Has the Government determined that Hibberson Street will house the long term bus interchange for Gungahlin Town Centre; if so, what are the reasons for this.
- (6) What consideration has the Government given to locating the main bus interchange in a Gungahlin location aside from Hibberson Street and what are the (a) alternative locations and (b) pros and cons of each.
- (7) How will the Hibberson Street bus interchange, or any alternative location, interact in the future with a possible light rail route and station.
- (8) What consideration has been given to the implications of having an 18 metre long bus stop structure in front of the active frontages of Hibberson Street and will this conflict with the ability for shops to have outdoor seating.
- (9) Given that the Chief Planning Executive gave assurances to Gungahlin Town Centre block owners that building heights would be increased to 23 metres to allow the development of seven storey buildings and that this was reflected in the draft territory plan variation and since the final Territory Planning Variation (TPV) did not reflect this commitment, and instead shows the rule (R41) that the maximum building height allowed is 18 metres, (a) was this an error in the TPV, (b) will this be corrected and (c) if this was not an error, why was this commitment not met.

Mr Barr: The answer to the member's question is as follows:

- (1) In early 2011, Environment and Sustainable Development Directorate (ESDD) engaged SMEC Consulting to undertake a Gungahlin Town Centre Roads Feasibility Study. SMEC undertook detailed traffic analysis and modelling as part of the feasibility study and, to limit the vehicular traffic, recommended a section of Hibberson Street from Kate Crace Street to Gozzard Street, as an Access Street in the Road Hierarchy of the Town Centre. SMEC has been undertaking another feasibility study on Gungahlin Town Centre Bus Station. The draft report of this feasibility study includes preliminary analysis on design characteristics of Hibberson Street and recommended a further study to determine the characteristics of shared space and extent of work in Hibberson Street.

ESDD will be working with Territory and Municipal Services (TAMS) Directorate to investigate the detailed options for shared space in Hibberson Street, as well as resolve the implementation issues.

The proposed investigation of shared space will provide the detailed answer to (a), (b), (c), (d), (e) and (g) raised in this question.

In response to (f), the business case development will be completed by the end of 2012. ESDD / TAMS will seek budget funding for Design and Construction in 2013-14.

- (2) Safety issues are one of the key elements of the shared space investigation in the Hibberson Street. The design of shared space will consider safety for all modes of transport.
- (3) ACTION is one of the major stakeholders of current studies and has been involved throughout the feasibility study. ACTION will continue to be involved in the proposed study of shared space in Hibberson Street.
- (4) The study considered an option of relocating bus stops and bus routes to Anthony Rolfe Avenue. This option removes public transport from Hibberson Street. After detailed assessment, this option was not preferred for the following reasons:
 - public transport would be dissociated from the core of Gungahlin Town Centre;
 - low visibility (of public transport) will not attract people into public transport;
 - significant walk distance from stops to the Gungahlin Town Centre;
 - a lack of pedestrian crossing opportunities on Anthony Rolfe Avenue for pedestrians;
 - a lack of casual surveillance and activity on Anthony Rolfe Avenue;
 - high speed road environment that may not be comfortable for patrons waiting for the bus and prevent access to the stops;
 - the public transport node would be too far separated from the town centre; and
 - lack of direct pedestrian connections to the town centre from bus stops.
- (5) Yes. The Government identified that Hibberson Street to be the long term public transport interchange for Gungahlin town centre. The Government is undertaking its planning on this basis and Hibberson Street is the centre of activity of the town centre. Community consultation supported this option. Other reasons supporting this position are informal surveillance and efficient routings with directness for bus users.
- (6) The main considerations of locating the interchange were that the public transport needs to be close to the core of activities, visible and attractive.
 - (a) As per (4) above. The study considered Anthony Rolfe Avenue as an alternative location.
 - (b) The advantage of this alternative is that it provides a better speed level for rapid services. However, it has a number of disadvantages. The disadvantages include:
 - isolation of public transport access from the retail core;
 - poor pedestrian environment;

- the higher speed environment on this road is not suitable for people transferring between bus services;
 - reduction in the level of service of Anthony Rolfe Avenue as a major collector and ring road; and
 - additional costs associated with rerouting buses.
- (7) A separate study of light rail from Gungahlin to City is currently being undertaken. The study will fully consider the integration of a future light rail service.
- (8) ESDD has instructed SMEC Consulting to undertake more work around this issue in the context of urban design and future development in Hibberson Street and to recommend a feasible solution in the final report of the Gungahlin town centre bus station project. This report is due in mid January 2012. Also, it is important to acknowledge that public transport supports shopping and outdoor activities and that foot traffic and public transport are integral components.
- (9) ESDD acknowledged this oversight when it was brought to its attention by a developer of Gungahlin Business Park and indicated that a technical amendment would be prepared to change rule R41 from 18 metres to 23 metres. This technical amendment commenced on Friday 16 December 2011 to coincide with the commencement of Variation 300.
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Questions without notice taken on notice

Mitchell—chemical fire

Mr Corbell (*in reply to a question by Mr Smyth on Wednesday, 16 November 2011*): Yes. All operators of the Emergency Alert system are trained on, and provided with a copy of, the user manual provided by the system manager in Victoria. I understand the system manager has been making further refinements to the system and is developing improved training material for the use of all jurisdictions.

Following our own experience of the system in the ACT at the chemical fire at Mitchell, the ACT Emergency Services Agency is reviewing internal procedures relating to the operation of the system, including quality assurance and authorisation processes. The ACT is also providing advice to the systems manager to address a number of specific issues that were identified during this event.

Mitchell—chemical fire

Mr Corbell (*in reply to a supplementary question by Mr Seselja on Wednesday, 16 November 2011*): Fourteen staff from the ACT Emergency Services Agency have completed training in standard operating procedures for Emergency Alert. In addition, two staff from ACT Policing have also completed training.

One Emergency Alert Operator was on duty on the night of the chemical fire at Mitchell. This is consistent with normal operating arrangements for the provision of a range of operational support services.

The ACT Emergency Services Agency has the capacity to contact other trained operators if and when required.

RSPCA funding

Ms Gallagher (*in reply to a supplementary question by Mr Coe on Thursday, 17 November 2011*): My answer to your question was correct as I was confirming the increase of \$150,000 more than the amount of funding for the previous SFA in place in 2010-11.

The Minister for Territory and Municipal Services' advice to the Assembly on 16 November 2011, was that the Service Funding Agreement (SFA) with the RSPCA-ACT this financial year (2011-12) includes cash funding of \$570,000.

In addition, under the SFA, the Government is providing in-kind support estimated to be approximately \$165,000 by:

- providing additional inspectorate support in relation to animal cruelty investigations;
- providing additional pens for the RSPCA to temporarily house stray dogs assessed as being suitable for sale by the RSPCA (approximately 600 per year); and

- offering some long term boarding (eight kennels) for dogs owned by people unable to take primary care due to illness, domestic violence or institutionalisation.

Indoor air quality

Mr Corbell (*in reply to a supplementary question by Ms Le Couteur on Thursday, 27 October 2011*): The Office of Regulatory Services has not undertaken any public awareness campaigns on indoor air quality and the public health impacts of indoor air quality. WorkSafe ACT is the regulator of work health and safety. Under section 21 of the *Work Safety Act 2008* (the Act), a person conducting a business or undertaking (PCBU) has a duty to ensure work safety by managing risk.

In determining if a PCBU has taken all reasonably practicable steps to meet their duties under the Act, WorkSafe ACT would expect a risk assessment to have been completed in relation to their business/undertaking and appropriate controls implemented to eliminate or minimise identified risks. Such risks might include risks to health posed by the quality of air indoors.

The *Work Safety Regulation 2009* includes provisions relating to atmosphere and ventilation and the *National Exposure Standard for Atmospheric Contaminants in the Occupational Environment* has been adopted in the ACT as a Code of Practice approved under the Act. Approved Codes of Practice offer practical examples of good practice. They give advice on how to comply with the law by, for example, providing a guide to what is 'reasonably practicable' in particular circumstances.

WorkSafe ACT would expect a PCBU to consider, depending on identified risks, regular air monitoring to ensure the occupational environment accords with the requirements of the legislation and the Code of Practice.

WorkSafe ACT would consider a public awareness campaign on indoor air quality if there were to be a significant increase in reported risks relating to indoor air quality across workplaces in the ACT. At this point however, this is not a matter of priority for WorkSafe ACT based on identified health and safety risks to workers in the ACT.

Bushfires—preparation

Mr Corbell (*in reply to a supplementary question by Mr Smyth on Thursday, 27 October 2011*): The report identified a total of 472 Rural Fire Service roles to meet peak scenario requirements during the bushfire season. This number incorporates:

- Operational Management roles (134);
- Technical Respondent roles (282);
- Aviation roles (14);
- Planning roles (39); and
- Logistics roles (3).

Of the 472 roles identified, 282 roles are volunteer specific (Technical Respondent roles), however volunteers could take on other roles if and when required dependant on operational requirements.

As at 30 June 2011, the ACT Rural Fire Service (ACTRFS) has 554 resources available to it, being 374 trained volunteer firefighters and 180 trained firefighters from the Parks Brigade who operate under the control of the ACTRFS Chief Officer.

Indoor air quality

Mr Corbell (*in reply to a question and a supplementary question by Ms Hunter on Thursday, 27 October 2011*):

1. On review of the relevant recommendation in the State of the Environment report no requirement was identified for ORS to implement the recommendations on indoor air quality. The role for ORS on indoor air quality comes through WorkSafe ACT as the regulator of work health and safety.

Under section 21 of the *Work Safety Act 2008* (the Act), a person conducting a business or undertaking (PCBU) has a duty to ensure work safety by managing risk. Work safety under the Act means the health, safety and wellbeing of people in relation to work. Managing risk means taking all reasonably practicable steps to identify, eliminate or minimize each risk.

In determining if a PCBU has taken all reasonably practicable steps to meet their duties under the Act, WorkSafe ACT would expect a risk assessment to have been completed in relation to their business/undertaking and appropriate controls implemented to eliminate or minimise identified risks. Such risks might include risks to health posed by the quality of air indoors.

The Work Safety Regulation 2009 includes provisions relating to atmosphere and ventilation and the National Exposure Standard for Atmospheric Contaminants in the Occupational Environment has been adopted in the ACT as a Code of Practice approved under the Act. Approved Codes of Practice offer practical examples of good practice. They give advice on how to comply with the law by, for example, providing a guide to what is 'reasonably practicable' in particular circumstances.

WorkSafe ACT would expect a PCBU to consider, depending on identified risks, regular air monitoring to ensure the occupational environment accords with the requirements of the legislation and the Code of Practice. WorkSafe ACT will assist any Canberra business which has any concerns about the quality of air within the workplace to comply with its legal requirements.

2. There is no specific requirement for collection of data on levels of carbon monoxide, nitrogen dioxide, lead particles, volatile organic compounds, formaldehyde and benzene.

Indoor air quality

Mr Corbell (*in reply to a supplementary question by Ms Bresnan on Thursday, 27 October 2011*): I am not aware of any interaction between the ORS and the Health Directorate to implement the work of the enHealth council.

Lakes—recreational activities

Mr Barr (*in reply to a supplementary question by Ms Le Couteur on Tuesday, 15 November 2011*): Canberra has three main lakes, Lake Ginninderra, Lake Tuggeranong and Lake Burley Griffin. Lake Ginninderra and Lake Tuggeranong are wholly managed by Territory and Municipal Services Directorate (TAMSD) whilst Lake Burley Griffin is managed by the National Capital Authority (NCA) and the foreshores of Lake Burley Griffin not designated as National Land are also maintained by TAMSD. The foreshores of all Canberra lakes contain major recreational facilities for a range of ages including beaches, designated swimming areas for toddlers and young children, jetties, boat ramps for non-petroleum powered boats, BBQs and playgrounds, walking/jogging and cycling paths.

As part of the management of these recreation facilities, the Economic Development Directorate through Sport and Recreation Services (SRS), routinely canvasses local organised sporting and recreation groups ensuring that their needs and/or concerns are heard and actioned where appropriate. SRS also attends lake user forums and water quality management meetings to address specific concerns and keep abreast of the issues pertaining to organised lake user sporting and recreation groups.

Additionally in 2010, Rowing ACT with input from SRS, commissioned a ‘*Strategic Review of Recreational Facilities around Lake Burley Griffin*’ (Review). The scope of the Review was to identify the main recreational users of Lake Burley Griffin, to identify their existing facilities and what if any future facility requirements would be required. The recommendations found within this Review regarding recreation opportunities around Lake Burley Griffin would generally be applicable for Lake Ginninderra and Lake Tuggeranong.

SRS are working with various government agencies such as TAMSD and NCA to further the Review recommendations including the investigation of sporting group facilities.

Alexander Maconochie Centre—capacity

Mr Corbell (*in reply to a supplementary question by Mr Seselja on Thursday, 22 September 2011*): The 2002-03 Treasury modelling of ACT detainee populations included a medium forecast and a high forecast. The projections are:

Year (June)	Medium Forecast Projected Detainee Population	High Forecast Projected Detainee Population
2002	209	209
2003	212	216
2004	214	223
2005	216	229
2006	219	235
2007	221	239
2008	224	244

2009	226	247
2010	228	251
2011	230	254
2012	233	256
2013	235	258
2014	237	260
2015	239	262
2016	241	264
2017	243	265
2018	245	266
2019	247	268
2020	248	269
2021	250	269
2022	251	270
2023	253	271
2024	254	271
2025	255	272
2026	256	272
2027	257	273
2028	258	273
2029	259	274
2030	260	274
2031	261	274
2032	262	274

There has been no subsequent Treasury modelling on detainee numbers.

Youth justice—strip searches

Ms Burch (*in reply to a supplementary question by Ms Hunter on Tuesday, 15 November 2011*):

1. For the 2010-11 financial year, the total number of times young people were transported from Bimberi to Court was 188. During the same period, the total number of times a young person transported from Court to Bimberi was 241.
2. For the 2010-11 financial year, in relation to young people travelling to and from Court, strip searches were conducted on 80 occasions.
3. While there is no requirement to complete a separate risk assessment form for searches or use of force, the *Children and Young People (Use of Force) Policy and Procedures 2008 (No. 1)*, Notifiable instrument NI2008-318 and the *Children and Young People (Search and Seizure) Policy and Procedures 2008 (No. 1)*, Notifiable instrument NI2008-396 requires a reason for search or use of force to be recorded on all occasions.

Every young person has a formal security classification assessment undertaken by a multi-disciplinary team. The security classification is the risk assessment that determines the type of search and the requirement for flex-cuffs (Use of Force) when a young person leaves Bimberi Youth Justice Centre.

Housing—supported accommodation

Ms Burch (*in reply to a question by Ms Bresnan and supplementary questions by Ms Bresnan and Ms Le Couteur on Thursday, 17 November 2011*):

1. The ACT Government evaluates unmet need through several data capture systems.

Firstly, there is an ACT specific extension questionnaire to the annual National Minimum Data Set (NMDS) collection. Clients who access the service system in a given year are able to express their need for additional services through this questionnaire. However, it should be noted that this is not a formally assessed need but rather an individuals expressed need.

The most recently published NMDS measure of unmet need is available in the 2010-11 Community Services Directorate's Annual Report, in Volume 1, page 41, Table 3.

The second data collection on unmet need is through the Disability ACT (DACT) Registration of Interest. The Registration of Interest is another opportunity for individuals to register with DACT an expressed need for additional services.

Currently there are 159 people who have expressed unmet need on the Registration of Interest. Of these approximately 90% already access DACT funded services. 80 individuals are seeking accommodation support services over the next 5 years. DACT is actively working with 64 of the 159 individuals on their future support arrangements.

It should be noted that the data collected on unmet need is not a comprehensive measure of the level of unmet need for disability services in the ACT.

2. In 2010-11 DACT provided 434 accommodation support places to individuals with a disability. Some of these individuals also have a mental health condition.

In 2010-11 these 434 accommodation support places cost the ACT Government \$46.8m.

3. Disability ACT has on average grown accommodation support places by 18 places per year. This average excludes the recent transfer of funding responsibility for younger people in residential aged care from the Commonwealth.

It is not possible to assign a meaningful percentage to the number of new accommodation support places funded by DACT in relation to unmet need.

Mitchell—chemical fire

Mr Corbell (*in reply to a supplementary question by Mr Smyth on Wednesday, 16 November 2011*): Yes. All operators of the Emergency Alert system are trained on, and provided with a copy of, the user manual provided by the system manager in Victoria. I understand the system manager has been making further refinements to the system and is developing improved training material for the use of all jurisdictions.

Following our own experience of the system in the ACT at the chemical fire at Mitchell, the ACT Emergency Services Agency is reviewing internal procedures relating to the operation of the system, including quality assurance and authorisation processes. The ACT is also providing advice to the systems manager to address a number of specific issues that were identified during this event.

Workplace bullying

Mr Corbell (*in reply to a supplementary question by Ms Bresnan on Tuesday, 25 October 2011*): The ACT being a relatively small OHS jurisdiction, WorkSafe does not have inspectors dedicated to specific areas of interest. All inspectors can be called upon to investigate any health and safety matter. All inspectors are trained in investigation and inspection techniques and processes and are trained to address all aspects of the ACT's health and safety legislation.

Recognising the importance of bullying as an issue, WorkSafe ACT implemented a process in the first quarter of this calendar year which provides that once a bullying matter is allocated to an inspector for investigation, the inspector is required to seek advice from a team leader who oversees all bullying investigations at key points in the investigation to ensure that all appropriate matters are being considered.

In addition to this, complex bullying investigations are over sighted by senior managers including, on occasion, the Work Safety Commissioner.

The Work Safety Commissioner has assured me that he takes a particular interest in such matters and that, as a consequence, he is currently reviewing this procedure to determine whether any further improvements can be made.

Children and young people—care and protection

Ms Burch (*in reply to a question by Ms Hunter on Thursday, 8 December 2011*): The tender process for the Child, Youth and Family Services Program has been finalised. Successful respondents for the remaining service activities, including the providers of group service activities, have been notified. The Territory will commence pre-contract negotiations with these providers prior to 30 December 2011.

The Territory is currently working closely with the sector to manage all transitional arrangements prior to the full implementation of the new services on 1 March 2012. This work includes hosting several planning days with the sector and other key stakeholders, distribution of newsletters and regular meetings with individual organisations and the two main peak bodies (Families ACT and the Youth Coalition of the ACT).

Gungahlin Drive extension—choke point

Ms Gallagher (*in reply to a supplementary question by Mr Coe on Thursday, 8 December 2011*): There is some congestion during the morning peak period at the merge of Caswell Drive and Parkes Way. The need to upgrade Parkes Way, which would ameliorate the issue, was identified as a priority to be progressed on completion of the Gungahlin Drive Extension. It was decided to treat this as a separate project to limit the impact of roadworks on the travelling public.

A project to improve access from Caswell Drive to Parkes Way was funded as part of the 2010-11 budget process. The design for this project covering improvements on Parkes Way between Glenloch Interchange and the City is underway and tenders for the construction works will be called during 2012.

Roads—speed zones

Ms Gallagher (*in reply to a supplementary question by Mr Hanson on Thursday, 8 December 2011*): In line with Roads ACT policy, 40km/h school zones for schools are installed on roads with a direct school frontage where most of the students come and go by vehicle, foot or bicycle. This is where most traffic is concentrated.

A school zone is already provided for Alfred Deakin high school on Dennison Street.

A school zone is not supported on Kent Street because there are minimal school-related vehicle movements along this road and that it is not appropriate to convey the impression to students and motorists that this road is similar to others that pass school frontages, like Dennison.

Roads ACT will implement some traffic improvements before the end of February 2012. These will include the installation of traffic signal warning signs on Kent Street on the approach to the signalised crossing, children warning signs on the approach to the Kent Street / Carruthers Street intersection and the replacement of faded and outdated school warning signs where necessary.

Notwithstanding the above, I have asked Roads ACT to undertake regular observations and further surveys of the conditions at this location, monitor the impact of the above improvements and further discuss these matters with the school Principal. I have also asked Roads ACT to implement additional measures if warranted

Taxis—wheelchair accessibility

Mr Corbell (*in reply to a supplementary question by Ms Bresnan on Wednesday, 7 December 2011*):

- (1) The Statement of Requirements (SoR) for providers of a Wheelchair Accessible Taxi (WAT) Centralised Booking Service (WCBS), which sets out the services required to be provided, was developed in consultation with the users of WAT services.

- (2) The SoR in the recently re-advertised tender is substantially the same as the SoR for the WCBS when the tender was first advertised in September 2011. Some additional information has been included to assist prospective tenderers.

To maximise the prospects of receiving viable tender proposals the tender documentation also clarifies that tenders will be considered which:

- (a) are based on a partnership arrangement; or
- (b) propose alternate arrangements to meet the SoR, to address the needs of WAT users, operators and drivers.

Any proposals for alternate arrangements to those in the SoR will be very closely examined to ensure they are capable of delivering the required WCBS outcomes.

Roads—resurfacing

Ms Gallagher (*in reply to a supplementary question by Mr Coe on Thursday, 8 December 2011*): I have asked Roads ACT to conduct a detailed traffic investigation near the intersection of Winder Place and Kerrigan Street. The investigation will look into the crash location and assess whether measures could be implemented at this location.

The investigation will be completed before the end of April 2012.

Gungahlin Drive extension—choke point

Ms Gallagher (*in reply to a question by Mrs Dunne on Thursday, 8 December 2011*): There is some congestion during the morning peak period at the merge of Caswell Drive and Parkes way. The need to upgrade Parkes Way, which would ameliorate the issue, was identified as a priority to be progressed on completion of the Gungahlin Drive Extension. It was decided to treat this as a separate project to limit the impact of roadworks on the travelling public.

A project to improve access from Caswell Drive to Parkes Way was funded as part of the 2010-11 budget process. The design for this project covering improvements on Parkes Way between Glenloch Interchange and the City is underway and tenders for the construction works will be called during 2012.

Roads—resurfacing

Ms Gallagher (*in reply to a supplementary question by Mrs Dunne on Thursday, 8 December 2011*):

1. A complaint in relation to the road pavement outside 4 McDougall Street was received by Roads ACT on 28 January 2011 and inspected on 2 February 2011. Pavement repairs were scheduled but unfortunately the planned repairs were inadvertently marked as “completed” on the Roads ACT register and not done. When a follow up complaint was made on 7 November 2011, immediate repairs were made to the road surface by the end of November and further more extensive repairs are planned.

2. Normally one complaint is sufficient to have action taken however, as noted above, there was an administrative error in this case. Also as noted above, repairs to render the pavement safe have been completed and more extensive repairs are planned.

Roads—resurfacing

Ms Gallagher (*in reply to a supplementary question by Mrs Dunne on Thursday, 8 December 2011*): The posts were replaced on Monday 5 December 2011.