Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

16 FEBRUARY 2012

www.hansard.act.gov.au

Thursday, 16 February 2012

Thursday, 16 February 2012

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.

Rostered ministers question time
Statement by Speaker

MR SPEAKER: Before we commence I would like to make a brief statement to the Assembly. I refer to the point of order taken by Mrs Dunne during the asking of rostered ministers questions yesterday. I advise the Assembly that the practice of the Secretariat is that once rostered ministers questions are drawn by me, a copy of those questions are provided to the Assembly liaison manager for the purpose of getting ministers and their staff to commence preparing an answer. That was the only copy provided by the Secretariat yesterday.

As I indicated, the practice of the Secretariat has been that if any member seeks a copy of a rostered ministers question it will be provided. This is also the case for any notices of motion lodged, petitions tabled—only the terms, not the signatories—and the matter of public importance selected.

Mr John Hargreaves
Motion of censure

MR SMYTH (Brindabella) (10.03): Mr Speaker, I seek leave to move the motion that has been circulated in my name that calls on the Assembly to censure Mr Hargreaves for his behaviour last night and calls on the government to remove him from his position as the government whip.

Leave granted.

MR SMYTH: I move:

> That the Assembly:
>
> (1) notes the quite unprecedented and disgraceful attack that was made on the Tuggeranong Community Council and on other individuals by the Government Whip, Mr John Hargreaves MLA; and
>
> (2) calls on:
>
> (a) the Assembly to censure Mr Hargreaves for his comments about the Tuggeranong Community Council and other individuals;
>
> (b) the ACT Government to remove Mr Hargreaves from his position as Government Whip.

Mr Speaker, we have had a pattern of behaviour over a number of years now that has seen Mr Hargreaves being removed from his position as minister and being censured by his own leaders of the time. Indeed, I think it ended up with one of those leaders saying he was on his last chance. Well, his last chance ran out last night. In the adjournment debate which followed a very amicable debate, I thought, on the needs of Tuggeranong and which saw all members participating in that debate praise the Tuggeranong Community Council, Mr Hargreaves came down here quite worked up and in quite a state to launch an unprecedented and disgraceful attack on a community organisation, a community organisation I understand that meets regularly with ministers and, indeed, the Chief Minister to put the case on behalf of the people of the ACT.

It is outrageous that somebody would use this place to launch an attack of that nature late at night. I do not know what happens after lunch or dinner when Mr Hargreaves comes in this place and he gets worked up, but to come down here and, without cause or need, to attack individuals who serve their community in a voluntary way and put an enormous number of hours and effort into looking after their community and advising all of us and helping shape policy and the way we deliver services for the territory is to be regretted in the highest terms. It is dishonourable to use this place in that way, and it brings us no credit as politicians when people come in here and attack volunteers. Let us face it, they are volunteers.

What did Mr Hargreaves say? Remember, Ms Bresnan moved an amendment to my motion—backed by Mr Corbell and accepted by us—that we would welcome the Tuggeranong Community Council's efforts on Clean Up Australia Day and what a good organisation they are. What did Mr Hargreaves have to say? He said: "The shame of it all, however, Mr Speaker, is that he does go to that old persons club called the Tuggeranong Community Council, and he sees both of the punters that go to that, and then claims to have some sort of community connection, a community connection with this geriatric mob who just sit in their place, the both of them. It is nothing but a self-help group, Mr Speaker, and I wouldn't feed them. I resigned from that mob. I will not go there because they are a self-interest group and I would not touch them with a barge pole."

Mr Speaker, that is just not necessary. I note some staff are sitting there laughing over this, but we get to a point where we have to ask: what is the standard for this place? It is reprehensible to attack community groups in this way without any reason. The community council have changed over the last three years, and I would like to compliment Darryl Johnston on the way that he has handled the community council in the last three years. They have actually changed their constitution. They have actually worked harder to get into the community. They have put more material onto the website.

Indeed, it includes quite a broad cross-section. ACT police officers regularly attend, so I assume that at least one of those people that Mr Hargreaves refers to as "the old persons" and "both the punters" is the station sergeant from Tuggeranong police station who comes and gives a report. A number of people that appear before the council are ACT public servants, who have thanked the community council over a

period of time for their input. Indeed, this council have put many submissions in to government inquiries over such a range of issues presenting their community's view, and they regularly survey the community. They are at things where they have stalls, and they do it voluntarily. The worth of this council is such that they are actually funded by the ACT government. They get funding, as do the other community councils, from the Chief Minister. In a way, it is almost a reflection on the Chief Minister as well and her judgement.

The problem is that he did not just stop at the community council. He then actually attacked an individual who has great respect in his immediate community—the community of Tharwa—and the individual he attacked was Val Jeffery. He attacked Val Jeffery, I assume, because it is politics. It is just politics. But I do not recall an attack of this nature. Anybody can correct me, and Mr Corbell has been here a bit longer than me, but I have never heard an individual who is not even in a party, let alone not pre-selected or a member, attacked in this way.

What did he say about Mr Jeffery? He did not talk about Mr Jeffery's 60 or so years in the volunteer bushfire service. Forget that. He did not talk about Mr Jeffery on the night before the big fires virtually saving Tharwa by ordering a controlled burn against the directions of the ESA. He did not talk about the support his family has given to the community down there through the running of their shop for decades. He did not talk about Mr Jeffery's unofficial title as the mayor of Tharwa. No. what did he say? He said: "They got to say, is a person being honest when they say they are independent? Do they say that? They don't. And we all know, Mr Speaker, now that Mr Jeffery has outed himself as a closet Liberal. He is not a closet Liberal, Mr Speaker. He comes from a water closet, Mr Speaker."

This is just disgraceful. It is appalling that we are forced to do this, but there has been a pattern of behaviour that we are all aware of over the years from Mr Hargreaves. It is time this behaviour stopped, whether it be the unfortunate incident over the drink driving when he was removed as a minister or when he was cautioned for sexist comments. He was told he is on his last chance, but no, that did not stop him. He gets powered up, he gets worked up, he comes down here, he has his spit and he wanders away.

Members of the government sat there and laughed. Ms Burch got up afterwards and tried, I think, to dissociate herself by saying: "I go to the community council. It's okay." Well, if you do not condemn this today, Ms Burch, if you do not vote for this motion, what you do is condone and confirm what was said by Mr Hargreaves as something you believe. This is reprehensible. This is not what privilege was designed for. It is certainly not what the adjournment debate was designed for. The pattern of behaviour that has now existed for some years must come to an end.

This becomes a leadership challenge for Ms Gallagher. This is the government that said they would be more honest, more open, more accountable. This is the new era. Well, here is a test for the new era. Is this the sort of behaviour that the Chief Minister will countenance from her government? Is this the sort of behaviour to be countenanced by an office holder of the government—the government whip?

Mr Hargreaves gets paid to be the government whip. With that come responsibilities to not just manage affairs but to ensure that standards are maintained in the way in which we conduct our business in this place and the way in which we present to the community. When those members of the community who have not yet listened to the debate online through Daily on Demand hear about this, they will be pretty outraged by what was said. It is unfortunate that when the *Hansard* comes out you will not get the tone and the sense of the way it was delivered, because the vehemence in it and the delivery is also part of the whole attack.

We come back in here after dinner sometimes and some of the things that happen I think are quite disgraceful. But I have never, ever seen anything like this, and I do not think I would like to see anything like this ever again. It is time that we enforce a standard. If this is the way the election year is going to go, in ever-increasing circles to get to the bottom, that is a very bad indication of how we see ourselves and how we see this place.

Politicians continue to be held in disrepute by the community, and I think we all get that, but this sort of behaviour does not do any of us any good and it does not reflect well on any of us. Indeed, Mr Speaker, you might like to have a look at some of the things that were said as to whether or not they were unparliamentary as well. But that is such small fish on the scale of things that it is a matter for you that you might take up.

The problem here is that this reflects on a community group funded by the government. It is a community group charged through their own charter with standing up for their community and representing their views. It is a community group that the government accept do that job well because they fund them to assist them to do that job. It is a community group made up of younger people, older people, retired people, working people, people representing environmental interests, people representing business interests, people representing various areas in the electorate—whether it be south-east Tuggeranong or whether it be Kambah people—people with an interest in the amenity of their city, people with an interest in furthering their part of the city, people who volunteer.

How many times, Ms Porter, have we heard you speak about supporting volunteers? I expect you, Ms Porter, to stand up for the volunteers of the Tuggeranong Community Council and vote for this motion. It would be hypocrisy of the highest order to say that we honour volunteers but we will not vote for this motion. How many motions have we had on volunteers day when we all honour volunteers? This is a group of volunteers who have got this flogging from Mr Hargreaves when he is in his worked-up state after dinner.

I will read it again: "The shame of it all, however, Mr Speaker, is that he does go to that old persons club." Well, that is ageist for a start. How do you feel about that, Chief Minister? Is it inappropriate for members to go to old persons clubs? We see the manager of government business down there on his knees begging the Greens not to vote for this.

But let us go through this. First of all he slags them for being old. That is what Mr Hargreaves thinks. It is inappropriate to go to an old persons club. It is inappropriate to talk to old persons. There you go. Then he says there is just the two of them. Well, there are not two of them. If you bothered to do your job and attend community functions of this nature, you would know that, yes, the numbers ebb and flow, but the numbers have been good lately. Thirty or 40 people were there just last week. It is one of the better attended community councils that I go to.

"They claim a community connection." Well, they do have a community connection. They represent the community. They come from that community. They come from your community, Mr Hargreaves. They have that connection. Then he slags them by saying, "This geriatric mob who sit in their place, the both of them." Why do we have to use "geriatric"? Why do we attack older Canberrans in this way?

"It is nothing but a self-help group, Mr Speaker." A self-help group? I would like Mr Hargreaves to point to where they got something for themselves out of this. There is an allegation there that they use it to somehow get some sort of advantage. I am not aware of any of them who get an advantage. The previous chair—and I know Mr Hargreaves knows this—used to get cranky and abusive phone calls and he used to get phone calls from people seeking help. They are not a self-help group. They serve their community and they serve them well.

"I wouldn't feed them. I resigned from that mob. I will not go there because they are a self-interest group." I have to say that, for a self-interest group, if you had listened to the debate last night, Mr Hargreaves, you would have heard the list of things they have raised in the community as concerns for their community on behalf of their community. It was a great night. People who could not come had sent in lists of things they thought were wrong with Tuggeranong and could be improved. It is not a self-interest group. It is not a self-help group. It is a group that has an honourable record and a decent record. If you go on their website you will see it is getting even more and more professional over time.

That is the nub of this motion, Mr Speaker. It is time this behaviour is brought to an end. It is time Mr Hargreaves is censured for his behaviour. He can explain for himself why he feels the need to behave in that way and what causes him to do that. But it is unacceptable for this place to accept that behaviour, particularly on this occasion.

As to Mr Val Jeffery, Val is big enough to stand up for himself, and I am sure that he will. But what we should not accept is the decline in standards in this place where we start talking about people coming out of water closets. I mean, really! There is a whole dictionary. If you want to abuse somebody, go and read a dictionary. It is kid's stuff. It is infant's stuff. It is toilet humour of the worst kind, and it should not be tolerated by this place.

This is an important test for the Chief Minister on the standard that she sets. It is an important test for the Labor Party. Mr Corbell spoke nicely about the Tuggeranong Community Council last night. Ms Burch did. But Ms Burch and Dr Bourke sat there

and laughed their way through this, and then Ms Burch hurriedly got up and made some feeble attempt at distancing herself. She did not know whether to back him up or to march away from him at a fierce rate of knots. Ms Burch can speak for herself, and she should stand up and decry what was said and she should demand an apology. She should censure Mr Hargreaves, and she should vote to remove him from his position as government whip.

This is about standards, Mr Speaker. It is about maintaining a standard that, in this place for the 23-odd years that it has existed, has been set at a pretty reasonable level. We all have outbursts; we all have bad days. Mr Hargreaves can explain the reason why he felt the need to come down in that way, particularly as he could have come down during the debate and had a reasonable say but chose not to. He did not come down and join in the debate about his electorate, but he came down to slag off in such a vicious way at the people who actually do a lot of the work on behalf of the community for no return at all. If a cup of tea at the Southern Cross Club on a Tuesday night is your return then that is about all they get.

It is time we set a standard. It is time this man goes. It is time the Chief Minister tells us what she believes in.

MR HARGREAVES (Brindabella) (10.19): I have been expecting this since Tuesday. In fact, I have been expecting this since last Friday.

Members interjecting—

MR SPEAKER: Order! Let us not start with the interjections.

MR HARGREAVES: Mr Speaker, I did hear those opposite in absolute silence, and I would ask that they extend the same courtesy to me.

Last night I came down to this chamber after hearing catcalls from those opposite whilst I was working and whilst I was watching the proceedings on the TV set. They almost all called on me to do this, that and the other. I have been here for 14½ years, and some of the accusations that have come across the chamber about me would make your hair stand on end. They have been the most personal attacks. They have been the most personal attacks at times. It was uncalled for but it is just so typical.

What we are seeing here is a group of people who are in a corner and they are lashing out, trying to create as much smoke as they can, trying to kill messengers, trying to bring somebody else into this vortex of community disapproval that they have created themselves. As I said, I have been expecting this because they would be thrashing around trying to find some way that they can actually bring me to my heels. I have to say they have not done that.

I need to put a couple of things on the record. Mr Smyth said that I was dismissed from the ministry twice. That is actually not true. For the record, let me refresh the memory of those members opposite who were here at the time—and not all of them were—that in the first instance I transgressed and I came in here before the police were involved and resigned at the time. I challenge any of those people opposite to

put their hand on their heart and say they would have done the same thing. I do not think they have that kind of courage. They do not have the kind of courage to walk in here and promptly walk away from the ministerial salary because they had done the wrong thing.

Members interjecting—

MR HARGREAVES: Mr Speaker, we heard those people in silence but they are happy to natter amongst themselves. That shows me that they are not interested in what we have to say in rebuttal at all. They are not interested.

Mr Doszpot: You have not addressed the issue at all.

MR HARGREAVES: There you go; there is another one. They are not interested in hearing what—

MR SPEAKER: One moment, thank you. Stop the clock. Mr Smyth was heard in silence and I would expect Mr Hargreaves to be extended the same courtesy, thank you.

MR HARGREAVES: Thanks, Mr Speaker. The second time, if people go back and reflect on what I said at the time I resigned from the ministry, I said there were health issues. It was about one heart attack too many and all that sort of stuff. What members do not know, because I did not put it on the record at the time, was that a post-heart attack condition can be accompanied by depression, and when you are suffering from that kind of thing you make mistakes. When you wake up one morning and say, "I cannot do this anymore," if you have any courage about it at all and if you have any respect for your community, you walk into the place and you resign. That is what I did. I walked away from an $80,000 allowance, because I was not doing the job that I was being asked to do by the community and my government colleagues.

I find it personally insulting for those opposite to stand up here and repeatedly—and this is not the first time I have heard it—say I was sacked. I was not sacked. For the record, I was not.

With respect to the Tuggeranong Community Council, I would say this: each of us is entitled to differ from our colleagues. I have always maintained my own position. I have no confidence in that council and I have not had any confidence in it for quite some time. And I have said so occasionally outside when asked the question. I was merely saying it again in here. I do not say things outside that I am not prepared to say in here. But I do not think that sort of courage is available to those people over there.

I think what we are seeing here is that these people are trying their best to divert the attention from themselves. We saw the spotlight put on them around the issue about whether authorities have been properly executed to allow people to work offsite, and there are questions about that. There are questions, and hopefully the Leader of the Opposition will not wait until the 11th hour to deliver the response to those questions. Hopefully he will deliver them, I do not know, just after lunch or something. That would be nice. We see further questions coming in the paper today.

The spotlight is well and truly on the management and the administration of the Liberal Party. One of the best forms of defence is attack. So what we are seeing here is people over there saying, "Aha, let us seize upon that." Mr Smyth, the ultimate wordsmith—and he is the best on that side of the house for creating a straw man and then tearing it down—comes in here and talks about a pattern of behaviour.

I ask members to reflect on the pattern of behaviour from those opposite, particularly the pattern of behaviour around question time, particularly the pattern of behaviour from those from the absolute backbench of the Liberal Party and their throwing of personal insults my way, designed to put me off, get me upset, all that sort of stuff. I wish they would give it up because it does not work. But you do get a bit sick of it every now and again, and I have had cause in the past to ask for those people to just think about it and to desist.

They throw up this business about Mrs Dunne. I came in here and apologised to Mrs Dunne quite sincerely for what I considered to be a stupid slip on my part. I apologised. I not only did that, I rang her on the weekend to personally make sure that apology was in and make sure that she understood that it was sincere. I asked her what else I could do. I volunteered to come into this house and make that apology.

The Leader of the Opposition, grumbling away, just below the line, with that smirk on his face, does himself no credit in besmirching this point that I am trying to make. I do not deliberately get up in the morning and say, "Which one of those opposition people am I going to personally offend today?" But I suggest to you, Mr Speaker, some of those people might just do that. They might just get up in the morning and say, "Which one of these people am I going to try to take out today?" And we have seen it happen. We have seen the themes.

They do not attack us on policy. They attack us personally. The Labor Party has, across Australia, some sort of reputation for being able to hate. I do not think we hold a candle to those people opposite. They actually take something particularly personal and let go.

What I am expecting to ensue from this is that the Leader of the Opposition will have a spray, Mrs Dunne will have a spray, Mr Hanson will have a spray and possibly the other two, but I do not really think they are up to it. I think what we will see is those four actually coming out and repeating exactly the same outrage, the confected outrage that they have. They do not realise—if they go back to their own *Hansard*, they will see that they are greater sinners than I have been in this place.

If I have a difference in my personal view out there in my community than the government, I am allowed to express it. The government indeed is allowed, in fact has an obligation if it believes that it wants to take a different position vis-a-vis the community, to take that track. And I will support the government whether I like it or not. But I do not have to necessarily hide my feelings just because I am supporting someone. I never have and I never will.

This is all about their own travails, their own troubles, their own problems. This is all about trying to get even because I had the temerity to expose what is going on in their particular party. So I will sit here in silence and listen to the diatribe which is coming my way, after which I am going to urge the Assembly to vote the motion down.

MS BRESNAN (Brindabella) (10.28): The Greens will not support the censure. I would like to note that there is actually a process in the standing orders, citizens' right of reply. It is a clear process, and the appropriate forum for that to be discussed is through admin and procedure. That is something which Mr Jeffery and the Tuggeranong Community Council or Darryl Johnston, as representative of the council, can exercise. And that, I think, is the appropriate way to deal with that.

Mr Smyth said that by doing this we condone it. I absolutely do not condone the comments. I do not share the comments made by Mr Hargreaves. Quite clearly from yesterday too, they are not views that are shared by other members of the Labor Party or obviously by the Liberal Party. Indeed, the very fact that the Chief Minister does meet regularly with the Tuggeranong Community Council does show that those views are not shared. And I think it is worth pointing that out. I do agree with Mr Smyth. I will note that, particularly under Darryl Johnston as chair of the Tuggeranong Community Council, they have brought a very strong level of professionalism to what they do.

Mr Seselja: You are not prepared to stand up for them, though, hey, Amanda?

Mr Hanson interjecting—

MR SPEAKER: Thank you, members. I have made my view clear.

MS BRESNAN: Mr Seselja says I am not prepared to stand up for them. I think that is a particularly unfair comment. I do not think the censure is the appropriate way to do it. We have a citizens' right of reply. I do not share those comments. I said that.

Opposition members interjecting—

MR SPEAKER: Mr Hanson, Mr Doszpot and Mr Seselja, you have all just interjected in the last 30 seconds. I have made my view clear. You are all now warned. Ms Bresnan, you have the floor.

Mr Doszpot: Unbelievable.

MS BRESNAN: Mr Doszpot has continued to say it is unbelievable. I do not share those comments. As I said quite clearly, the Chief Minister does not. As a matter of fact, she meets regularly with them. I agree they have brought a very high degree of professionalism to what they do. Mr Hargreaves expressed his views. They are views no-one else shares, but the appropriate way to deal with that is through the processes that we have here in the Assembly through the standing orders. And that has been done in the past. That is the appropriate way. It does not condone the comments.

I think Mr Smyth and Mr Doszpot know I do go to the meetings regularly. I meet regularly with various members of the community council. I think they know that and they know comments they might make about my not standing up for the council or not listening to them are actually incorrect. And I do not think it is fair to say that at all.

There have been a number of instances of members saying things that are inappropriate, including about members of the public, individuals, people who are standing for preselection. I think that is actually worth noting. I do remember Mrs Dunne saying particularly nasty things in an adjournment debate before the last federal election about someone who was standing for preselection for the Labor Party. It happened to be Mr Hargreaves's wife. That was a particularly nasty thing to happen to someone who cannot actually respond for themselves here.

We have also heard some pretty inappropriate things said about public servants on odd occasions. There again, they are members of the public. They cannot come in here and defend themselves. I remember, with the working with vulnerable people bill, some really inappropriate things were said about public servants. Some of them were actually sitting in the public gallery. We have talked about standards. It is up to all of us to raise the standards. There have been a number of instances where things have been said about people, and it is up to us to raise the standards, as members of this Assembly.

As I said, we will not support the censure. We have processes in place. I know I am going to hear all sorts of things from the Liberal Party about how I am not standing up for the Tuggeranong Community Council. That is particularly unfair. It is not true. Censures are not the right way to do that. We have processes in place, and quite clearly, as I have said, the other Labor Party member for Brindabella does not share those views. We need to deal with this appropriately. As I have said, we have all had instances where things have been said that were inappropriate. I repeat that it is up to all of us to lift the standard here in the Assembly.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (10.33): I welcome the opportunity to speak on this motion today. I must say, though, that all of Tuesday was spent with the Liberals trying to divert any attention from them, and it appears that all of Thursday is going to be a similar attempt by them to get over the repeated poor performance and poor media that they have suffered this week, by trying to waste the Assembly's time on this.

The Greens have indicated they will not support the motion. The government will not be supporting the motion. The challenge to those opposite is not to have five, six or more speakers on this motion. You have made your point. We understand it. We know that the next three speakers lining up, frothing at the mouth, waiting to speak, are all going to say the same thing.

But let us get on with the business of the day. There is important legislation on the program. There is important business that is being sought to be raised under Assembly business. We did not get to one piece of legislation on Tuesday. You had private

members' business on Tuesday. You had private members' day yesterday. Now you are seeking to have a third private members' business for your feigned outrage at an individual's comments in the adjournment debate.

If this is going to be the standard, we can go through all of the adjournment debates for the last three years and have a look at some of the outrageous things that members on your side of the chamber have said and we can no doubt move a series of motions about that. But this is getting ridiculous. What a time-wasting motion, to try to take up the Assembly's business this morning! We have a matter to deal with about Kingston foreshore. I do not know whether you are trying to avoid dealing with that. Maybe that is your motive. But we understand your position. We heard it last night. We understand what Mr Smyth has said.

The views expressed by Mr Hargreaves were views he made as an individual. They are not views supported by the government. I meet regularly with Darryl Johnston. I think I have got a meeting coming up with him in another 10 days time. We value the input and advice that he and his team at the Tuggeranong Community Council provide on a range of matters, whether it be about planning in Tuggeranong or something else. I think one of the recent discussions we had was around air quality in Tuggeranong. We will continue those very good relationships with the Tuggeranong Community Council. But this should be seen for exactly what it is: just time wasting by the Liberals to avoid actually dealing with any of the serious business on the program today.

I have to say that Mr Smyth gave me a challenge about a test on standards. I am happy to be tested on standards in this place any time, Mr Smyth. I can tell you that my standards are much higher than any of yours over there. And I think we have seen in the last week displayed quite publicly the standards and the difference in standards between us and you. It is a bit rich, coming in here after the week you have had, the week you have faced, and morally lecturing other members of the Assembly.

The comments made by Mr Hargreaves are not supported by the government. They are comments made in the Assembly by an individual member of this place in the adjournment debate, as indeed is the form and custom of this house. Let us get on with it. Have another speaker if you must, but let us get on with it and deal with the program today.

MRS DUNNE (Ginninderra) (10.36): I am glad I had the opportunity to hear the Chief Minister's comments before I spoke. Really, Mr Speaker, the failure to censure Mr Hargreaves here today is an endorsement of his comments. It is an endorsement of his comments. Look, there is cut and thrust in this place and people are abusive to one another in this place. We are not here because we are thin skinned. We know these things and we take it in our stride. But what we saw last night—I will call it for what it was, Mr Speaker—was a drunken tirade against members of the community outside this place.

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: Yes, one moment, Mrs Dunne. Stop the clocks, thank you.

Mr Hargreaves: Whilst I understand that there is a lot more latitude in a censure debate and in no-confidence motion debates, I think there is a line that ought not be crossed by members in accusing other members of drunken tirades.

Ms Gallagher interjecting—

Mr Hargreaves: I think that is just a little bit too far. I would ask Mrs Dunne to withdraw that.

Ms Gallagher interjecting—

Mr Seselja: Mr Speaker, are you going to call the Chief Minister to order as she hurls abuse across the chamber? You have called a number of us to order this morning.

Members interjecting—

Mr Seselja: You warned us—

MR SPEAKER: Order! Do not speak from your chair, Mr Seselja. If there is going to be a discussion, you will at least rise to your feet. I will use my discretion on this. Mr Doszpot has actually interjected several more times since I warned him and he is still inside the chamber. So I think there is a little bit of latitude. I am doing my best to be even handed here. That is the first time I have heard the Chief Minister interject. But all of you, I heard you several times before I warned you. Now we will come back to Mr Hargreaves's point of order.

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

MR SPEAKER: On the point of order, Mr Smyth?

Mr Smyth: On the point of order, yes. On Tuesday, words like "fraud" and "fraudulent behaviour" were used, which are particularly offensive. I asked you to have them withdrawn and you said that in the latitude of the debate you would allow it. So there is a different level of usage of terminology in censure and these sorts of motions when you try to get to the heart of the matter. I think the comments probably should stand.

MR SPEAKER: Thank you, Mr Smyth. One moment, members. I am going to seek some advice on this one. Sorry for the delay, members, but given the nature of the debate, it is probably worth being well informed. I will quote from *House of Representatives Practice*:

> Although a charge or reflection upon the character or conduct of a Member may be made by substantive motion, in expressing that charge or reflection a Member may not use unparliamentary words.

I intend to draw a distinction. I heard Mr Smyth's point very clearly, I think. Questions around a type of conduct, the point Mr Smyth was making, are different to

a personal matter in the way that Mrs Dunne has just expressed it and I ask Mrs Dunne to withdraw the words.

Mr Hanson: Just on the point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

Mr Hanson: This refers to comments that were made by Mr Hargreaves last night, which he was not asked to withdraw, where he described members of the community as a "geriatric mob" and as a "self-help group" and as "lackeys". I find it extraordinary in the context of this debate when Mrs Dunne is referring to the fact that Mr Hargreaves, in her view, was intoxicated—and we were all here—that that is somehow to be withdrawn perhaps, whereas Mr Hargreaves, who said that members of the community were a "geriatric mob" and so on, quite defamatory comments, was not asked to withdraw. If you are going to ask Mrs Dunne to withdraw her comments, I would ask for you also to explain what appears to me to be a glaring inconsistency.

Ms Porter: Point of order.

MR SPEAKER: Yes, Ms Porter.

Ms Porter: I believe I heard Mr Hanson just say that Mr Hargreaves was intoxicated. I think that needs to be withdrawn as well. You cannot stand in this place and make accusations that someone was intoxicated, I believe.

Mr Hanson: On that point of order, what I said was that Mrs Dunne had said that in her view she considered that Mr Hargreaves was intoxicated. I stand by that. I think that is what Mrs Dunne believes, that Mr Hargreaves was intoxicated.

MR SPEAKER: Yes, thank you, Mr Hanson.

Mr Hanson: It would be difficult not to refer to that in the making of my point of order.

MR SPEAKER: On your point of order, Ms Porter, I am not going to ask Mr Hanson to withdraw. I think he was discussing the matter at hand. Nonetheless, on the point that Mr Hanson has raised, there is a standing order against using unparliamentary words against members. There is no similar standing order against using unparliamentary words against individuals in the community. Now, that may be a glaring inconsistency which you might like to address during the administration and procedures process, but they are the standing orders as they currently stand.

Mr Hanson: Just on the point of order, I am not sure that referring to someone necessarily as being, in their view, intoxicated is unparliamentary. This is not—

MR SPEAKER: I take the view that it is, Mr Hanson. So that is my ruling.

MRS DUNNE: Mr Speaker, I withdraw, and the—

MR SPEAKER: Thank you, Mrs Dunne.

Mr Hargreaves: On the point of order.

MR SPEAKER: Sorry, Mrs Dunne, one moment before you continue your speech.

Mr Hargreaves: I am sorry to interrupt you, Mrs Dunne, but as I understood it—and please correct me—you did ask Mr Hanson to withdraw as well, did you not?

MR SPEAKER: No, I did not. I did not, no. I thought Mr Hanson—

Mr Hargreaves: Okay, fine. I misheard it. No, that is okay. I misheard it.

MR SPEAKER: My view was that Mr Hanson's words were a point of reference as opposed to a direct use of the word.

Mr Hargreaves: I misheard it, Mr Speaker. That is all right.

MR SPEAKER: That is fine. It is better to be clear at this point.

MRS DUNNE: Irrespective of the means by which Mr Hargreaves's tirade was fuelled last night, what we have got is the situation that we have seen on a number of occasions: another late night sitting and another fine mess he has got his party into. We have seen the incident in which Mr Hargreaves referred to where he made comments about me. Yes, he did apologise, but he apologised "if I had been offended". He did not apologise because what he said was inappropriate. Ms Gallagher apologised "if I had been offended", not because what was said was, by itself, utterly offensive.

We have a pattern of behaviour here. Mr Smyth is correct. This is a test for the Chief Minister about the standards that she maintains from her members. She has failed this test in her own words. The Greens have failed the test as well. There is a difference between the levels of comment that are made across this chamber to one another.

The fact that from time to time on a fairly regular basis Mr Hargreaves, along with everybody else in this chamber, is called upon to withdraw comments as being unparliamentary, as we have just seen, shows that we in this place try to maintain standards. But those standards have not been upheld in Mr Hargreaves's dealings with members of the community. The people who pay our salaries were vilified last night by Mr Hargreaves in a most disgusting way.

Mr Smyth has read out the comments. I had cause to take a point of order because of the fact that Mr Hargreaves, in his comments last night, referred to a respected and named member of the community as demonstrating stupidity. He withdrew that comment but not before it was it made. But then he went on and made it worse by saying not only has he come out of the closet but that he has come out of the water closet.

This is a man who has stood up for his community in adversity—through fire and drought—and who has been the linchpin of his community. Mr Hargreaves has the temerity to accuse him of stupidity and the Chief Minister does not require him to do anything about it.

It is a failure of the Chief Minister. She keeps talking about her standards, her honesty, her integrity, her openness and her accountability. What we have seen here today is the same as we saw last time: "I will go as far as I have to. I will apologise as far as I have to." What he said last night was just demonstrably wrong and unjust.

What the Chief Minister has done is endorse it. She said, "I do not agree with him but he can say anything he likes." He can go out and vilify a volunteer organisation and the individuals in that as geriatrics, as lackeys. He can say that Mr Jeffery is stupid and Ms Gallagher has said that that is all right.

The standards of the Labor Party here are on display for all to see and they are being endorsed by Ms Bresnan and presumably by the Greens. We saw it last night—you know, Johnno is having one of his little rants. Dr Bourke and Ms Burch chuckled away through it. When this motion started today, the staff in the gallery, led by the president of the ALP, were laughing. They think it is pretty funny. They think it is pretty funny when Johnno has one of his rants. It was not funny. It was mortifying. It was unfair to people who do not have recourse.

Ms Bresnan says they do have recourse. They can use the citizens' right of reply. They should not have to because we should censure this man. We should censure this man for the abusive language he used against members of the public in the ACT—people who work hard, people who pay their taxes, who participate, who volunteer, who fight bushfires, who work in the community. While Mr Hargreaves draws his fat salary and his extra allowance for being the whip, that they pay, he gets to abuse them and he is endorsed in his words by the Chief Minister and by Ms Bresnan.

That is what it is about. It is about standards. Ms Gallagher spends her time talking about standards. We saw during the unfortunate incident last year where Mr Hargreaves was forced to apologise to me. Ms Gallagher said: "This goes to members on both sides. We have understood the lesson. We have learnt and you should desist from those sorts of personal interjections in future."

It goes beyond the members of this place. If it is good enough to desist in personal interjections, according to the Chief Minister, against members of this place it should be more so when Mr Hargreaves stands up for a five-minute rant against members of the public. He should be called to desist in the matter.

The Chief Minister has, by her own mouth, failed to stand up for the standards that she touts on every occasion. Mr Hargreaves should be condemned. Mr Hargreaves should be censured by this place and the Chief Minister should have the guts to strip him of his job as the whip.

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

> That the question be now put.

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.

Question put:

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

The Assembly voted—

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

Question so resolved in the negative.

Crimes (Child Sex Offenders) Amendment Bill 2012

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) (10.54): I move:

> That this bill be agreed to in principle.

Today I am presenting the Crimes (Child Sex Offenders) Amendment Bill 2012. The purpose of this bill is to make a number of amendments to our child sex offender legislative scheme. These amendments will strengthen our approach to the monitoring

and management of registered child sex offenders in our community and will ensure, as far as possible, the safety and protection of children from sexual assault and violence.

Today I will provide members with an overview of the amendments the government is proposing. I will also provide members with details of the evidence and the human rights issues that the government has considered in reaching the decision to propose greater obligations and potential controls on registered child sex offenders.

The purpose of the child sex offender legislative scheme is to reduce the likelihood that registered offenders will reoffend and to facilitate the investigation and prosecution of any future offences that registered offenders may commit. To achieve these purposes, the act currently requires registered offenders to keep police informed of their whereabouts and other personal details for relevant periods of time set out in the act. This period of time is between four years and life, depending on the type of offence committed and whether the offender was an adult or young person at the time of the offence.

In June 2009 the Ministerial Council for Police and Emergency Management recommended that all Australian jurisdictions implement, as far as possible and in a nationally consistent manner, reforms to their respective child sex offender registers. The ministerial council made 14 recommendations, which were based on amendments that the New South Wales government made to their legislation in 2007. Of the 14 recommendations, this bill is proposing to implement six. The remaining recommendations do not apply to the ACT, as we already have provisions to address these matters.

In addition to the ministerial council amendments, this bill is proposing an amendment to address one issue raised by ACT Policing and one issue identified by the Ombudsman in his 2009-10 report.

The amendments proposed by this bill fall into two broad categories: the prohibition order scheme and the general amendments. I will now discuss each category of amendment in turn.

The first category of amendments is the introduction of chapter 5A. This new chapter will create a prohibition order scheme for the ACT. Chapter 5A will allow the Chief Police Officer to apply to the Magistrates Court for an order to prohibit a registrable offender from engaging in conduct that poses a risk to the lives or sexual safety of a child or children.

The conduct that the Magistrates Court may prohibit includes associating with or having contact with specified people or kinds of people; being in specified locations or types of locations; living at one or more premises, a stated kind of premise, or premises at a stated place; engaging in specific behaviour; and being in specified employment or employment of a specified kind, whether paid or voluntary, that is likely to bring the registered offender into contact with children.

This list is not an exhaustive list of the conduct that may be prohibited. The bill provides the Magistrates Court with the flexibility to prohibit a registered offender from engaging in any conduct that poses a risk to the lives or sexual safety of a child or children.

The bill proposes that the Magistrates Court may make a prohibition order if satisfied on the balance of probabilities of the following three elements: first, that the person is a registrable offender; second, that the person has engaged in the conduct set out in the application for the order; and, finally, by having regard to the nature and pattern of the conduct engaged in, the person poses a risk to the lives or sexual safety of one or more children, or children generally, and the making of a prohibition order will reduce this risk.

The bill proposes that the maximum term of a prohibition order for an adult is five years. For a young registered offender the bill proposes that the maximum term of the order is one year.

The bill also allows for the registered court to register a corresponding prohibition order. A corresponding prohibition order is an order that has been made for a registered offender in a jurisdiction outside of the ACT. For the order to be registered in the ACT the Magistrates Court must be satisfied that the person is a registered offender, that there is a corresponding order in force in a jurisdiction outside of the territory, and, if service was required in that outside jurisdiction, that the order was served.

For an adult corresponding offender the term of the corresponding prohibition order is the lesser of either five years or the term that is remaining on the original order. For a young corresponding offender the term of the order would be the lesser of three months or the term that is remaining on the order.

The proposed maximum penalty for breaching a prohibition order or corresponding prohibition order, in circumstances where the registered offender does not have a reasonable excuse, will be imprisonment for five years, 500 penalty units, or both. This penalty is consistent with the penalty for breaching a domestic violence protection order at section 90 of the Domestic Violence and Protection Orders Act 2008.

The government is introducing this prohibition order scheme to allow police to intervene in circumstances where there is evidence that the registrable offender poses a risk to a child or children. This intervention is aimed at protecting those children identified as at risk, and at addressing the recidivism rates of child sex offenders.

The evidence suggests that the recidivism rates for child sex offenders are between 10 and 52 per cent. However, studies note that it is difficult to accurately quantify this rate as sexual offences involving children have very low rates of reporting, detection, arrest and successful prosecution. While the exact recidivism rates are unknown, what can be said is that a significant proportion of child sex offenders will reoffend.

The second category of amendments in this bill is the general amendments. The general amendments are being made to existing provisions in our existing Child Sex Offenders Act.

The first general amendment is to increase the maximum penalties for offences relating to reporting obligations. There are 21 reporting offences in the Child Sex Offenders Act that relate to specific acts or omissions by the registrable offender. The offences include failing to report after sentencing, failing to report annually and failing to report travel details. These maximum penalties will now be increased to imprisonment for five years, 500 penalty units, or both.

The second general amendment relates to the information that all registered offenders are required to provide to police. These amendments will require offenders to now provide their electronic communications identifiers, including all email addresses and usernames, and their passport details, to police.

The third general amendment will limit the number of days of unsupervised contact that a registrable offender can have with a child. The bill will amend section 60 to require all registered offenders to report more than three days of contact that the offender has with children in a 12-month period, and will require that this contact is reported within 24 hours after the day it occurred.

The fourth general amendment will create a new offence. The offence will apply when a registered offender applies under a relevant law to change their name and fails to tell the Chief Police Officer in writing about the application. The new offence will require the registered offender to tell the Chief Police Officer of the application not later than two days after the day the application is made.

The fifth general amendment will ensure that registered offenders who receive a sentence of periodic detention are required to comply with the child sex offender reporting obligations at the commencement of their sentence of periodic detention. This is because an offender who is serving a periodic detention is living in the community five out of every seven days a week and should therefore be subject to child sex offender reporting obligations during this time.

The final general amendment is a technical amendment to the schedules of offences. This amendment will ensure that the schedules are concise and that they capture relevant offenders who commit sexual offences against children in jurisdictions outside of the territory.

The government acknowledges that this bill engages with the Human Rights Act in a number of ways. The bill engages, and places limits on, the rights to recognition and equality before the law, privacy and reputation, freedom of movement, peaceful assembly and freedom of association, freedom of expression, right to liberty and security of person, fair trial and rights in criminal processes. I also note that the bill supports a number of these rights, particularly the rights of children.

The bill's explanatory statement contains a detailed analysis of the human rights issues and I encourage all members to consider this document along with the bill.

In closing, this bill is a good example of how the human rights of a person affected by changes in the law can be balanced against the right of the community to protect children from sexual assault and violence. I commend the bill to the Assembly.

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

Workers Compensation (Terrorism) Amendment Bill 2012

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) (11.05): I move:

> That this bill be agreed to in principle.

After the 11 September 2001 terrorist attacks most insurance companies withdrew products offering coverage for an act of terrorism. Any products covering acts of terrorism that have been placed back on the market have been prohibitively expensive. As a result it is either not possible or is an unreasonable burden for employers to gain workers compensation coverage for injuries arising out of an act of terrorism.

However, the threat of terrorism and the risk of injury that it poses to ACT workers must be acknowledged and managed by the territory.

In recognition of these issues chapter 15 of the Workers Compensation Act 1951, the WC Act, was introduced, giving the government power to establish a temporary reinsurance fund to ensure the efficient and effective operation of the scheme in the event of an act of terrorism occurring in the ACT.

The initial amendment contained a sunset clause of 1 October 2004, but further amendments have extended these protections to give the government power to establish a temporary reinsurance fund in relation to acts of terrorism that occurred before 1 April 2012.

The Workers Compensation (Terrorism) Amendment Bill 2012 proposes amendments to remove any time-based limitation on the operation of chapter 15, providing the government with an ongoing mechanism to establish a temporary reinsurance fund following an act or acts of terrorism which occur now and into the future. The power to establish the fund will continue in perpetuity.

Importantly, any reinsurance fund established under chapter 15 would be of a temporary nature. The amendments proposed by the amendment bill do not require that any fund established under chapter 15 be maintained in perpetuity but rather for such time as required to respond to and resolve any related compensation claims.

To ensure that chapter 15 meets its statutory objectives the amendment bill establishes a requirement that government review payments out of any temporary reinsurance fund created under its provisions within 10 years of its establishment. This amendment will ensure that territory money is not being held in perpetuity, while allowing sufficient time for insurers to assess what their potential liabilities are and therefore claims on the fund are.

The amendment bill will ensure that the workers compensation scheme is able to provide timely protection, care and support to territory workers injured as a result of a terrorist incident. I commend this bill to the Assembly.

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

Planning—Kingston foreshore

MS LE COUTEUR (Molonglo) (11.09): I move:

> That this Assembly:
>
> (1) notes that the Minister for the Environment and Sustainable Development approved a Planning and Development Regulation which exempts an area on the Kingston Foreshore from third party appeals on approved development applications; and
>
> (2) disallows Subordinate Law SL2011-30, Planning and Development Amendment Regulation 2011 (No 1), including a regulatory impact statement.

I am moving this motion today to disallow the government's regulation which would stop any third-party appeals being lodged in ACAT for a precinct within the Kingston foreshore. This precinct also includes the Kingston arts precinct, which I believe is subject to an amendment which will be moved shortly.

Just looking at the time line, Mr Corbell approved this amendment on 14 November last year. On 15 November ACTPLA approved the Quayside development, which is within the exempt precinct, and then two weeks later the Fitters Workshop development application was approved. I understand that the legal situation right now for developments in that area is somewhat confusing. I understand that the Quayside development and the Fitters Workshop development have both attempted to go to ACAT. I believe that the ACAT does not know exactly what the answer is legally, which I think is pretty disappointing.

I am disappointed that the Assembly did not debate my disallowance motion last year. I have a business background. I think you would have to say that one thing that business likes to know is what the rules are. You may or may not agree with the rules, but at least you like to know what the rules are. I think that, whatever people think about the rights or wrongs of third-party appeals, it would have been appropriate for us to consider this issue last year and make a determination, instead of leaving people who objected to both of these developments to put appeals to ACAT. I do not know

what will happen with those appeals. From what I can tell, it is slightly unclear what will happen with those appeals. Even if the regulation is disallowed, I think legally it is still a little unclear. It would have been vastly superior had we considered this last year. Anyway, we did not, so let us keep on going.

On the issue of business certainty, I think that a lot of this comes back to the quality of ACAT decisions. If the situation was that everything went to ACAT, as far as planning is concerned, and ACAT said, "You're wasting your time; ACTPLA has got it right," we really would not be bothering having this discussion. There would clearly be absolutely no point in the third-party appeal. However, that is not the case. I would like to quote from ACAT findings on a recent Kingston development, the most recent one in Quayside. In paragraph 3 they said:

> It is a mystery to the Tribunal as to how such a proposal could have been approved.

I find that utterly bizarre. They go on to say in paragraph 18:

> The witnesses called by the developer, and the expert called by the Planning Authority, succeeded in tying themselves in knots in trying to justify how the higher elements on this building are not three building elements of 20 metres by 37 metres but instead were six elements of half that size, in pairs joined by articulations which are the three lift wells.

They say in paragraph 19:

> A simple look at the plans demonstrates to the Tribunal that the developer's and Planning Authority's view cannot be sustained.

Unfortunately, this is not just happening in the Kingston foreshore area. I recently read the ACAT's determination about the Marsden Street development. In it they also found that there were some significant issues with ACTPLA's approval which they felt, clearly, because they disallowed the approval, was simply not consistent with the territory plans and codes. I think this very much demonstrates why we need an appeals process.

If we were looking at an area to remove appeals from—not that the Greens, of course, are suggesting that we should be removing appeals from anywhere—we simply would not choose the Kingston foreshore because it is one of the most complex areas in Canberra from a planning point of view. There is the territory plan, which is everywhere, but in this case there is also the national capital plan. Also, the LDA has its own set of rules which were put into place in terms of conditions when land was sold. In effect, we have three different planning authorities in the Kingston foreshore area and we have three different sets of rules. I have had the view put to me that, because Kingston was fully master planned, there should be no third-party appeals because clearly everybody knows what is going on. Unfortunately, that is not the case. Clearly, not everyone does know what is going on. That is part of the reason we have the situation we have here.

I found very interesting the reasons that Mr Corbell gave for exempting this area from third-party appeals. He said it was a rapidly changing, high value area. I think this is rather wonderful because it is the first time that I am aware of—certainly it is the first time while I have been in the Assembly—where we have sought to reduce legal rights on the grounds that an area was wealthy and of high value. You normally seem to find there are fewer legal rights in poorer areas.

I guess I can commend the government for its equal handedness in terms of disadvantaging the rich in this case, but the Greens' view is that everyone should have a right to third-party appeals. Where you live and the amenity of where you live are important. It is an important part of having a harmonious society to have certainty and rights about the area in which you live, not just for residents but for community groups that are interested in the future of the area. In this area I note the Walter Burley Griffin Society, the inner south community council, other residents groups and of course, as we have seen in the paper in the last few months, various arts, being both music and non-musical groups. These are all people who have legitimate rights to their views on what development should happen in the area. It is quite reasonable that people should have access to appeals, and potentially access to ACAT for that.

On that note I would also like to point out that merely getting rid of ACAT appeals does not stop appeals in an area. All it actually does is make them more expensive. ACAT was designed to be, in effect, a person's court. The idea was that you would not need a lawyer to go to ACAT. Unfortunately, things seem to have changed and it does seem that generally you do need a lawyer if you want to win in ACAT. Nonetheless, ACAT is a less expensive venue for appeals than the Supreme Court. Certainly ACAT, with its mediation provisions, gives more chance of having a better outcome from a planning point of view. That is what we should be talking about here—better outcomes from a planning point of view.

But if ACAT is not available then those appellants who have enough money will go to the Supreme Court. I understand this is likely to happen in at least one of the appeals which have been caught up in this disallowance. I understand this is quite likely to happen with respect to the Quayside development. All that we are really doing in getting rid of third-party appeals is giving more money to the legal profession and making appeals more expensive. It is not going to stop them where it is a commercial issue. It will, I agree, almost certainly stop them where it is not a commercial issue because residents and community groups simply will not have the money to go to the Supreme Court. I do not think this is really where we should be going as a matter of public policy—that the only people who can appeal are the people who have a lot of money; that is, the commercial interests.

Just talking a bit more widely about third-party appeals, this is something that, as I have said, the Greens have always been in favour of, but we do recognise that they can cause some issues in terms of timely and cost-efficient development. I note that there are provisions for ACAT to block vexatious appeals. ACAT should probably look more closely and stringently at that to see if there are times when it would be appropriate for them to block an appeal on the basis that it is vexatious.

I also note that there is already a statutory 120-day framework for appeals to be dealt with in ACAT. There might be some virtue in that being a shorter time frame. I would like to say that but in some ways, given a lot more substantive legal matters such as murder trials take a lot longer, I am not sure if I really can say it. However, one thing I can say is that I think that it would be better from ACAT's point of view if there was more planning expertise. The matters that they deal with at times are quite significant from a planning point of view.

Briefly, I will talk about the arts precinct. I suspect that the arts precinct was included in this area without a lot of thought on the government's part. When Mr Corbell said in introducing this that he was trying to stop commercial appeals, I imagine that is what he was thinking about. It did not even occur to ACTPLA when they proposed this course of action that a very controversial appeal within the community would be caught into it. But, as we all know, it has been caught into it and it is not at all clear what will happen to it. Even if the amendment proposed by Mrs Dunne is approved, I think that legally it is still a bit unclear as to what will happen. It is a pity that this was not done in December when we still would have been within the normal time period for an ACAT appeal and there would have been no legal uncertainty.

I think that it would be desirable to have all of the Kingston foreshore available for third-party appeals. If we cannot have all of it, though, the Greens will agree to part of it. We are not going to say that is silly or that is stupid. If we cannot have all of our cake, we will have some of our cake. I think it is a bit unfortunate, particularly because my understanding is that quite a lot of the actual development on the arts precinct is probably not going to be arts, in fact. It is probably going to be commercial and residential. So by taking out a small part of it the Assembly does lend itself to the statement that possibly we are favouring one development over another. I commend my motion to the Assembly, although I do appreciate that it will not be supported.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.22): The motion before us today concerns the Planning and Development Amendment Regulation 2011 (No 1), which commenced operation on 15 November last year. The regulation applies solely to the Kingston foreshore area. The regulation adds this area to the existing set of areas in which there is no right to apply for third-party ACAT merit review.

The fact that we are having this debate today is in itself indicative of the importance of the Kingston foreshore area for members of this place and the wider community. I do not need to remind the Assembly of the unique historical and contemporary importance of this area for the cultural and commercial life of our city. We all want to see this area flourish in a way commensurate with its significance and its potential.

The government's position on this matter is a straightforward one. The government supports practical measures to minimise uncertainty in disputes and, in so doing, help ensure that the community-accepted vision for this area is realised without further undue delay.

The concern the government has in mind is delay and uncertainty. That is the concern that led to the development of this regulation—delay in the realisation of the community's and the government's agreed goals for the area, as expressed in the territory plan and the Kingston foreshore regulation, and uncertainty as to the interpretation of the relevant territory plan rules due to the prospect of further legal proceedings and fresh interpretations of the plan.

The potential for this area to be subject to protracted legal disputation is evident from the nature of the area itself. The Kingston foreshore area has a number of particular characteristics. The land is of an exceptionally high monetary value and is subject to significant ongoing development and change. The land is predominantly zoned CZ5, meaning that it is available for commercial and mixed use development and is of a type typically purchased by development companies for later retail sale to individual purchasers. The location itself is unique, for geographical and historical reasons. These characteristics suggest that there are high stakes in this area, and there is the potential, regrettably, for significant disputation into the future.

The regulation that I made as minister focuses on ensuring that development that is in accordance with the relevant provisions of the territory plan is able to proceed. Importantly, the government had in consideration the precedent that had already been established in relation to the availability for standing before the ACAT in other areas of the city, such as the city centre and the town centres. That regulation was made in 2006.

The government are also aware that we were starting to see a pattern at the Kingston foreshore similar to a pattern that was emerging in the city and the town centres in the 2006 period, when development rivals were utilising the mechanisms of the third-party appeal mechanisms to hinder, to frustrate, the commercial objectives of their rivals and seek to gain some form of commercial advantage. In the government's mind, this is not an appropriate use of the planning appeals mechanism. For the same reasons that we proposed and implemented the regulation to prohibit third-party appeal in the city and the town centres, we have taken the same view now in relation to Kingston foreshore.

The government is, of course, concerned with the potential for delay, for several reasons. Significant delay due to the ACAT process can create ongoing uncertainty as to the interpretation of the plan, affecting not just the immediate parties in the dispute but other potential developments subject to the same provisions. Delays to one or more projects and their impacts on other projects can effectively mean a delay to the realisation of the community-developed vision for the whole of the Kingston foreshore area. Such delay is of particular concern in this area given the historical, commercial and cultural importance of this area to Canberra.

I would also note that any delay to the release of new residential housing stock is unwelcome given the overall shortage and dwelling demand in the territory, in particular in the territory's rental stock. For a developer involved in an ACAT dispute, the delay can result in significant holding costs, particularly in relation to developments of exceptionally high monetary value. In the view of the ACT Property

Council, such unanticipated holding costs are typically passed on to the end consumer—that is, the homeowner. Such an increase in costs has its own impact on local housing markets.

The government has sought to reduce the potential for delay and uncertainty through this regulation. The regulation means that development can proceed in the knowledge that there will not be third-party ACAT merit review. It means that the developer and wider community can proceed with confidence that there will not be unanticipated delays due to the ACAT's process, preliminary proceedings and final hearings. A development approval, once granted, will take effect immediately, subject to any approval conditions.

This regulation also means that the developer and the wider community can proceed with confidence in relation to the interpretation of the territory plan. The regulation means that the financial resources that are inevitably involved in any such proceedings, including the resources of the development industry and of government, can be redirected to other, more useful purposes.

This is a limited and targeted measure. It does what it does without impacting on other procedures, on other areas of community participation. For example, the regulation does not affect the ability of the broader community to comment on planning proposals, including variations to the territory plan and the master planning process.

The particular importance and effectiveness of community consultation on the Kingston foreshore is indicated by the extensive and successful consultation exercise that has occurred to date. Some members will be familiar with this exhausting process, which commenced in 1995 and took until June 2010, through variation 113 to the territory plan, to complete. This highlights that this precinct is, indeed, an extensively master planned precinct—and one which has seen significant, detailed and lengthy public discussion and consultation before the planning rules have been set.

Of course, community consultation about the future development of the Kingston foreshore continues. Community consultation is now focused on the proposed master plan for the cultural precinct at Kingston. And of course we are aware that there is an inquiry of this place into the future use of the Fitters Workshop in the Kingston arts precinct.

The extent of community consultation to date and the relatively low number of third-party applications for ACAT merit review in recent years are one indicator that planning outcomes are reasonably well accepted and understood.

In making these comments, I would like to acknowledge that there have been discussions and concerns expressed by different community groups and individuals as to the planning outcomes for the Fitters Workshop in the Kingston foreshore cultural precinct. This is clearly an area of ongoing concern to different community groups and the focus of divergent and strongly held views. It is likely that any further development of the rest of the cultural precinct may raise similar strong debates.

In light of this, I am pleased to advise the Assembly that the government is happy to support the amendment which has been foreshadowed by Mrs Dunne, which will amend this regulation to remove the cultural precinct—that is, section 49—from the relevant map in the instrument. This will mean that third-party ACAT merit review will once again be available for matters in the cultural precinct. I think this is a reasonable and sensible compromise, and one that the government is pleased to support.

This regulation does not affect the right of the local community to comment on specific development applications. This is a significant right which remains unaffected. The regulation does not affect the rights of parties to seek review of questions of law before the Supreme Court under the Administrative Decisions (Judicial Review) Act. Recent applications to the Supreme Court attest to the continued availability of this facility.

Some might contend that the regulation will do little to reduce time lost in legal disputes, given the ability of parties to take matters to the Supreme Court. The government does not agree. The ACAT merit review process and Supreme Court appeals are different processes applying to different questions. The types of matters that can be taken to the Supreme Court are limited.

The ACAT merit review process focuses on a full review of the planning merits of a decision. The ACAT is given the power to stand in the shoes of the ACT Planning and Land Authority and has powers similar to the authority to make or remake a decision of the authority. In contrast, proceedings before the Supreme Court are restricted to questions of law and due process. Supreme Court applications are also subject to potentially much higher costs for parties compared to the ACAT proceedings. In other words, the ACAT plays a different role from the Supreme Court, and removal of ACAT third-party merit review processes is therefore a significant measure.

The argument that the regulation on ACAT merit review is not worth while because it does not remove the prospect of further protracted legal proceedings in another forum is a defeatist one. It is an argument to the effect that a measure of improvement is not worth having because the improvement is in some way limited.

There are compelling precedents for this regulation. As I mentioned, the government made regulations in 2006 to remove third-party ACAT merit review processes for land in the city centre and town centres as well as industrial areas. The 2006 regulation is now widely understood, and accepted and supported by the community and industry.

The significance of the Kingston foreshore is such that it should be subject to the same review framework as the city centre and town centres. The Kingston foreshore has a number of features in common with the city centre, in particular, and as such should be subject to similar processes. For example, like the city centre, the Kingston foreshore is central to the commercial and cultural life of the city. It has high land values and is subject to ongoing development and change. Residents who move to the Kingston foreshore or the city understand and accept that these are areas of continuing

change and development; as such, there is relatively less call for third-party ACAT merit review.

The Kingston foreshore regulation brings the regulatory framework for this area into line with existing regulations for similar areas. The regulation recognises that Kingston foreshore is of the same order of significance as the city centre and our town centres and brings consistency to review processes in this regard.

The amendment that has been circulated by Mrs Dunne is a reasonable compromise, a compromise the government is prepared to accept and support. It keeps in place the prohibition on ACAT review for the commercial and residential development areas of the Kingston foreshore and focuses the area for commercial review on areas surrounding the cultural precinct. That, we think, is an appropriate balance.

MR SESELJA (Molonglo—Leader of the Opposition) (11.35): The Canberra Liberals will not be supporting the disallowance motion as it is currently presented; but, as Mr Corbell has noted, Mrs Dunne has circulated an amendment which would excise the arts precinct from this regulation. The rest of the regulation will stand, but we will be moving to excise the arts precinct from it.

We need to go back to where we started a couple of months ago on this. This disallowance was first sought to be brought forward by the Greens late last year. The reason we did not agree for it to be considered and voted on at that time was that we believed that due process and consultation were needed. That is what we undertook to do, and that is what we did do.

That consultation process needed to consider all of the interests which were affected by this regulation. They included residents, and we letterboxed around 600 homes in the immediate area. They included builders and developers who have an interest—who either own land in that area or are proposing to build in that area. It also took account of representative bodies such as the Property Council. And we also took account of, particularly, the views of the arts community, who have a particular interest in the arts precinct. That was the task we set ourselves, and that was the process we followed. It was a process that, unfortunately, the government did not follow, which is why we are now needing to amend this regulation. It has been a less than ideal process by the government—a relatively rushed process—that has led to this.

In terms of our consultation, of those 600 residents or homes that we letterboxed, we got a fairly small number of responses, it must be said. Only a handful of responses came back. There were a few against and a couple in favour. We did have a number of responses from the arts community. I do not know the exact count on that, but it was a more substantial number. All or virtually all of those were arguing for the kind of action that Mrs Dunne will be taking today, allowing third-party appeals in the arts precinct, which is what we have sought to do.

In conducting that consultation, we had to consider what has been our policy and what continues to be our policy. The way that this has been framed, we are unable to get the exact policy outcome that we might seek. I will explain that for a moment.

Our position is that third-party appeals should not be a blanket thing—that anyone should be able to appeal against any development. We have argued long and hard in this place that there need to be reasonable restrictions on that. We lost that argument when the legislation was brought forward.

We also believe that, as a general rule, people who are directly affected by a development should have some ability to appeal. We sought with the drafters to find a way through that would achieve that policy outcome, but we were advised that that was not possible through this regulatory process—that we would need to amend the legislation, which is not possible through the process of consideration of this regulation.

In that case, we were faced with a choice between two somewhat less than ideal realities. In doing that, we therefore had to balance the views of the Property Council and others. The Property Council very strongly argued to us that they believed that the reg should be supported in its current form. We certainly heard from developers who were against the reg and who argued that we should be voting to disallow it. We considered their views. We heard from residents. I have got to say, though, that it was not many residents. There was not a particularly strong feeling coming from residents on the matter. We heard, as I said earlier, overwhelmingly from the arts community, saying to us that the arts precinct should not be covered by this regulation.

When we were considering these two less than ideal policy outcomes, the argument that was put most forcefully as to why we should support the regulation and not support the disallowance concerned the issue around the unique nature of Kingston foreshores, the heavily master-planned aspect of Kingston foreshores. It must be said that there is an argument in that, and a strong argument, that says that third-party appeal rights for Kingston foreshore are different from a situation in the suburbs where people have had standard residential and then are suddenly faced with the prospect of significant redevelopment of their street which changes the character and the nature of that neighbourhood.

Those were the competing arguments that were put to us. We have made the judgement that we will seek to balance these views—balance the views of the arts precinct, and consider the views of residents as well as the views of the various property interests that have a stake in this area.

We want to see development go ahead here. I think there is a responsibility on the government to make sure that that is done within the proper planning framework, within the territory plan. I think it is fair to say that the process in getting here has been less than ideal on the government's part; that is something that is worthy of further consideration by the Assembly at some point.

But we had to make a decision based on the regulation in front of us. The compromise we have found between all of those competing interests will not please everyone, but we believe it strikes the best balance between the rights of the community and the needs of the community and the need to see this precinct developed and see it go ahead.

That is our position and that is why we will not be supporting the disallowance, although we will be moving to amend the regulation.

MRS DUNNE (Ginninderra) (11.42): I move:

> Omit paragraph (2), substitute:
>
> "(2) amend the definition of "***Kingston Foreshore***" in Subordinate Law SL2011-30, Planning and Development Amendment Regulation 2011 (No 1), including the associated regulatory impact statement and explanatory statement, to exclude section 49 from the area outlined in bold on the plan in Schedule 3, part 3.4, division 3.4.6.".

Earlier this week the Canberra Liberals revealed this government's propensity to mislead and deceive the ACT community. We saw a government misleading and deceiving the people of the ACT in its feeble and flawed attempt to justify the $432 million office block which I have called the house of hubris. We saw it with the revelations by Mr Hanson about the announcements in relation to the walk-in clinics. Well, subordinate law 2011-30, Planning and Development Amendment Regulation 2011 (No 1), is misleading and deceitful for the ACT community as well.

This regulation has included the Kingston foreshore in the list of development zones that are exempt from third-party appeals in the ACAT. The justification for this is that Kingston foreshore is substantially master planned and has been the subject of wide-ranging public consultation, and there is no doubt that that is the case. The development in this area was subject to a design competition in the first instance, and has been substantially master planned since then. But that is not the case with section 49.

The language used in the justification about taking away third-party appeals about the Kingston foreshore is that it relates to top-end residential and commercial developments by large companies. My amendment seeks to excise section 49, the Kingston arts precinct, from this approach.

Why, Madam Deputy Speaker, is section 49 so different from the rest of Kingston? Why should the Kingston arts precinct not be exempt from third-party appeals just as the rest of the Kingston foreshore area is? I think the answer lies in the submission made by architect Colin Stewart to the current inquiry referred to by Mr Corbell into the use of the Fitters Workshop. To refresh our memories, Madam Deputy Speaker, Mr Stewart won the international competition mounted by the ACT government at the time for the design of the Kingston foreshore. Mr Stewart, in relation to the Kingston arts precinct, which he referred to as the cultural precinct, said in his submission:

> It is also important for the committee to be aware that this entire cultural precinct … was, I understand, treated separately as a public asset to be retained indefinitely by the ACT Government for arts/cultural and related enterprise in order to one day realize this wide ranging vision for a world class cultural precinct that is self funding, and capable of accommodating numerous arts, cultural and community groups.

Let us look briefly at the language differences between these two documents. The regulatory impact statement for the amended regulation talks about "commercial development", "large companies" and "top-end developments". Mr Stewart's submission, on the other hand, in relation to the arts precinct uses words like "public asset", "retained indefinitely by the government" and "accommodating numerous arts, cultural and community groups". Mr Stewart had even more to say. He said in his submission:

> … this concept for a major community/cultural/heritage was to be the focal point of the entire Foreshore …

Indeed, the whole thrust of Mr Stewart's submission centres on the community. It does not centre on top-end, commercial and residential projects. It talks about the community and its public asset.

Therein lies the particular mislead and deceit perpetuated against the community by including section 49, the Kingston arts precinct, in this regulation. This regulation denies the community the opportunity to have a say in how the Kingston arts precinct, a public asset, is to be used. It denies the community the opportunity to express its own vision for this cultural, heritage and community precinct. It denies the community the opportunity to challenge decisions of the government that directly affect the community. If it continues to be included in this regulation it would be a disgraceful deceit of the community.

This is a government that has form. It is like the sneaky little attempt to introduce substantive new measures in relation to the security industry in 2009. This minister attempted to sneak those through. It is curious that both attempts, this one and the attempt to change the security industry law, were perpetuated by Simon Corbell.

This regulation really amounts to a manifestation of the attempts of the former Chief Minister, Jon Stanhope, to bully the community into silence when he so viciously insulted them on ABC radio in October last year. Mr Stanhope said that musicians were "acting like wild dogs going around Canberra sniffing out buildings that they believe should be reserved for musicians". These are people in the community who should have a right to express their views about a public asset. These are people in the community whose right would be squashed by this government through a misleading and deceitful regulation.

This culture of misleading the community does not wash with us and it will not work. Once again, it is the non-government parties who are listening to the community. Once again, it is the non-government parties showing the government the way. Once again, we have a government that is a follower, not a leader. Here we have a community that is expressing its outrage in so many ways, from petitions to quiet protests to media programs and, yes, even legal action. And why is that, Madam Deputy Speaker? It is out of community frustration because this government does not listen to the community. It has refused to listen to the community until the Canberra Liberals took the lead.

We have seen this with the government's treatment of the Flynn community over the closure of the former Flynn primary school. We have seen it with the problems facing the youth justice system. We have seen it with the GDE.

Section 49 of the Kingston foreshore, the Kingston arts precinct, belongs to the people of the ACT. It is, as Mr Stewart has said, a public asset. It is supposed to be set aside to be kept separate for the community. As I said before, it is not for a top-end commercial and residential development. It is for enriching the community's cultural, arts and heritage experience. It should be kept separate from those commercial developments. The decisions about how it should be dealt with in the future should be kept separate and should be open for community contribution and dissent where necessary. I commend my amendment to the Assembly.

MS LE COUTEUR (Molonglo) (11.49): I will speak to the amendment and close the debate. I appreciate the contributions from the Liberal and Labor Party having regard to the uniqueness of the arts precinct. Whatever happens as a result of the inquiry, it is really clear to all of us that this is a part of Canberra that is well loved and the community is well involved in it. I would point out, though, that the arts precinct is almost certainly not going to have 100 per cent arts and cultural facilities on it. Having been to some of the community consultations, there has certainly been talk about residential and office buildings as part of that precinct. So I think it is a little bizarre that we are excising one part of some commercial but not others.

What is even more positive out of this debate is that, although they have not recognised it in all cases, it is clear that both the Liberal and Labor parties have acknowledged that there is a real need for third-party appeals. By voting for this, as they will be by voting for Mrs Dunne's amendment, they are stating very clearly that there is a time when we should have third-party appeals. The Greens obviously disagree as to the extent of this. We basically believe that in virtually all circumstances third-party appeals in planning are appropriate.

I went through the reasons in general why third-party appeals are appropriate in my first speech so I will not bore you all by repeating them. But I think it is somewhat difficult. I am very glad in this debate that I am from a party that has a clear position on third-party appeals.

The problem with doing what we are doing with this amendment is that some commercial developments will presumably be exempt from third-party appeals, whereas others will not. So effectively we are picking commercial winners and losers. I think that is a bit problematical. As I said, I am glad that this is not the position that the Greens have.

I commend my motion to the Assembly. While I would have liked it to be passed unamended, I believe that, even if it is passed in an amended form, it is a substantial step forward from the position that would otherwise have been the case. I think third-party appeals are an important part of our planning system and I am pleased that they will be restored in at least part of Kingston.

Mrs Dunne's amendment agreed to.

Motion, as amended, agreed to.

Government office building

MR SESELJA (Molonglo—Leader of the Opposition) (11.53): I move:

> That:
>
> (1) the matter pertaining to the Government Office Building be referred to the Standing Committee on Public Accounts for inquiry and report;
>
> (2) the Committee is to investigate the Government's:
>
> (a) decision to discontinue this project;
>
> (b) consideration of the opportunity cost of the project against other significant infrastructure projects;
>
> (c) status on its whole-of-government accommodation strategy subsequent to its latest decision;
>
> (d) business case, economic analysis, environmental analysis, design, planning, procurement and risk management considerations to date;
>
> (e) financial basis for the $34.5 million claimed savings; and
>
> (f) finances expended and committed thus far; and
>
> (3) the Standing Committee on Public Accounts shall report on its inquiry by the last sitting day in May 2012.

I am moving this motion today because this is an unresolved matter. There are too many questions left unanswered and too many alleged financials left unaccounted for in what Ms Gallagher has billed as the most scrutinised project she has ever been involved in. Given that taxpayers have footed millions of dollars in consulting bills for a project that turned out to be a nothing initiative under Ms Gallagher and Mr Barr, Canberrans deserve some hard answers.

This motion also is our support for PAC's three recommendations on the government office building presented by Ms Le Couteur as early as 15 February 2011. The government saw no need to refer to PAC an opportunity cost analysis of the project against other infrastructure projects in the ACT, the business case and the economic and environmental analysis of the project and a finalised copy of the whole of government office accommodation strategy. We did not and do not agree with the government's position, as it is aimed at doing nothing more than obscure the facts. This is a dodgy initiative concocted for all the wrong reasons.

Let us look at the financials. This was a $432 million proposed project and it was conducted and justified on the shoddiest of bases. There was over $5.7 million for consultants, resulting in 16 reports. We had the ministerial wing valued at $10.91 million, a proposed ministerial sky bridge valued at $2 million and of course the savings—

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

MR SESELJA: We had the now infamous, I think, A4 sheet which was the basis of their claimed savings of $34.5 million, savings which we know not to have been true. The community were completely deceived. The Assembly was misled by this government, by Katy Gallagher, by Andrew Barr, and by Jon Stanhope before them, in claiming this $34.5 million in savings which we now know to be completely fictitious. They were invented.

We had the alleged $15.2 million from efficiencies and workforce productivity, the $19.3 million operational savings that they claimed, which forgot to take into account depreciation, and the partial refurbishment costs at $112 million. Of course we can compare that to the cost of recently completed office buildings in Canberra: the ATO, 60,000 square metres, at $230 million; Health, 46,000 square metres, at $190 million; and DEEWR, 39,000 square metres, at $170 million.

We have seen inconsistencies in what has been presented. Claimed savings were exclusive of interest payments on borrowings. The budget impact analysis did not include interest paid on borrowing to fund this building. We had contradictory statements between Stanhope and Gallagher on how the office building would be financed. On 5 May 2011 Stanhope issued a media release, stating:

> … by financing the building itself, and taking advantage of the Government's AAA credit rating, the Government could access finance at rates significantly below those available to the private sector.

However, in response to a QWON, Katy Gallagher as Treasurer stated, "The government has not indicated its preference to borrow funds for the proposed government office building and the budget estimates indicate sufficient cash will be available to fund its construction." Really? That was not true. That was another falsehood peddled by the Chief Minister, where she claimed they were going to have the cash. Apparently now they do not have the cash. They never had the cash.

Mr Hargreaves: Point of order, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Resume your seat—

MR SESELJA: Stop the clock, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Stop the clock, thank you.

Mr Hargreaves: I seek clarification because I think it needs it for guidance going forward. Mr Seselja just said that this was another falsehood perpetuated, blah, blah, blah. I am interested in knowing whether or not to be able to say somebody perpetrated a falsehood is in fact parliamentary or unparliamentary. I would like a ruling on that, if you would not mind.

MADAM DEPUTY SPEAKER: Thank you, Mr Hargreaves. I guess the baseline would be that it is unparliamentary to say that somebody is lying, but you can actually say "falsehood" or "mislead". Those are not unparliamentary terms.

Mr Hargreaves: On your response, I understand that to say "falsehood" is okay; I understand that ruling. But you did say then that it was okay to say "mislead". I would have thought that to use "mislead" it would have to be in a substantive motion.

MADAM DEPUTY SPEAKER: It really is on a case by case basis, Mr Hargreaves, in the debate—on the tone of voice and the way that it is presented in the context—so I will allow it at this time, but we will keep an eye on the language as we go forward. Thank you, Mr Hargreaves.

MR SESELJA: So Ms Gallagher was not telling the truth, and we can argue about whether we call it falsehood or perpetuating a fraud, deceiving the community. However you want to say it, it was not true. It simply was not true, and we have had that time and time again in relation to this project. The government have not been honest. If they had been honest they would have walked away from this project a long time ago, because they would not have been holding on to this fictitious $34.5 million in annual savings. It was a fiction. It was simply put together, plucked out of thin air, in order to try and justify their political case. They came up with this crazy idea to build a $430 million building and then they made up the figures to actually back that up.

We see the inconsistencies time and time again: the A4 piece of paper, the infamous A4 piece of paper, and budget impact statement claimed different elements that contributed to the $19.3 million operational savings. So on one day you have got $19.3 million in operational savings and on another day you have got $19.3 million, but you arrived at them from completely different perspectives. There is no integrity when you are going to put out numbers like that. It goes to undermine the government's case. But, given that they did make that case, despite the fact they have now walked away from it, we need to get to the bottom of why they concocted those figures, how they concocted those figures, why they were perpetuating this untruthful information in the community and in the Assembly and why they were giving this false information on a consistent basis and defending it time and time again.

While we are doing that we should also be examining how much money exactly has been wasted—not just taking the government's word for it. We know that it is millions. The question is: how many millions have actually been wasted on this project? Is it four or five million? Is it 10 million? Is it more? Either way, on a project that blind Freddy could have told you was never going to stack up, these are serious questions. And if we will not inquire into the largest backflip in the territory's history

in terms of an infrastructure project, with such inconsistencies and such falsehoods perpetuated by this government time and time again, what is it we look into in relation to this government? If we will not do it on a $430 million project that they claimed would save taxpayers $34.5 million a year, this Assembly is not fair dinkum; this Assembly is not serious if we will not hold this government to account for such a massive waste of taxpayers' money and such a massive deception perpetrated on the people of the ACT.

We have seen that the process recently chosen by Mr Barr was excluded as an option in the initial process. So, again, what kind of a process did we have? How much were they being steered to the government's desired end, without regard to what was the best process or the best outcome, and how much were they then backfilling the numbers in order to justify that flawed process? How can we take anything seriously put forward by the Labor Party in this place, by Katy Gallagher and Andrew Barr? When they come and present the budget this year, are we really going to believe the numbers? How many of those numbers are we going to be able to believe? They have thoroughly politicised the process on their largest proposed infrastructure project ever. On the largest proposed infrastructure project this government were ever going to pursue, they made the figures up. And they will make them up again, and that is why an inquiry is necessary, to get to the bottom of just how they were allowed to get away with that, who made those judgements to just pluck figures out of thin air, where those figures were derived from, why they continue to mislead the people, and why they wasted millions of dollars of taxpayers' money while doing it.

It is absolutely imperative that the Assembly does its job. If we do not do the job of this kind of financial analysis and holding a government to account when it simply deliberately misleads the community and when it wastes millions of dollars, we should not be here.

The analysis did not include the potential sale value of the land, the stamp duty collection from this, or the potential rental incentives from a long-term lease. This has been a shoddy process—a shoddy process from start to finish by a shoddy government. We saw the floor efficiency adjustment of six per cent or 3,960 square metres. Consultants were just told to assume efficiency of 88 per cent when the building was only designed to achieve 83 per cent. So they made up six per cent of the building in terms of how it was going to be delivered. They just made it up. They said: "This is our design. We have done all this detailed design work. It has cost us hundreds of thousands of dollars. But don't worry about the design work we have done; we're going to ignore it because it doesn't suit our numbers." You cannot be taken seriously.

The estimates committee raised these concerns and all the committee found the information and explanations provided by the government confusing. During hearings the committee was told that other directorates would be able to answer specific questions, but the committee continued to find it difficult to obtain a satisfactory level of detail. Those are very mild words and that is from a committee where the Greens are doing their best not to critique the government. But even then they had to conclude that the government was doing its best to avoid scrutiny. And now we know why: because they were making it up; they were making it up as they went along. We could see it at the time but it is now here for everyone to see, and it was confirmed when the government walked away from it.

The challenge for Mr Barr when he gets up—and I do not think he addressed this when we debated this on Tuesday—is to have any credibility on this issue. Mr Barr has sought to distance himself from this decision. He has sought to blame Katy Gallagher, and fair enough; I think it is primarily Katy Gallagher's fault. I think she bears a greater share of the responsibility for this debacle than does Mr Barr. But Mr Barr is part of that cabinet. He is one of the ministers who has been responsible at various times and he has to now take responsibility for these falsehoods. But the challenge for Mr Barr when he gets up is to say whether he still believes that if they were to go ahead and build that building they would save $34 million a year. Does he believe that or not? If he does believe it, you would have to ask the question: why are you walking away from it if you are going to get this amazing saving of $34 million a year? If he does not believe it, why did they tell porky pies to the electorate? Why did they come and mislead the community time and time again with this fictitious figure?

That is the question for Mr Barr, and we know the answer. He will not answer it—because he is condemned either way, isn't he? And that is the problem when you make things up as you go along. You are condemned either for telling falsehoods before or you are condemned now for walking away from a too-good-to-be-true project that would make taxpayers millions of dollars.

In fact they haven't they told us that the reason they cannot do it is that they need the money for other things? But if you were making money from it, you could use it to subsidise all sorts of other services—$34 million a year extra to spend on all sorts of services. Wouldn't that be wonderful? If only it were true, but it is not. That is the credibility problem the government has.

There are some other quotes from the previous Treasurer and the current Treasurer. Ms Gallagher said:

> I think this is perhaps the most scrutinised infrastructure project that I have had anything to do with.

And:

> Treasury have been very involved in this project, particularly around the financial analysis of the project and being a part of the work that was done about determining the best way forward in terms of the decisions taken around the financing of this project. So, yes, Treasury have been very involved.

But she is now saying Treasury was wrong. Otherwise you would not be walking away. So she is saying that Treasury got it wrong. Why did they get it so wrong? Is it because they were directed to by the government? Who was actually making these judgements that you should put out these false numbers to justify your position?

Mr Barr said that the government office block was the best value for money for ACT taxpayers and the proposed strategy was the best way to provide ACT public servants with appropriate and safe workplaces. Do you still believe that? Does he still believe that? Mr Barr said, "The government office block is the best value for money for ACT taxpayers," and now he is saying that it is not. So either he was not telling the truth

then or he is not telling the truth now. And we know the answer: he was not telling the truth then, nor was Katy Gallagher.

As for the analysis, it was the shoddiest piece of work we have seen from this government, and that is saying something. It was a shoddy piece of work, which is a very poor reflection on these ministers and everyone who cooperated with that process. Many of those would have been co-opted to cooperate with the process, but, regardless—and this is why we need to get to the bottom of it—millions of dollars have been wasted and the government have wasted them while perpetuating a lie, while they have been putting untruths out there into the community, deliberately misleading the community time and time again. They have claimed millions of dollars in savings which are completely fictitious. If they believed that they were true they would now go ahead with this project.

That is why we need to get to the bottom of this, because the community should not be misled in this way on major infrastructure projects. We should be able to trust the numbers that the government give us and they should not waste millions of dollars of taxpayers' money while telling us porkies. That is not a good way to govern and that is why we need an inquiry to get to the bottom of this shoddy business.

MR HARGREAVES (Brindabella) (12.10): The government will not be supporting this motion, this referral. I would like to very briefly indicate why that is so. By way of some background, however, let me say that I know that those opposite were basing the great bulk of their election campaign going into this election year on the project of a government office building. When the government took the policy decision to not proceed with it, most of the bases of their election campaign went out the window. So I am not surprised to see them flapping around like carp out of the lake.

The principal reason why we are not going to support the motion is this. The process, we believe, for referrals to the public accounts committee particularly, and other standing committees, is that, particularly where it is within the shadow portfolio of a member of that committee, that member would bring such an issue to the standing committee and the committee would then decide whether it wished to pick it up as a self-referral, having regard to its own workload, which I indicate to the chamber is extensive this year.

For my own part, as a member of four substantive and two subordinate committees, my workload is incredibly high with regard to committee work. And I am not sure that there will be anything to come out of this. I would have preferred to have discussed it in the committee and come to a position. If it was the view of the committee not to proceed with it, then the opportunity to bring it to the chamber would have been available to members. On the other hand, it is the other way around. I find that to be an insult to the committee—to the committee chair and to me as the deputy chair. It is just putting political opportunism ahead of the amount of real work that the committee actually does. We have enough real work to do, to talk to the community about, without having to indulge in blatant political grandstanding.

The government will not be supporting this motion.

MS LE COUTEUR (Molonglo) (12.12): The Greens also will not be supporting this motion. I find it a most peculiar motion. I would have thought that before moving this motion Mr Seselja would have looked at what the public accounts committee was doing. If he had done that, he would have found that we have an ongoing inquiry into Auditor-General's report No 6 of 2009, *Government office accommodation*. The terms of that ongoing inquiry can quite easily encompass whatever the public accounts committee wishes to do with respect to the government office building.

I have here the most recent 246A statement which I, in my role as PAC chair, made to this Assembly. I made a statement on this as chair on 20 September 2011. My last sentence is this:

> However, the committee will continue to monitor the outcome of the government's market testing processes and the progress report on the government office block project by December 2011 as required by the Assembly motion.

So Mr Seselja's motion really has no basis. PAC has before it an inquiry into the Auditor-General's report. PAC as a committee will choose. Despite being chair, I obviously am making no comments as to what PAC may choose to do with its time, because we simply have not had that discussion. But PAC has the matter of government office accommodation as one of the things that it has an ongoing inquiry into. If the Liberal member of the PAC wishes to raise these issues, that would be entirely appropriate and the committee, if these issues are raised, will consider them.

There is absolutely no reason for the Assembly to be making a referral on this issue. It may even be out of order. I am not sure about that but I do not think we will have to work that out because it is just totally unnecessary.

MR SMYTH (Brindabella) (12.15): I thought the minister was going to speak, but apparently he is not. Let me address some of the points that Ms Le Couteur just made. She said "if the Liberal member raises it in the committee". That is the point. This is about the Assembly endorsement of specific criteria to ensure that the things that are outlined in the motion are actually done.

I am aware of the 246A statement; I have agreed to it. If Ms Le Couteur reads the statement yet again—it does go to market testing. We will keep a watching brief on that. That was a good thing. But if you look at the criteria, you will see that the criteria are quite different. The criteria ensure that it is about what has occurred also being looked at. The watching brief is prospective. The bulk of this is retrospective, about holding the government to account. If my two colleagues from PAC who are with us in the chamber at the moment agree that these criteria can be added to what it is that we are going to do, I would be very happy with that and I am sure the opposition would be very happy with that.

What we wanted and what we sought was the Assembly's endorsement that this issue, which is a serious failure of process, of strategy, of detail and of due regard for taxpayers' money, is addressed in the public accounts committee. If that commitment

is given, perhaps this motion might not be required. But it is important to look at it where there is a significant shift. Let's face it: this is not something that was just thought of, a little bit of discussion occurred and it all went away. This is a significant proposal—probably over almost three years, certainly over two budgets. Something like $7 million has now been expended. You have to call into account the government process and whether that money will be wasted.

What we want to know is this, given the hype about this decision by the former Chief Minister, the current Chief Minister and the current Treasurer about how essential and how important this was and how it should go forward, and the disregard by the previous Chief Minister, the current Chief Minister and the current Treasurer of the suggestions that PAC made. PAC made some very solid suggestions in a very good report, and an interim report, because we thought it was important to get those suggestions into the public realm. But the government just said no. So the government has not treated the public accounts committee with a great deal of respect on this matter to date.

Indeed, the estimates committee reiterated those same proposals and said that the government needs to give due regard to what PAC said—(1), (2), (3). We still do not have an all-of-government office strategy. The documentation that PAC requested has still not been forwarded to PAC. And there still has not been an adequate discussion of that documentation in this place.

Suddenly we get a backflip. On the day after a near riot at the Lobby on the Australia Day long weekend, on the actual weekend itself—there it is. The government will bring out the trash: "We will dash that idea. We will blame the former Chief Minister." Apparently nobody had the guts to stand up to him in cabinet when he was there, but they will diss him when he is gone.

That is the problem. That is why we put it on the paper in this way. You did the Assembly the courtesy of reading the 246A, but it covers a different set of criteria.

I am happy to give both Mr Hargreaves and Ms Le Couteur leave to speak again to say that, as members of PAC, they agree to (a) through (f), and we will include those criteria in what we have said. But those criteria currently do not exist. That was the reason why there was a need for a different motion, and I think it is a very valid reason.

There is now this litany. Ms Gallagher said before the last election, "All our plans are on the table"—except, apparently, for the secret plan to purchase Calvary hospital. If that had proceeded, it would have cost the taxpayers of the ACT $77 million or more—a drop in the bucket, really, $77 million! It is just $77 million of taxpayers' money for no improved health outcome. Again, it is poor process, poor strategy, with a lack of detail and real failure to have due regard for taxpayers' money in that case. If Mr Hanson had not stood up and asked the hard questions, that would have gone through for absolutely not one iota of extra health outcome.

The same can be said of this process for the great big government office building. The failure of process here is extraordinary. Upon request from a committee, we got an A4

piece of paper, a single-sided A4 piece of paper, that detailed the proposed savings. That is just disgraceful. That is such poor process.

In terms of strategy, there are two sorts of strategy here. There is the whole-of-government strategy to deliver the project, but with the government office accommodation strategy the strategy itself was to avoid the strategy. That is really poor strategy.

That is why this is so important and that is why this motion should get up today.

And there is the detail. I think the government took a decision that if they pumped in enough reports, had enough people appear at a committee table and talked long and hard about it, they would get to a conclusion. The message they were trying to sell was that we needed a big office block because public servants are living in substandard accommodation and it should all be in Civic. There was no detail about how that would truly affect Dickson, in particular. Dickson relies on a lot of business from Macarthur House, Dame Pattie Menzies House, TransACT House and the motor registry. There was no detail about how that would be ameliorated. There was no detail on how the impact on Northbourne Avenue and parking issues in Civic would be addressed.

For detail, he was very poor. That is why this motion is important—because we have not seen the documents that PAC has asked for several times and that the estimates committee said should be made public. That is why it is important that this motion should get up today.

I think it behoves the members of the committee, if they are accepting of that logic, to do this. Perhaps the chair can reasonably stand up and state her position now, and Mr Hargreaves can do so. We will give them both leave to stand and state their position that yes, they accept that (a) to (f) are important and that (a) to (f) should be investigated and will be investigated.

I know as well as both of you do that the PAC agenda is rather full. The Auditor-General keeps pumping out reports and issues keep coming up that we look at—everything from ambulances services to ACTION bus services and the delivery of land supply. The litany of the failures of this government in some of those reports is long; I would not be very proud of the analysis at all.

But this is very important. This was a hallmark event for the government. This is what they wanted. And now they have largely walked away from it without any strategy in place to address, for instance, where public servants will be accommodated until the now-delayed process recommences, there is a decision and the process has completion. That is important as well.

It is abject failure across whatever criteria you want to put. Paragraphs (a) to (f) are very specific and should be discussed. I look forward to the commitment to that by my colleagues. It would be nice if that commitment was made here now publicly so that we could just move on with the inquiry in due course.

MR SESELJA (Molonglo—Leader of the Opposition) (12.23): I will close the debate. I note the failure of the Treasurer to get on his feet; maybe it is because he cannot answer that question, maybe because there is no answer that he can reasonably give to that question. Were you telling the truth then or are you telling the truth now? There is only one answer. Only one of those can be true. Either what you were saying then is true—the $34 million you were going to save every year—or it is not.

The fact that Mr Barr is so unable to defend this position shows how deceptive, misleading and dishonest this process has been. They have been dishonest from the start. John Hargreaves—sorry, not John Hargreaves; my apologies. John Hargreaves has no responsibility for this, apart from being a member of the Labor Party. Jon Stanhope certainly was a big fan; he was putting in the false numbers, without a doubt. Those false numbers were picked up by Katy Gallagher. They were picked up and pushed very hard by Katy Gallagher as Chief Minister and as Treasurer. And they have been picked up by Andrew Barr subsequently. None of them were telling the truth. None of them were telling the truth, and that is unacceptable.

I can only imagine that that is the reason why Mr Barr has not bothered to get up—because he cannot defend the indefensible. He has to say either that he was not telling the truth before, that he was perpetuating a major fraud on the people of Canberra with a $34½ million lie, or that they are not telling the truth now. One of those has to be true. That is the credibility problem that they have.

We believe that when you waste millions of dollars of taxpayers' money and are untruthful about it, that is worthy of consideration. When it happens on a project as large as this, which was billed as such a major part of this government's strategy—the largest proposed spend ever by an ACT government—it is worthy of Assembly consideration. The fact that the Greens will not support it and the Labor Party will not support it again shows what this alliance will do. They will examine everything under the sun if it is about—

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

> That so much of the standing and temporary orders be suspended as would prevent the Assembly concluding its consideration of notice No 2, Assembly business, relating to the proposed reference of the Government Office Building project to the Standing Committee on Public Accounts.

MR SESELJA: It does again show that the Labor Party and the Greens, the Greens in particular, are no longer interested in scrutiny of the government. They long ago abandoned that pretext. If you will not do it on a fraudulent process like this, if you will not do it on what has been a completely misleading process where millions of dollars have been wasted on such a major project, exactly what will you scrutinise the government on? What will you hold the government to account on? This is an alliance. They do not hold each other to account anymore, because they are in concert. They are in concert in this election year; anything inconvenient for the government will not be looked at by this Assembly, because the Greens do not want to do it and the Labor Party certainly do not want to do it. We will continue to scrutinise. We will take on both members of this alliance regardless.

It is a clear reflection of the priorities of the Labor Party and the Greens that on such a massive project, with such a massive waste of money, with such massive deception, they will not even give it the most basic inquiry from here.

Question put:

That **Mr Seselja's** motion be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Sitting suspended from 12.30 to 2 pm.

Questions without notice

Childcare—cost

MR SESELJA: My question is to the Minister for Community Services. Minister, a year ago the Productivity Commission's report on government services revealed that the cost of childcare in the ACT was $60 above the national average. This year the report reveals that this has soared to $75 above the national average, an increase of 25 per cent. Minister, why in the space of just one year has the ACT's record of the highest childcare cost in the country risen even higher, to the tune of 25 per cent?

MS BURCH: It is quite correct that ACT childcare costs do rate amongst the highest in the country but it is also quite correct that the quality of our services rates amongst the highest in the country as well. Those opposite do put a lot of attention onto childcare, but they are absent when it comes to any childcare policies. What we have been getting on and doing, in supporting Canberra families, is supporting the workforce that care for children in the early education and care sector.

Mrs Dunne: On a point of order, Mr Speaker, the question was why, in the space of a year, has the cost gone up by another 25 per cent? Ms Burch is not answering the question. She is running a critique of what she claims is the Liberal Party not having policies. We do have policies in the area, but that is irrelevant. The question is: why has the cost gone up by 25 per cent?

MR SPEAKER: Yes, the point of order is upheld. Ms Burch, let us focus on the question at hand, thank you.

MS BURCH: Thank you, Mr Speaker. As I have said here a number of times, it is the business models, it is the decisions of the childcare centres themselves about the fees they set. To support the sector and to provide them with support in their business models, we have got on and invested a significant amount of money. You will also note in ROGS that the ACT government has the highest, or one of the highest, investments in children's services.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, what quantum increase has the government worked out for the cost of childcare in the ACT during 2012 with the impact of the new child-to-carer ratios?

MS BURCH: The national reforms on early childhood education and care came into effect on 1 January. The first round of reform is focusing very clearly on the child-to-carer ratio. Here in the ACT all of our over-twos meet the ratios and, significantly, those with the under-twos now meet the ratios. The decisions of individual services to meet the requirements are theirs. We have supported them all along the way, as we can, through educating on the system, supporting them through the changes that they have to do and putting on the table hard dollars that support them for some physical infrastructure changes that allow them to accommodate the changes they need.

Moving on to cost, we have spoken and reviewed the cost across the sector. Those that already met the requirements before 1 January—there was no discernible difference to organisations that needed to make change.

On that basis, I would say that the call on the services to mete out quality services, which is what parents want, is within the ambit of the services, and it makes no difference, from what I can see, to the costings of services.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what would be the quantum ACT to national comparison after the full effects of the implementation of the new childcare standards are felt?

MS BURCH: I think we have had a discussion about the cost of childcare here a number of times. All in this room would know that Access Economics have modelled the work on the impact of the childcare reforms. That is a tad under $3 in this year, going up to around $12 in the outyears. There will be other factors that may come into play for services in their middle business model that are not necessary related to the national quality reforms of early education and care.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what are you doing to bring ACT childcare costs more into line with the national average?

MS BURCH: This gives me an opportunity to provide to those opposite information about the reforms and the supports that we are providing to the sector. We have on the table $9 million to support infrastructure upgrades across a number of services. That will bring online about 170-plus places. We have close on $800,000 in scholarships on the table directly into the hands of the workforce so they can get their certificate III. None of that is coming from those opposite. The only thing from them is a waiting list that no-one in the sector wants. I do not know what a waiting list will do to increase childcare places. What would a waiting list do—

Mrs Dunne: Point of order, Mr Speaker. Again, relevance, Mr Speaker. The question is: what is the minister doing to bring childcare costs more into line with the national average? Again, a critique of the Canberra Liberals' policy is not an answer to the question.

MR SPEAKER: Yes, minister, let us focus on your answer to the question.

MS BURCH: Well, the ACT Labor Party will not be implementing a waiting list because it will add no value to the cost of childcare. But, again, adding on—

Mrs Dunne: On a point of order, Mr Speaker—

MR SPEAKER: At this point I imagine I know where you are about to go, but the minister is now saying what the Labor Party's position is. She is skating on the edge, but we will see how we go. Minister Burch.

MS BURCH: Thank you, Mr Speaker. There is the $9 million on the table directly into services for infrastructure. That is on top of the $800,000 directly into the hands of the workforce, predominantly a female workforce, to support them to get training. That is on top of the five blocks of land that we are releasing to the private sector, and I think Mrs Dunne actually said we should help the private sector, so I am sure you will think that is a good idea. That is on top of a new centre at Holder. *(Time expired.)*

Children and young people—children, youth and family support program

MS HUNTER: My question is to the Minister for Children and Young People and relates to the children, youth and family support program. Minister, at the CYFSP planning day on 9 November 2011 the model for the information engagement and coordination service, or the central intake service, was presented. Subsequently, concerns about the referral processes have been raised and described as "lengthy and complicated referral processes that may result in multiple assessments and significant waiting times for clients in receiving access to services".

Minister, can you advise how children, young people and families will receive timely access to services that they feel comfortable with and choose to access that will not require multiple assessments and that will provide them with seamless community supports?

MS BURCH: I thank Ms Hunter for her question and her interest. I know that you have been having a watchful eye on the youth and family support program as it has undergone quite significant change. There is no doubt that there is certainly change afoot, and that change will come into practice after 1 March this year. Certainly the new arrangement which goes to information engagement and network coordination is a change for the sector. It is the first time in 20 years that these services have been tendered out and changed. So I absolutely understand that the sector will be looking to this and certainly having an eye to the families and young people that use the services.

That said, I know that the directorate is working very closely with the successful tenderers and those that may not have been successful as well. One needs to appreciate when you are undergoing such change that it is very incumbent on the sector and the government alike to make sure that they work in partnership and that if issues are brought forth and identified they work together to resolve them, because it is not government nor the sector that will want to see any additional barriers put up for these people who are often in very vulnerable circumstances.

MR SPEAKER: A supplementary, Ms Hunter.

MS HUNTER: Minister, will support workers and services be able to use the worker to worker, or warm, referral method they are familiar with and, if so, how will that work?

MS BURCH: Again, it is a question that is very important to the sector that is working with vulnerable families and young people. I cannot describe, I do not think, how it would affect the actions on the ground, but the workers are very familiar with this business. As I look through the organisations that have been successful in youth engagement work, network coordination and therapeutic services, these are all very skilled, experienced organisations.

I cannot give the detail, Ms Hunter, but be assured I am also keeping a watchful eye on how this rolls out. I met with the directorate today. I know that it will be meeting very regularly with a number of the services that are taking leading roles in this change.

MS BRESNAN: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, can you describe how the referral practices of the CYFSP will interact with those other sectors such as homelessness, housing and health?

MS BURCH: One would hope that they intersect and have a very easy connection. This is about understanding—when we are talking about the change, the youth and family program is looking at those at risk, those that are often disconnected to other services. That automatically links to homelessness and those other support services that will be required.

I think you are asking for a detail of referral mechanisms that I am not able to provide. Suffice to say, though, that we are very conscious of not having any gaps in these new systems as they are implemented in March.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, given that some services have already begun working under the new service delivery framework and others have not yet, how do you intend to address concerns about the referral processes before the commencement of the program which, as you said, is on 1 March?

MS BURCH: It is my understanding from the discussion I had with the directorate this morning that groups such as Families ACT and the Youth Coalition are taking a very strong leadership role in this and are working through what are the referral systems, both at quite a mechanical level and at a policy level, to make sure that the services do have that interconnection—as we look through the information engagement and coordination system which will be run by Parentline, and how that then refers in to the networks, or otherwise, if somebody enters the door at a network level and how that fits into the broader system. So through the leadership of the Youth Coalition and Families ACT, I am sure that we will work on this. Again, it is a new program. We are not there yet, but I will be watching it.

Taxation—review

MR SMYTH: My question is to the Treasurer. Treasurer, in response to a number of questions asked of you at a hearing of the public accounts committee on 24 November 2011, you finally agreed to meet with the committee that is reviewing the distribution of GST. Treasurer, have you met with the GST distribution committee? If not, why not?

MR BARR: Not between the time of making that statement and now. I understand that arrangements are being made. Of course, there is a further submission process to the revised terms of reference. This committee is making recommendations to the commonwealth government in relation to the possibility of some change to the way GST relativities are calculated. It is a long-term piece of work. There is no requirement to meet with the committee over the Christmas holidays. There is a further submission process to the changed terms of reference.

I have had the opportunity, though, to discuss some of these matters with fellow treasurers and senior staff within the commonwealth government, as well as some of my ministerial counterparts at a federal level. So rest assured, Mr Speaker and Mr Smyth, that I have been engaging with people who actually make decisions in relation to this matter, not just those who are making recommendations to government. In the end these decisions will be made by—

Opposition members interjecting—

MR SPEAKER: I did not quite catch that, Mr Barr.

MR BARR: I think it was a pretty snide and derogatory remark.

Mr Hanson interjecting—

MR BARR: It would not surprise me, Mr Speaker, coming from Mr Hanson. In relation to these matters—

Members interjecting—

MR SPEAKER: Order! Let us continue with Mr Barr's answer.

MR BARR: As members would be aware, there is an extended process underway now. The federal Treasurer has added additional terms of reference in relation to the panel. The Chief Minister met with the panel in relation to the first set of terms of reference. I will take the opportunity to meet with the panel in relation to the second set. It is important to recognise that this panel will provide some policy advice to government, but ultimately these decisions are taken by parliaments and by executive government. It is not appropriate for politicians to seek to exert some sort of behind-the-scenes influence on the panel. It will make its decision based on a robust public policy case, and we are engaging in that process appropriately.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, when exactly will you be meeting with the committee?

MR BARR: That will depend on the committee's availability and mine.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Treasurer, why have you been so reluctant to meet with the GST review committee?

MR BARR: I have not, Mr Speaker.

MR SPEAKER: Mr Hanson, a supplementary question.

MR HANSON: Treasurer, what hope does the ACT have of getting—

Ms Gallagher interjecting—

MR HANSON: Sorry, you are interjecting, Chief Minister?

Ms Gallagher interjecting—

MR SPEAKER: Order! Mr Hanson has the floor. Let us hear his question, thank you.

Members interjecting—

MR SPEAKER: I cannot hear anybody. Mr Hanson, just ask your question, thank you.

MR HANSON: I will repeat it. Treasurer, what hope does the ACT have of getting a reasonable outcome from this review if you are so tardy about prosecuting the ACT's case?

MR BARR: Mr Hanson fails to understand the two important distinctions. As I tried to explain to him yesterday, there is a policy review process around what might occur in the future and then there is an annual allocation process. As I pointed out to the shadow treasurer yesterday, GST relativity reflects the level of funding that a state or territory requires to deliver an average level of service at an average level of efficiency with an average level of revenue raising effort. That is the process that the commission goes through—

Mr Smyth: Point of order, Mr Speaker.

Ms Gallagher interjecting—

MR SPEAKER: Order! Mr Smyth has a point of order.

Mr Smyth: Thank you, Chief Minister. Under standing 118(b) the minister is not to debate the issue. The question is: when will we get a reasonable outcome and why has he been tardy in prosecuting the case, not what the process of GST distribution actually is?

MR SPEAKER: There is no point of order at this stage. There is room for the minister to actually discuss the process given where the question is headed. But, minister, let us make sure that we answer the question in the available time.

MR BARR: The important point, Mr Speaker, is to draw the distinction between the work of a review panel, as in some former premiers and a businessman who are looking at the policy settings, and then the annual work of the Grants Commission. These are two separate exercises on different time frames with different policy requirements.

In the end, prosecuting the ACT's case on an annual basis and then in terms of the longer term policy position are two different issues. That is important. The ACT government is progressing the territory's position in both areas.

Gungahlin government office building

MS LE COUTEUR: My question is for the Minister for Economic Development and is in regard to the government office buildings in Gungahlin and Civic. The

government office building which was proposed for Civic was to be built as a five-star, green star building which could then be upgraded to carbon neutral enabled. Minister, what are the environmental requirements for the Gungahlin office building? Will it be built as five stars, green stars, and have these requirements been built into tender documentation for the Gungahlin building?

MR BARR: We have adopted the same policy as the commonwealth government in relation to both buildings.

MR SPEAKER: Ms Le Couteur, a supplementary.

MS LE COUTEUR: Now that the new Civic office building will not be built, at least under the previous time frame, has the government considered moving more public servants to Gungahlin?

MR BARR: Yes, Mr Speaker.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Minister, when will the government office accommodation strategy be finalised?

MR BARR: In the fullness of time.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: What plans do the government have to actually deliver upon their promise to have a government shopfront in Gungahlin?

MR BARR: Can you repeat the question?

Mr Coe: Please give an update on the government's promise to deliver a government shopfront in Gungahlin.

MR BARR: It is unrelated to the other questions, Mr Speaker, and I do not have portfolio responsibility for that matter.

Community sector—equal pay

MS PORTER: My question through you, Mr Speaker, is to the Minister for Community Services. Minister, I refer to the recent decision of Fair Work Australia on equal pay for community sector workers. What is the ACT government doing to prepare for the transition to these higher salaries?

MS BURCH: I thank Ms Porter for her question and understand the considerable time and work that she put into the community sector herself. This month's decision of Fair Work Australia provides salary increases of between 19 and 41 per cent for many community sector workers. The increases will be phased in over an eight-year period.

From the outset the ACT government have supported the community sector's application to Fair Work Australia for equal pay. We have been preparing for several months for the outcome of the Fair Work Australia decision, including regular talks with the sector, analysis of the community sector in the ACT and the likely impact of the decision in favour of the application.

I would like to reinforce the importance of this decision. The decision by Fair Work Australia recognises that, until now, there has not been equal pay for women and men workers who work for equal or comparable value by comparison with state and territory government employment. The decision ensures this will no longer be the case for thousands of community workers across Australia, and the ACT Labor government is backing that decision by fully funding its share of the wage increase.

The government's commitment means that many community sector workers will receive a significant wage increase without their employers having to compromise on service delivery to fund the outcome of the case. What the government has done and is doing is standing up for the community sector workers, particularly for women, who make up the bulk of the workforce in the sector.

We will also establish a community sector transition and investment fund to implement the outcomes of the case and to provide practical transitional support. The fund will also support measures to strengthen the capacity of the sector to deliver social services, and this is something that has been strongly welcomed by ACTCOSS. This is an opportunity to work with the sector on other measures to improve their capacity to deliver vital services and to help reduce the cost of doing business at a time of great change in the sector. The fund will be used to identify and implement economies of scale savings, such as through service models and cutting red tape, along with a number of other measures as appropriate.

A steering committee of community sector representatives will be established to implement the measures identified that can most improve the services they offer and reduce their business costs.

I wait with interest for the leader of the ACT opposition to announce what a Liberal government would do if elected. Would they stand by the commitment to fully fund the decision and provide certainty to the sector? I would not hold my breath for that, Mr Speaker, because we know the view of the Canberra Liberals, or at least that of Mrs Dunne, who believes that women have a luxury about whether they work or not and that women in their middle years move in and out of the workforce as it suits them.

Mr Hanson: On a point of order, Mr Speaker, you have already ruled on Ms Burch making dissertations on Liberal Party policies which are not relevant to the questions asked. She has now ignored you a number of times. Are you going to rule on this, Mr Speaker? We have been warned, three of us today, for interjecting, but we see here a minister who is continually ignoring your rulings and there have been no warnings. I just ask you to consider the consistency with which you are applying the standing orders.

MR SPEAKER: Thank you for your feedback, Mr Hanson. Minister, you have the floor.

MS BURCH: I have finished my answer, Mr Speaker.

MR SPEAKER: Ms Porter, a supplementary question.

MS PORTER: Minister, regarding the funding of these increases, what will be the impact on the ACT government budget?

MS BURCH: Such a decision could have a serious impact on the ability of the community sector to maintain the high quality service that it delivers. That is why the government decided from the outset to fully fund its share of the wage increases. It is worth noting the eight-year phase-in period for the decision—this will allow the government and the sector to work through the transition. It is also worth noting that the pay increase relates only to the award. What this means for ACT workers in the sector covered by the award will differ for each employee, as we know that many employers in the sector are already paying above the award. Nevertheless, in the next eight years, as these changes are phased in, for many workers the decision means that they will be paid more for the work they do.

Before last month's decision we estimated a potential financial impact on the budget of about $27 million over six years but, based on the extended time frame, we expect that to be less. We are now working to revise and update our original estimates, given that the decision changed some of the parameters on which the original estimates were made. As stated in the Treasurer's recent midyear review, the costs are currently being calculated for incorporation in the 2012-13 budget. Clearly then the decision will have a budget impact, but this is one that this government will not shy away from.

MS HUNTER: Supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, can you give us more information, in relation to your answer to the first question, about this shared models approach or cost cutting of red tape and so forth that community organisations will have to be looking at?

MS BURCH: It is a component of this, a $27 million—or thereabouts once we finetune the eight-year transition—investment in the community sector. We have been working with the community sector over a number of years, through governance support, through industrial support and advice. We have been working through Jobs Australia here in the ACT. For the fund we will pull in a steering group. People from the sector, leaders from the sector, will certainly be part of a steering group that will look to how this transition is implemented. The sector have come to us and said to us that there are efficiencies to be made, that there are practices to be improved through shared services, economies of scale and purchasing—a range of things. It is not a definite list, and certainly the steering group and the government will work together to identify their priorities. But we are clearly seeing that this fund, this investment, will

reap significant benefits, and every dollar of that benefit will go back into the community sector.

MR HARGREAVES: Supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, what has been the feedback from the community sector on the ACT government's announcements that it will fully fund the Fair Work Australia decision?

MS BURCH: I thank Mr Hargreaves for the supplementary question. The feedback from the community sector and other stakeholders has been overwhelmingly positive. The decision and the government's response were welcomed by the ACT Council of Social Service. Indeed, the ACTCOSS director, Roslyn Dundas, joined me at their premises when we made the announcement. Ms Dundas welcomed the government's commitment both on the day and in subsequent media appearances, and even on Twitter. Ms Dundas has said: "This investment means we will have workers into the future to support our ageing population, to support those in the ACT that are in need of support. The decision by the ACT government to work with the community sector on workforce sustainability issues in the ACT is vital to making sure that we have a workforce into the future."

I am pleased to see that Ms Hunter also welcomed the government's announcement a week or so ago. In fact, everyone has welcomed our response—everyone, that is, except those opposite. I was a bit disappointed to hear Mr Smyth's comments on 2CC the day after the decision when he said that the Canberra Liberals, if elected, may not fully fund the decision—they may walk away from the ACT Labor government's commitment to the community sector. I have no doubt that those in the community sector who are listening to Mr Smyth and those in our community who rely on those services would have been equally disturbed. At a time when the community sector was celebrating a positive announcement from the government, one that provided the sector with peace of mind, it is disappointing that the Canberra Liberals are so quick to cast doubt on the sector's future in the ACT.

Children and young people—care and protection

MRS DUNNE: My question is to the Minister for Community Services. Minister, the Productivity Commission's report on government services reveals a decline in per capita expenditure on care and protection services in the ACT. The expenditure has fallen from $147.30 in 2008-09 to $126.90 in 2010-11, which is well below the national average expenditure of $194. Minister, why is your government's per capita expenditure on care and protection services declining?

MS BURCH: I think I had a similar question about care and protection expenditure earlier in the week, and I pointed out there, and I will point out again for the benefit of Mrs Dunne, that care and protection and out-of-home care services have increased. The ROGS provide a certain set of data. Also in there, if you were to look at the tables that reference out-of-home care, you will see that there is an increase. So your

comment, Mrs Dunne, about a decrease per capita in fact is not quite right because in the same table that you choose to look at—and I do not have the table in front of me—the overall total per capita for child protection, intensive family support and out-of-home care has increased.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, if it is the case, as you claim, that other data can demonstrate an increase in expenditure, can you provide for the Assembly the evidence of that and a reconciliation between that data and the data provided by the review of government services and why there is a discrepancy?

MS BURCH: I would direct Mrs Dunne and the Canberra Liberals to the annual report for 2010-11, expenditure at output 4.2, where we will see a 5.9 per cent increase in services. If the question is "is this government investing in the care and protection of our front-line services?", go to the annual report and you will see an increase.

Mrs Dunne: On a point of order, Mr Speaker, the question was not "is this government investing?" The question was "can the minister reconcile that?"

MR SPEAKER: Minister Burch, do you wish to add anything?

MS BURCH: The ROGS data is full of caveats to just about each and every table. The comparison of apples to apples is not necessarily clear. Some jurisdictions just do not provide the data. I stand by the claim. If you want to see what this government is expending by investing in care and protection, you go to the annual report.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Minister, is your government's falling per capita expenditure reflective of the systemic failings we are seeing in the ACT's care and protection system?

MS BURCH: We do not have falling expenditure. It was quite interesting this morning that we had this wave of indignation about "you can't call people names". What has Mrs Dunne said? "This is not a government response. This is a cover-up of unconscionable behaviour of care and protection workers." Those are your comments. That is you attacking the public service, the people that—

MR SPEAKER: Order, Minister Burch! Let us come to the question. Mr Seselja's question was very specific and clear.

MS BURCH: There is no reduction in expenditure in care and protection.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, what strategies do you have in place to increase expenditure on care and protection and improve its effectiveness in our community?

Members interjecting—

MS BURCH: Yes, knock yourself out. Go to the annual report and you will see a 5.9 per cent increase. You will also be pleased to note that we have increasing—

Opposition members interjecting—

MS BURCH: Just go to the annual report. You are not interested really.

Hospitals—waiting times

MR HANSON: My question is to the Minister for Health. Minister, according to the recent Productivity Commission's government services report, the median waiting time for elective surgery deteriorated to 76 days, more than twice the national average of 36 days and nearly 30 days longer than the next jurisdiction. You recently said in an interview on Radio 2CC, "In future, we won't be using median wait time as a measure of the performance of the elective surgery system."

Minister, why are you trying to change the national benchmark for elective surgery used by the Productivity Commission and the federal government? Is it to hide the appalling results you have delivered as health minister?

MS GALLAGHER: I welcome the question from Mr Hanson. As Mr Hanson would be aware if he had followed national health reform and, indeed, all the updates that have come out of health ministers' discussions, there is work underway looking at standardising the management of waiting lists, including how jurisdictions report, because there is agreement that standardised waiting list management is not occurring now.

I think the latest results in national data sets indicate that a high percentage of patients, category 3 patients in New South Wales, who are due to get their surgery within 365 days get it within five days. That goes exactly to our point. The median wait time is not, and I have never accepted that it is, the best measure of performance of a waiting list or of your elective surgery. The national reporting is moving towards percentage seen on time. That is already what we report in our elective surgery report card, as does the commonwealth in some of the agreements we have made in national health reform.

So percentage seen on time will become the major national indicator of performance of waiting lists. Indeed, the median wait time will continue to be reported but there will be better measures of reporting the effectiveness of the management of the waiting list overall.

Mr Smyth: Not very convincing.

Mr Hanson: Not very convincing at all.

MS GALLAGHER: That is the answer. I do not really care if it is not convincing to you. That is the answer. That is the requirement under national health reform—percentage seen on time. That is in our quarterly performance report. That is what is going to be the target. That is some of the measure of the performance overall. That will give a much better picture.

But the work being done nationally is to get agreement across every jurisdiction, because no jurisdiction will provide information about how they manage their waiting list because it is open then, I think, to decisions that might be different across jurisdictions that provide a better reflection of the performance of their systems.

I do not know if agreement will be reached nationally but work is underway at health ministers meetings acknowledging that there is no standard practice of management of waiting lists. In the ACT we lead the way in terms of how we manage our waiting lists and how we report. I do not believe that the standards we apply here are followed in other jurisdictions.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, how much funding will the ACT risk if it does not meet future elective surgery performance benchmarks set by the federal government?

MS GALLAGHER: I will take that question on notice because there are different agreements within national health reform. But we are very confident that we will meet the targets as set out in the agreement.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, why does the ACT continue to have the highest median wait time for elective surgery and why has our performance deteriorated so badly under this government?

MS GALLAGHER: Our performance has not deteriorated under this government and I would go and draw the member's attention to the numbers on the waiting list in 2001 and the population of the ACT then. When compared to the waiting list now, as a percentage of the population, our waiting list now is lower.

Mr Hanson: On a point of order, the question was not about the number of people on waiting lists. The question was specifically about the median waiting time and why that has deteriorated. It would indicate that it has deteriorated from 40 days to 76 days under this government. It is about the median wait time, that is the question, not about the number of people on waiting lists.

MR SPEAKER: I am prepared to give the minister some latitude to explore statistics but I hope the Chief Minister can answer the question as well.

MS GALLAGHER: I can, if the opposition will allow me to. What I was saying was that the measure of elective surgery performance overall has to be seen in the context of the waiting list, the number of operations being performed, the demand for elective surgery and the impact of New South Wales patients on our system. Indeed, over 11,000 operations this year will be performed.

Mr Hanson: On a point of order, she has talked about how many operations will be performed. She has talked about how many people are on the list. She says it has got to be put in the context of New South Wales but she has not explained why the median wait time has deteriorated so badly under this government. She has avoided the question, and I would ask you to get the minister to come to the point.

MR SPEAKER: Minister, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. In the nine seconds that I have been provided graciously by the opposition to answer the question, I am very pleased to report to members of the opposition that the median wait time is now at 59 days and coming down.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Given the ROGS report says that the median wait time is now 76 days, a deterioration from 40 days, minister, why have you failed, after nearly six years as health minister, to improve our performance on elective surgery?

MS GALLAGHER: As I said in answer to the previous question, we are doing more operations than were ever dreamed about by the opposition when they were in government and managing the health system—blowing up hospitals, removing 100 beds from the system. We are now in a position where we are delivering over 11,000 operations, where our long-wait patients have dropped considerably. The long-wait patients have dropped by 36 per cent. We have been very clear that as we have been doing our long-wait reduction program, the median wait time would increase, and that is exactly what we saw.

We could have taken the strategy where we ignored our long-wait patients on the list and removed patients on the list or did surgery on patients that were not on the list for a long time. And, yes, that would have improved our median wait time overnight. But it would not have dealt with the fact that there were less urgent people who needed access to surgery. So we took the view that we needed our long-wait reduction strategy. That is in place. That has meant that the median wait time has increased. And this is my argument about the median wait time. There is absolutely no incentive with the median wait time to remove patients with less urgent conditions—none at all. There are none, because if you move the less urgent people off the list, your median wait time blows out.

So we took a different decision. We are clearing the long-wait list. Our long-wait list has come down by 36 per cent, and now we are seeing the median wait time reduce. But the median wait time, even when we get to the national average, which I am confident we will, is not the best measure of the performance of the elective surgery system. The best measure is people getting access to their surgery on time and more surgery being performed. We have over 11,000 operations being done this year. We expect that to increase, and the median wait time will continue to drop.

Australian Multicultural Council—membership

MS BRESNAN: My question is to the Minister for Multicultural Affairs and concerns the Australian Multicultural Council. As you know, the council does not have any representatives from the ACT. Minister, you told the Assembly on 17 November last year that you had written to the federal Minister for Immigration and Citizenship to seek ACT membership on the council but that this request was rejected. You said that you "will continue to prosecute the case". Minister, can you please tell the Assembly what you have done to continue prosecuting the case to ensure that the ACT has membership on the council?

MS BURCH: I thank Ms Bresnan for the question. I have certainly spoken with the parliamentary secretary for multicultural affairs on this and raised that it is our strong desire to have a representative on that council. I have also asked officials to continue that conversation. There is a ministerial meeting coming up in the not so distant future; I will raise it there again.

That aside, this is an opportunity to recognise that Sam Wong has been made a multicultural ambassador, the only one from the ACT. That is a good start. It is not a position on the council, as you referenced, Ms Bresnan, but it is a work in progress.

MR SPEAKER: Supplementary, Ms Bresnan.

MS BRESNAN: My question is in relation to the ambassadors. Minister, are you prosecuting the case for more ACT representatives to the council through the people of Australia ambassadors, of which the ACT, as you have already said, has only one ambassador and every other state and territory has at least two?

MS BURCH: Following the success of our National Multicultural Festival, where we clearly showed the nation how we do celebrate our multicultural diversity, please be assured that I take opportunities to promote that, either through the officials, through the ministerial councils or through the parl sec. I have not yet had a direct conversation with Sam Wong, but I am sure it will not be too long in coming, about using his position as an ambassador to again advocate for more recognition for the fabulous work that we do.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what multicultural issues do you think could be advanced by having an ACT representative on the federal multicultural advisory body?

MS BURCH: The issues could be many and varied. I think it depends on topical issues at the time, but I think we can take a strong position of success to the council and tell them how successful we are in our multicultural community. Here in Canberra one in five are born overseas. We speak nearly 2,000 languages, and I think that was demonstrated on the weekend with nearly 2,000 performers and food and language and diversity from all corners of the globe. For those that did not experience that, there was a crew from SBS and the United Nations High Commissioner for Refugees was there. No-one has walked away from the festival without recognising the celebration.

So whilst we can learn from being part of that national body, make no mistake that we continue to punch above our weight and we can provide them with some advice as well.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Minister, has the Australian government made any representations to you about the membership of the council and, if so, what was the nature of those representations?

MS BURCH: It really has been in response to my raising the matter and seeking to have representation on that council through letters and certainly a conversation with the parliamentary secretary on multicultural affairs. As stated at the ministerial meeting, in the not so distant future I will be having that conversation.

ACTION but service—bicycle racks

MR COE: My question is to the minister for transport. Minister, in 2005, to much fanfare, the ACT government committed $345,000 to trial bike racks on all inter-town 300 series bus routes. After a trial which was hailed a success, the government committed to spending even more money on the racks. Minister, does the government stand by the promise of 2005 regarding inter-town buses or is this yet another expensive backflip involving ACTION? Why is the government not going to install more racks?

MS GALLAGHER: I do not believe there is a minister for transport in the administrative orders, but I believe this falls within my portfolio responsibilities. I will have to go back and just check the record of what Mr Coe says before answering this in its entirety. I would say that those on this side of the chamber are very supportive of public transport and improving public transport in this town, including dedicated bus lanes, including improvement on the buses, including new park and rides, including the bike lockers that we have been installing around the town centres, including the opportunity to use bike racks on buses—

Mr Hanson: Mr Speaker, on a point of order, she is finally getting to the very specific question about bike racks, not about a broader public transport strategy or plan. Whether the government supports it or not, it is about bike racks.

MR SPEAKER: Chief Minister, the bike racks issue, thank you.

MS GALLAGHER: If the opposition do not want to listen to my answers then they should not ask the question in the first place. A minister is able to put context around a question that has been asked, and that is exactly what I am doing. The issue of bike racks on buses relates to the entire public transport strategy and the integrated transport strategy. It cannot be seen in isolation.

The answer to the question: are we supportive of bike racks on buses and are we supportive of more bike racks on buses? Yes, we are. Do we want to see improvements in public transport? Yes, we do. Do we want to see more people using public transport? Yes, we do. Do we want to make it easier for people to use public transport? Yes, we do.

I think all of that is very clear. Again, the policy lightweights over there do not have any view about this. The road engineer, Mr Coe, decided with a swipe of his pen that a bus lane was to become a T2 without any analysis. That is not the way that we make decisions. Yes, there will be challenges at times about how we improve public transport. There have been some issues raised around the installation of bike racks on buses. We will work through all of those. Overall, we are very proud of the work we have done and the work that we will continue to do, and I do not apologise at all if Mr Hanson does not like the answer.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Chief Minister, given that the policy of installing more bike racks is essentially on hold and given that it was an initiative in the sustainable transport plan, what other commitments in that document will you be backflipping on?

MS GALLAGHER: I refer the member to my previous answer around this government's continued and very serious investment in public transport, in stark contrast to any policy announcements from the Canberra Liberals, whose only transport announcement is to let cars use dedicated bus lanes.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: When the Chief Minister comes back, would she please advise the Assembly in relation to the original funding for the bike rack program. Did the government receive support from the opposition and the entire Assembly over the provision of additional budget funds for that bike rack program?

MS GALLAGHER: I am happy to provide that information to the Assembly as well.

Members interjecting—

MS GALLAGHER: Well, I actually—

MR SPEAKER: Order, Chief Minister. One moment, thank you. Stop the clocks. Clearly, part of Mr Hargreaves's question is not in your remit to answer. It is not your position to comment on the position of other parties. Perhaps you can just talk about the specifics of the bits you are responsible for.

MS GALLAGHER: I would happily go back and check if it was one of the budgets that the Liberal Party actually did support. I think under Mr Seselja's leadership they have decided not to support any of the budgets that we bring to this place. The bike rack one may have been just prior to Mr Seselja's ascension to the leadership, when we did have more of a collaborative relationship working across this chamber.

MR DOSZPOT: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Doszpot.

MR DOSZPOT: Chief Minister, are you committed to improving bike-and-ride options, and are you aware of any other issues restricting such multimodal transport?

MS GALLAGHER: I have answered that question. I am not sure if those opposite ever catch the bus or ride a bike, or actually use any of the facilities. All you have to do is have a look at what has happened across this city in the last few years—look at the new bike paths, look at the new bike shelters, look at the new park-and-rides, look at the new buses coming on, use your new MyWay card to get around the city in a very affordable way—and you will see just the extent of the level of this government's investment in public transport, working in partnership with members of the community and community organisations. Indeed, the Greens, in our parliamentary agreement—there are commitments around there.

Members interjecting—

MS GALLAGHER: You can actually see what can get done when people get serious about issues, are prepared to pursue issues regardless of the challenges and deal with the significant policy matters, unlike those opposite.

MR SPEAKER: I remind several members that they are on warnings today. Mr Doszpot, you have the floor for a question.

ACT Fire and Rescue—funding

MR DOSZPOT: My question is to the Minister for Police and Emergency Services. Minister, in the recent report on government services, the Productivity Commission showed that funding in real terms for ACT Fire and Rescue has declined over the past five years from $58.6 million in 2006-07 to $49.4 million in 2010-11. Minister, why have you permitted funding for ACT Fire and Rescue to decline in real terms by 16 per cent over the past five years?

MR CORBELL: I thank Mr Doszpot for the question. I note that this position was put by Mr Smyth in a media release of 2 February this year when he claimed real spending fell from $55.6 million in 2009-10 to $49.4 million in 2010-11. The figures quoted by Mr Smyth are funding amounts, not spending amounts, Mr Speaker.

The movement in the funding in the 2012 ROGS figure is affected by a range of factors. For example, the 2009-10 figures have been indexed to 2010-11. The indexation applied to the original 2009-10 figures was approximately six per cent. In addition, the higher 2009-10 figure includes a one-off revenue item of $2.7 million transfer of a piece of land at Fyshwick from Territory and Municipal Services to the Emergency Services Agency.

I would like to point out to members of the Assembly—and I quote directly from the ROGS report, page 9.20, box 9.8—that:

> 'Fire service organisations' expenditure per person' is a proxy indicator of the efficiency of governments in delivering emergency management services.

Further, the report says:

> All else being equal lower expenditure per person represents greater efficiency.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, what proposals for capital equipment have either been delayed or abandoned by ACT Fire and Rescue because of this substantial reduction in funding?

MR CORBELL: I do not think Mr Doszpot just heard my previous answer, but again I draw his attention to what the ROGS report says. The ROGS report says that, all else being equal, lower expenditure per person when it comes to the report—

Mrs Dunne: Point of order, Mr Speaker.

MR CORBELL: on fire service organisations—

MR SPEAKER: Order, Mr Corbell!

MR CORBELL: represents greater efficiency.

MR SPEAKER: Mr Corbell, one moment.

Mrs Dunne: Point of order, Mr Speaker.

MR SPEAKER: I heard you, Mrs Dunne.

Mrs Dunne: Firstly, I draw your attention to the fact that Mr Corbell did not comply with the standing orders and did not sit down when I stood to take a point of order.

The substantive point of order is that the question that Mr Doszpot asked was not about per capita funding; it was about whole funding in millions of dollars. That was the original question, and the supplementary question is: have there been any equipment purchases delayed or abandoned?

MR SPEAKER: Yes, thank you. Minister, the information you did give previously. Perhaps you could now focus on Mr Doszpot's question.

MR CORBELL: I am giving it again, Mr Speaker, because they clearly did not understand the answer. If they did understand the answer—

Mrs Dunne: Point of order, Mr Speaker.

MR CORBELL: they would not have asked the question.

MR SPEAKER: Yes, Mrs Dunne.

Mrs Dunne: Mr Speaker, the question was: have there been any equipment purchases delayed or abandoned? Mr Corbell is persistently refusing to follow your directive to answer the question.

MR SPEAKER: Mr Corbell, let us have the answer to the question, thank you.

MR CORBELL: Not as a result of these spending figures.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: If they have not been abandoned because of these spending figures, what equipment has been delayed or abandoned and what was the reason for the delay or abandonment?

MR CORBELL: I am not aware of any, Mr Speaker, but I am happy to check the record and provide further advice if possible.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, when will the funding to ACT Fire and Rescue be restored?

MR CORBELL: There has been no reduction in funding to ACT Fire and Rescue. The figures that Mr Smyth is referring to in the ROGS report include a one-off revenue item involving the transfer of land worth $2.7 million. That is the reason for the variance. There has been no reduction in the level of operational expenditure for the ACT Fire Brigade. How hard is it to read a factual piece of paper from the Productivity Commission and how hard is it to understand that we are delivering the same service at a lower price. That indicates more efficient service delivery.

Environment—urban wetlands

Members interjecting—

MR SPEAKER: A question without notice. Mr Hargreaves has the floor, thank you.

MR HARGREAVES: Finished girls? Good.

MR SPEAKER: Mr Hargreaves!

MR HARGREAVES: Obviously not, Mr Speaker.

MR SPEAKER: I invite you to withdraw that, thank you.

MR HARGREAVES: I withdraw it, Mr Speaker.

MR SPEAKER: Let us just get on with the question.

MR HARGREAVES: I had difficulty hearing the answer from the minister earlier.

MR SPEAKER: The question, Mr Hargreaves.

MR HARGREAVES: I would like to ask a question of the Minister for the Environment and Sustainable Development around urban wetlands. I would draw the minister's attention to the activities that he and I enjoined just prior to 2001, in saving the Conder wetlands, because it was planned by the then government to put Templestowe Avenue clean through the wetlands to join up with Handasyde Street in Conder. It was going to put a road right through it, and through the advocacy of this—and this is urban wetlands—

MR SPEAKER: This is not a speech, it is a question.

MR HARGREAVES: It is a question, because I want to know where it comes from.

MR SPEAKER: Let us come to the question.

MR HARGREAVES: I would like the minister to let us know this: what are the aims and achievements of the government's urban wetlands program and in particular in relation to those seamless progressions from wetlands into the parks?

MR CORBELL: I thank Mr Hargreaves for the question. Indeed, I do remember that; I think it was Mr Smyth who was the minister then, Mr Hargreaves, who sought to put a road through an urban wetland area. Yes, I do remember that, Mr Speaker.

Mrs Dunne: A point of order, Mr Speaker.

MR SPEAKER: Order! Mr Corbell, one moment, thank you.

Mrs Dunne: Mr Speaker, I know that this is question time, but it is not a dialogue of question and answer between Mr Hargreaves and Mr Corbell. It is supposed to be directed to you and there was already a question on foot.

MR SPEAKER: Minister, will you proceed with the specific question and not deal so much with Mr Hargreaves's preamble.

MR CORBELL: Thank you, Mr Speaker; I was merely mentioning it in passing. The aims and achievements of the government's urban wetlands program are about delivering improvements in our biodiversity across the ACT. It is about working to rejuvenate and reconstruct concrete drains and waterways to conserve and improve the wonderful wetlands, such as those in Namadgi and at Jerrabomberra, and to create new wetland areas to improve water quality, improve biodiversity and improve urban amenity.

It is important to get on the record that this has been a longstanding commitment of the ACT Labor government. Indeed, as far back as 2006 the ACT Labor government announced and implemented a new wetlands policy. The aims of the government's wetlands programs are to protect our water supply and the natural environment. The creation of an urban area of wetlands is one of the most environmentally effective ways to improve the quality of stormwater and so of our lakes, streams and rivers.

These wetlands provide benefits to the community, obviously the restoration of concrete channels to more living systems, improving water quality by reducing nutrient load and suspended solids, focusing on improvements in flood protection by detaining water and releasing it more slowly, creating a safer environment, the creation of an aquatic habitat, with planted wetlands that attract water birds, frogs, turtles, bugs and yabbies, as well as providing opportunities for natural recreational experiences and opportunities for volunteer organisations in our local neighbourhoods.

The achievements of the ACT Labor government are clear for all to see. We can walk, cycle and drive around our city and see these new wetlands and existing wetlands growing and thriving. We have already seen wetlands completed in O'Connor, on Banksia Street, and the Flemington Road ponds. The Lyneham ponds are nearing completion and just a couple of weeks ago I had the great pleasure of opening the new Dickson wetlands on World Wetlands Day.

These represent investments of millions of dollars to improve water quality in the Sullivans Creek catchment, increases in habitat areas for native fauna, with locally occurring trees, shrubs, ground covers, grasses and historic plants being planted in and around the pond. The Dickson wetland will allow captured excess stormwater to be used to irrigate playing fields, replacing drinking water previously used for irrigation.

Of course, on top of this the Labor government has been committed to improving the health and management of our existing natural wetlands. We have created the Jerrabomberra wetlands trust and the Mulligans Flat trust, which will work to guide and advise on the management of wetlands in these areas. Work is also underway on

the Valley ponds in Gungahlin, on Yarralumla Creek from its junction with the Molonglo River and further up into the Woden valley, as well as on ponds and other water management tools in the new development areas of Molonglo.

This government has demonstrated its longstanding commitment to improving the health of our natural waterways and I think its record is a strong and proud one.

MR HARGREAVES: A supplementary question, please.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Can the minister tell us how the community has been reacting to the ACT Labor government's work to construct these extensive urban wetlands?

MR CORBELL: I thank Mr Hargreaves for the supplementary. I am pleased to say that we have had very strong support from the local communities for these projects as they have been rolled out. For example, at the recent planting day for the Dickson wetland in June last year we saw over 200 members of the community come out and assist with the planting.

It was obvious to all that their efforts have been a great success and the plants that the community helped put in place at that location are thriving. The obvious improvements to urban amenity as well as to water quality and local biodiversity are clear for all to see.

Of course, these areas are not just important from an environmental perspective. They greatly improve urban amenity. When I was out at the opening of the wetlands at Dickson a couple of weeks ago it was great to see even then in the middle of the day families walking around the pond, kids on bikes, enjoying the amenity of the area and bringing life back into the heart of the neighbourhood.

Of course, we also see the community involved in some environmental programs such as frogwatch and waterwatch. These are all contributing to strengthening community engagement and sense of wellbeing, as well as delivering important environmental benefits.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what activity have you undertaken in Namadgi, given that in the original part of your answer you referred to work in Namadgi?

MR CORBELL: I am not the minister responsible for Namadgi, but I was and I am happy to speak a bit about the matter. I am sure that the Minister for Territory and Municipal Services will give me that leave.

There is very important work happening in Namadgi, particularly in relation to the restoration of the peat bogs at the very top of the Cotter River catchment. There is

very important investment occurring there to ensure that those bogs retain their health and continue to recover and rehabilitate following the 2003 fires.

I had the opportunity to travel with TAMS ranger staff last year to inspect the bogs at the top of the Cotter River catchment, a spectacular part of the ACT for anyone who has not experienced it and one well worth trying to get out and see. The excellent work being done by our ranger staff in Territory and Municipal Services is paying dividends and we are seeing remarkable recovery and rehabilitation of those sphagnum bogs in the Namadgi national park. That is to the great benefit, obviously, of the environment overall, of the fauna that rely on those bogs and for the water quality in the Cotter River catchment.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Ms Bresnan.

MS BRESNAN: Is the government supportive of the project at Tuggeranong Homestead to restore the watercourse down there?

MR CORBELL: I thank Ms Bresnan for the question. I am aware of those proposals. The government's view in relation to those proposals is that they need to be assessed in the context of the work undertaken between the government and the CSIRO on the most suitable sites for possible wetland installation in the Tuggeranong Valley. We will continue to take a rigorous approach to assessing those kinds of sites.

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

Supplementary answers to questions without notice

Planning—Kingston foreshore
Government—environmental performance reporting

MR CORBELL: Madam Assistant Speaker, yesterday in question time Ms Hunter asked me: was the time frame for making decisions on the Quayside development held up by the use of the stop-the-clock provision in order for a regulation to be prepared? The answer to Ms Hunter's question is that no stop-the-clock provision was applied in this matter, and subsequently the development application was not held up due to this provision.

Ms Bresnan asked me what coordination was undertaken within ACTPLA to ensure that the decisions to approve the development application for Quayside in Kingston were notified after the regulation was notified. My answer is that it is normal practice in a situation where there are two parallel processes occurring within a single government entity to coordinate those processes. In this case, the determination of the development application occurred soon after the making of the regulation so as to realise the government's objective relating to the enactment. The subsequent notification of the DA decision to the interested parties followed soon after the DA decision was made.

Finally, in question time yesterday Ms Bresnan asked me: what are the conventions with the tabling of a report from the ACT Commissioner for the Environment? My answer is that section 22 of the Commissioner for the Environment Act outlines the tabling arrangements for reports received under section 21 of the act. However, the footnote at page 11 of the commissioner's report notes that the particular report Ms Bresnan was referring to was not tendered to me under those provisions. The footnote says, "This audit assessment was conducted similarly to a commissioner-initiated investigation," which indicates that the view of the commissioner was that the report was undertaken in a similar matter to a special report but was not identified as being provided as a special report under section 21 of the act. In this case the requirement to table under section 22 is not applicable.

I wrote to the commissioner on 29 March last year, thanking her for her report, which would complement the working papers being developed within my department addressing those issues. My letter advised the commissioner that the government would not be releasing the report at that time because of that other work. I note that the report in question is now available on the Commissioner for the Environment's website.

Leader of the Opposition
Statement by member

MR SESELJA (Molonglo—Leader of the Opposition), by leave: When addressing the motion I stress that all outstanding compliance matters have been dealt with. I am informed that all matters raised in the FOI letters were resolved some time ago. I have been repeatedly assured, and my office has been repeatedly assured, that nothing in those matters amounted to anything like the accusations made by the ALP against myself and the office over these issues. I have further been informed that had such evidence existed it would have been referred to proper authorities.

I accept that there has been a lateness in timesheet submission. This, in combination with some facts and in isolation of others, has been used to create accusations that are completely without basis and utterly untrue. The following are the full facts that explain those circumstantial factors and redress the misconception that has been created and promoted for political purposes. I address the Assembly motion under section 5 as follows:

(a) At all times I have been satisfied that staff have been gainfully and appropriately employed to conduct business on behalf of myself or other members. I have sought to rectify any outstanding issues with timesheets as they arose. In one instance, there was substantial delay in addressing timesheet delays. I accept this delay and I accept that it was too long, but I also accepted from this staff member that there were reasons for this delay.

These reasons included matters which we have, up till, now gone to considerable lengths to keep private and confidential out of respect for the staff member concerned. In this instance, the employee's father unexpectedly died in New Zealand. This resulted in my staff member making journeys overseas to supervise the funeral

matters and observe the official period of mourning according to his cultural tradition, and to care for his family in New Zealand and in Sydney during this time of grief. It was also, of course, a time of great grief for that staff member personally.

The situation was very much further complicated by the fact that the death also resulted in my staff member becoming an indigenous rangatira of his Maori people. He had to deal with significant cultural issues, including the staff member becoming a party to a High Court land rights case in New Zealand, and being the person who is and who is seen to be responsible for a great many people in his hapu and Treaty of Waitangi negotiations. Pressure was put on this staff member in no uncertain terms that his responsibilities lay with his traditional people and their land.

This led to some deep soul searching by my staff member, as well as significant legal, cultural and personal issues that needed to be resolved all at once. During this time, he continued to perform his duties, interspersed with leave to deal with these sensitive matters. It was during this time that I did not push the issue of timesheets. I cut him some slack. Now I stress, this period does not cover all the outstanding timesheet issues, but it goes to why it took so long to resolve and why I did not push harder at the time.

This was a period of significant emotional stress that has lasted 18 months and is still not resolved, still involving travel and all the burdens that a New Zealand Maori rangatira must carry, and the trauma and grief still being dealt with by his family. This is a large and, to any reasonable mind, understandable part of why this issue is not as clear-cut as it might initially appear. I am disappointed the ALP have sought to rip into his private life without showing the cultural sensitivity that he and all staff deserve.

I put this forward not as an excuse for the lateness of submitting timesheets but as a relevant factor, both in the time it took to resolve the matter and my own leniency in pursuing it. As stated earlier, these matters have since been resolved and I have had repeated assurances from Assembly staff that there are no outstanding compliance matters.

(b) The process of putting together the timesheets was not supervised by me personally. The verification comes from their supervisor's own observations and trust in the staff members themselves. Every public servant in every government department on flexible working arrangements has similar arrangements.

(c) I am informed the timesheets were completed using a combination of a number of sources, all of which involve some type of contemporaneous record in this case. It involved a combination of timesheets that were recorded but not submitted. It involved the use of work diaries outlining the meetings and outcomes attended, and it involved electronic calendars set up and retained for various meetings. It included the provision of statutory declarations that have been provided and accepted.

I and other MLAs can attest to knowing of many of the meetings, forums and functions attended by the staff member during this period by personal knowledge and recollection. Furthermore, it matched what I knew to be happening in the community

and feedback from others who had attended meetings and from my own personal attendance at many of the functions facilitated by the staff member concerned.

(d) The Director of Electorate Services works for all opposition MLAs as an additional link between the Assembly and the community. Due to the rigidity of Assembly procedures, this is facilitated by members "pledging" staff allocations to the leader's office, who then employs staff to serve all of the opposition MLAs. This pooled staff arrangement has been used before in the Assembly, to my understanding. I have, in fact, been informed by Corporate Services that the stability and efficiency this arrangement has created has resulted in noticeably improved efficiencies and service.

The Director of Electorate Services has a unique role. He is specifically tasked to be out of the Assembly as much as possible. As a party, we determined early on that the disconnect between the Assembly and the community lies, in part, with the fact that we do not have electorate offices and members can tend to spend a lot of time in the Assembly building and not enough time in the community. The Director of Electorate Services role is specifically designed to connect and contact the community. As such, his role requires him to travel and interact with groups and people all over Canberra, to arrange and take meetings and to assist in the formulation of policy based on what he has learnt out in the community, not here in the Assembly.

This approach to community contact has, however, also been used in part by our political opponents to create a false impression. It is an important part of this role not to be in the building, a concept adopted to some extent by all parties in this Assembly. The result of doing that more extensively by one party than others has been to question the legitimacy of that work. I reject that conclusion. In fact, the enterprise agreement specifically recognises that work can, and often is, conducted off site. Our approach to do that more than the other parties does not make it fundamentally different to the actions all other parties take.

(e) and (f). E8.2 of the enterprise agreement does not apply in this circumstance. E8.2 applies to staff working at home and, more specifically, when setting up a home office. That is not the case here. It is common practice for MLAs and their staff to leave the building and attend community functions. This role, in this party, is tasked to do exactly the same thing, but on a much more consistent and concerted basis. E8.2 does not and is not intended to apply to these circumstances. The standard is the same for all other members and all other staff when they operate outside the Assembly.

(g) The Director of Electorate Services is also the president of the ACT branch of the Liberal Party, just as the president of the ACT Labor Party used to work in Katy Gallagher's office and now works for Dr Bourke.

(h) The president of the Liberal Party is a voluntary, unpaid position. The office of the Liberal Party is at level 5, 221 London Circuit. The staff member concerned would have cause to be at that address and at other places fulfilling his voluntary role.

(i) All duties done in the role of party president are conducted in his own time. It is important to note that my Director of Electorate Services, when conducting Assembly

business, works extended hours and often at night and on weekends. This is not uncommon for Assembly staff. In fact, it is regularly included as part of job advertisements for members' staff. But the nature of the role to interact with community groups means it is even more so for this role than for others. It has assisted the MLAs in their role of being in contact with the community on a regular and ongoing basis, and the hours worked by the staff member reflect that unprecedented commitment to community engagement.

(j) Staff of my office and those of most other MLAs do work at home and off site from time to time. Some staff, such as media staff, regularly take late night and early morning calls from their homes and do extensive work on weekends, hardly any of which is recorded, let alone reclaimed by those staff. Policy staff would meet with all manner of stakeholders off site regularly. It is not unheard of for some of those staff to spend an entire day working off site.

For the staff member in question, this is particularly true when the Assembly is sitting, as this is when members would be most likely to be unable to attend community functions, and staff would be asked to attend on behalf of myself or my colleagues. This is not formalised but conducted on an informal understanding between staff and member. It is my understanding this is the same situation in many offices.

(k) and (l) Staff from my office, as is the case with staff in offices of all political persuasions, will volunteer to work for their respective parties during campaigns and in ongoing support. Sometimes this is done using formal leave, but it is just as often informal contributions made in their own time, after hours or on weekends. Many staff are passionate and are prepared and eager to be involved in all aspects of the political process, and I applaud this dedication.

I also make submissions in relation to the motion passed by the Assembly. The motion calls for an audit within the context of the motion that was passed and, in particular, in relation to some of the very serious but unsubstantiated accusations laid in the chamber under the cover of parliamentary privilege. We were told we needed the audit to investigate serious allegations of fraud. I trust the audit will be used for this purpose alone.

It is not within the scope of the motion to use this mechanism as a political fishing expedition, nor will I accept it to be used as such. It is not appropriate to impinge on private or public rights. It is there to establish the truth or falsehood of the serious claims made. I will accept any reasonable recommendations of any reasonably conducted audit. Further, as so much work has already been done on these matters, there would seem no need for this inquiry to be drawn out. I look forward to the matter being treated expeditiously.

The audit also gives power for the auditor to access swipe card and computer log-in records. This would not be of any substantial use to a staff member that has been tasked to be out in the community. I note that many people enter and exit the building without swiping and computer logs-ins vary substantially due to the individual work practices. These limitations should be recognised in any further investigation. I would caution against setting a precedent for unfettered audits, especially when the

government ordering the audit is not willing to subject themselves to the same scrutiny as they insist upon their political opponents. Such a precedent would create significant injustices in future governments and all arms of the government.

Lastly, I remind the Assembly that, when accusations of fraud have been made using parliamentary privilege, the onus is on the accusers to prove clearly their case and to do so beyond reasonable doubt. Those accusations are not true, and when they have failed to be proven the accusers will have to justify why they have made such allegations without evidence and under the cover of parliamentary privilege. I repeat: this audit should be a forum for testing the allegations that I believe to be completely baseless and should not be used as a political fishing expedition. I table the following paper:

> Leader of the Opposition—Staffing matters—Order to provide written statement—Statement from Mr Seselja, MLA, Leader of the opposition, dated 16 February 2012.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services), by leave: Well, well, well, how embarrassing. How embarrassing that the Assembly has come to this, where we have the Leader of the Opposition having to explain such administration slip-ups in his own office—the only thing that he is required to manage in this building. Very clearly, we now have a series of vague excuses. We all have personal and family issues to deal with and our workplace conditions make plenty of provision for bereavement and family leave for our staff. However, as in all workplaces, there are systems which ensure that these entitlements are not abused and any examination of the appropriate personnel records should record the type and nature of leave taken by employees. If these exist then, of course, all is in order.

We will need to go through the Leader of the Opposition's statement closely. We were not provided with it prior to his rising to his feet. But we do have a rather new element to the defence being put forward by the Liberal Party and that is essentially that a LA(MS) staffer paid in this place, for the first time, as I understand it, in the history of self-government, predominantly does not work in this building. Mr Seselja has accepted that today. This is the first time in three years that I am aware of a community engagement model working within the Liberal Party within this building. It is the only time. Indeed, I think the discussion around the new community engagement model of staffing has actually only emerged in the last two days. What the Assembly is being asked to accept here—

Mr Seselja interjecting—

MS GALLAGHER: No, what the Assembly is being asked to accept here is that there is a staff member who predominantly does not work in this place doing a range of activities in the community, roving activities within the community, being paid for by the taxpayer. We will have a close look at this, Mr Seselja. Really, nothing that Mr Seselja has said today convinces me that there is not an issue that needs to be looked at closely by a responsible audit process that the Assembly has agreed to.

Mr Seselja can try and shift the blame on everyone and point and try and make it into a political campaign, but this is not an issue of our making. Let us just remember that, Mr Seselja. The other members in this place that do not sit on the opposition benches did not create this. We did not create this in order to make it uncomfortable for you. You had an issue. You mismanaged it. You have provided information to the Assembly today that raises more questions than it answers and the audit is the responsible and reasonable way forward. I do not think it should be a political witch-hunt; it should not be. But what we need to do as an Assembly is make sure that taxpayer funds have been used appropriately in accordance with the purpose for which they were provided.

Not only does today's statement implicate Mr Seselja's office but also it implicates every member of the Liberal Party, because they all understood the arrangements that are ongoing with their community outreach model of staffing under the LA(MS) Act. Every single one of you knew what was going on. At the end of the day, it might be entirely appropriate—and we look forward to the provision of all the records that prove that—but it is a very interesting new line of defence, I have to say. We look forward to scrutinising Mr Seselja's statement and allowing the audit process to proceed.

Urban forest
Paper and statement by minister

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

> Commissioner for the Environment Act—Commissioner for Sustainability and the Environment—Report on the Investigation into the Government's tree management practices and the renewal of Canberra's urban forest—Government response.

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

Leave granted.

MS GALLAGHER: I am pleased to table the government's response to the report from the Commissioner for Sustainability and the Environment into the government's tree management practices and the enhanced program of urban forest renewal. In December 2009, the commissioner was asked to undertake this investigation. This directive arose following community disquiet about some tree management practices and the proposed urban forest renewal program for trees on public land.

Trees in Canberra are an emotive issue, and a significant amount of time and effort has been invested in the report by the commissioner, the community and the government. The government manages the largest and one of the most diverse urban forests in Australia, comprising 700,000 trees in streets, parks and open spaces, including 300 different varieties.

The commissioner's terms of reference were wide ranging and reported on the scope and efficiency of any enhancements that may be required to the government's existing tree management programs; the benefits and drawbacks of considering funding for urban tree programs separately to climate change initiatives; improved notification and consultation processes to support greater community involvement in urban tree planning and management, including risk mitigation, tree removal and planting; the priority given in tree management decisions to environmental values, solar access and the retention of communities of trees in parks; the sustainable reuse of timber from felled trees, and when replanting should occur following the removal of trees, the scope for replanting, and principles for the number and species of trees that should be replanted; the need for enhanced management to maintain the survival and good health of trees; appropriate safeguards to ensure contractors follow best practice and adhere to government tree policies; principles for the decision-making process where it is proposed that a tree is removed or is retained; improvements to the Tree Protection Act or other relevant acts in light of the above matters; and resource implications associated with an enhanced program.

The commissioner's report was publically released on 30 March 2011 and tabled in the Assembly on 7 April. I am pleased to say there is broad support across government agencies for the report's findings, with agreement or agreement in principle to 40 of its 44 recommendations and subrecommendations.

The prime focus of the commissioner's report is to direct attention to improving the care and protection of Canberra's treed landscape. More specifically, the recommendations include improving tree assessment criteria and training for people undertaking tree-related work; improved monitoring and reporting of tree conditions to allow for early detection of tree maintenance issues; a proactive, integrated urban tree maintenance program where work is scheduled according to priority for safety and amenity; and a national capital tree protection and management strategy which will include the NCA.

In response to recommendation 4A, the government supports the establishment of a tree curator for the ACT with overall responsibility for tree-related issues across Canberra's built-up urban areas. The government also supports recommendation 5C for a cross-agency tree network committee that will bring people that make decisions about tree-related matters into a forum where planning decisions can be discussed and debated, with a focus on tree retention.

The commissioner's recommendations are generally based on the premise of maximising environmental benefits as opposed to optimising or balancing them with social and economic outcomes within resource constraints and whole-of-government policies. For example, the principle of saving every tree is considered to be neither practical nor affordable.

The report highlights the need to improve communications and community engagement but does not address the need for more innovative and collaborative strategies and approaches for working with the community, especially with vocal interest groups and individuals. It is considered that choices need to be made in

allocating limited resources, for example, protecting ageing trees versus planting trees in a new suburb, and should be governed by an equity criteria, with particular consideration to who pays and who benefits.

There are three lower priority sub-recommendations that the government does not agree with. These include recommendation 4F, which relates to registering and removing the blanket coverage of trees in selected areas. This recommendation is not supported because the removal of the blanket coverage has the potential to put trees at risk of removal by development in the future.

The government does not agree with recommendation 4K, which would authorise a qualified person to enter privately leased land. It is the government's view that this would present significant regulatory risks and liability issues and potentially high financial costs to the government.

The government does not agree with recommendation 6E, which refers to retaining dead trees on existing verges and in public parks that have habitat value. This is because dead trees can pose significant safety and liability issues and implementation costs are likely to greatly outweigh any anticipated benefits. Dead trees on verges can be a high safety risk, as well as adversely impacting on the amenity of Canberra's streets. This has knock-on effects for tourism, recreation and property values. The government already retains certain habitat trees, which are trees that are dead but safe to keep in open space and park settings, to provide habitat for native birds and the like.

A high degree of consensus has been achieved across agencies in responding to the report's recommendations. As lead agency, the Territory and Municipal Services Directorate will be responsible for coordinating the implementation of the report's recommendations. Central to the process of implementation, including monitoring and reporting, will be the establishment of the proposed ACT tree curator and the proposed cross-agency tree network committee.

The commissioner's report makes valuable recommendations on how to improve the management of Canberra's urban trees. The commissioner took a holistic approach in making her recommendations, focusing on improved integration of activities and a consistent approach to tree maintenance and protection across the ACT.

A number of actions are already being undertaken to improve tree management and communication consistent with the commissioner's recommendations, including the integration of the tree protection unit, which focuses on trees on leased land, with the tree management unit, which focuses on trees on unleased land. Work has also commenced to integrate and update existing policy and guideline documents into a tree protection and management policy. Communication and notification processes have been improved, especially relating to notification of adjoining residents about an impending tree removal and the posting of signage on trees that require removal.

TAMS is implementing a proactive tree maintenance program where at least 60 per cent of tree-related work, like pruning, will be programmed. This should mean there is early detection of tree maintenance needs and scheduling according to priority, for safety and amenity. The commissioner also made recommendations about tree

watering. This financial year TAMS will water approximately 23,000 young trees using GPS technology which greatly enhances the directorate's capacity to identify maintenance requirements.

I thank the many Canberrans who gave up their time and participated in the process with the commissioner. I also thank Dr Maxine Cooper, the then Commissioner for Sustainability and the Environment, and her team for the considerable detail and attention in preparing the report.

The ACT government is fully committed to improving the care and protection of Canberra's treed landscape. I have tabled the response to the report that followed this investigation into the tree management practices.

Territory Records Act—effectiveness of amendments
Paper and statement by minister

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

> Territory Records Act—Review of the operation of the Act—Report No 3 to the ACT Legislative Assembly on the effectiveness of amendments made to the *Territory Records Act 2002* and standards either revised or issued under the Act, in response to the Review of the Operation of the *Territory Records Act 2002*.

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

Leave granted.

MR BARR: On 26 August 2010, the Chair of the Standing Committee on Public Accounts tabled in the Legislative Assembly the committee's report *Review of Auditor-General's report No 3 of 2008: Records management in ACT government agencies*. The report made three recommendations. These recommendations requested that I report to the Assembly on three occasions over a two-year period on the status of records management in ACT government agencies. The government tabled in the Assembly on 9 December 2010 and 30 June 2011 reports in relation to recommendations 1 and 2.

Today I am tabling the report in response to the third recommendation of the committee, which is reporting on the effectiveness of amendments made to the Territory Records Act 2002 and standards either revised or issued under the act. The government accepted the recommendations of this review and has quickly and effectively implemented the intent of the great bulk of the recommendations. The primary recommendations contained in the review were incorporated into the amendments to the Territory Records Act 2002 passed by the Assembly in 2010.

I am pleased that this report concludes:

> Members of the Legislative Assembly and the ACT community can continue to be confident that the Territory's records management regime is robust and

> responsive, and that our records management practices are meeting the demands created by our recognition of the importance of good governance, by the day-to-day business needs of Government, and by our wish to preserve appropriate parts of the community's cultural heritage.

Consistent with the recommendations of the public accounts committee report *Review of Auditor-General's report No 3 of 2008: Records management in ACT government agencies*, I commend this third report to the Assembly.

Financial Management Act—instruments
Papers and statement by minister

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

> Financial Management Act, pursuant to—
>
> Section 14—Instruments, including statements of reasons, directing a transfer of funds—
>
> From Community Services Directorate to Housing ACT, dated 3 January 2012.
>
> From Economic Development Directorate to Territory and Municipal Services Directorate, dated 22 and 23 January 2012.
>
> Within Economic Development Directorate, dated 19 and 20 December 2011.
>
> Section 16—Instrument directing a transfer of appropriations relating to the Administrative Arrangements 2011 (No 1), including a statement of reasons, dated 21 December 2011.
>
> Section 16B—Instruments, including statements of reasons, authorising the rollover of undisbursed appropriation of—
>
> Canberra Institute of Technology, Superannuation Provision Account, Legal Aid Commission (ACT) and Shared Services Centre, dated 20 and 21 January 2012.
>
> Environment and Sustainable Development Directorate, dated 20 January 2012.
>
> Section 18A—Authorisations of expenditure from the Treasurer's Advance, including statements of reasons, to—
>
> Justice and Community Safety Directorate, dated 13 December 2011.
>
> Legal Aid Commission (ACT), dated 13 December 2011.

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

Leave granted.

MR BARR: As required by the Financial Management Act 1996, I table a number of instruments issued under sections 14, 16, 16B and 18 of the act. Advice on each

instrument's direction and a statement of reasons must be tabled in the Assembly within three sitting days after it is given. Section 14 of the act allows for the transfer of funds between appropriations, as endorsed by the Treasurer and another minister.

The first instrument transfers $2.1 million of controlled capital injection to government payment for outputs for the Economic Development Directorate for the construction of a multi-use community facility in Tuggeranong. The second instrument transfers $450,000 of controlled capital injection appropriation from the Economic Development Directorate to the Territory and Municipal Services Directorate for the Gold Creek homestead stabilisation project. The third instrument transfers $150,000 in net cost of outputs from the Community Services Directorate to Housing ACT to improve fire prevention measures in public housing and Disability ACT group homes.

Section 16 subsections (1) and (2) of the act allow the Treasurer to authorise the transfer of appropriation for a service or a function to another entity following a change in responsibility for that service or function. This package includes one instrument authorised under section 16. This instrument facilitates the transfer of $3.8 million of controlled capital injection and $1.043 million in net cost of outputs appropriation from the Territory and Municipal Services Directorate to the Environment and Sustainable Development Directorate for the transfer of transport planning and support for the Conservator of Flora and Fauna functions, $702,000 in net cost of outputs appropriation from the Economic Development Directorate to the Territory and Municipal Services Directorate for the transfer of government accommodation and property services, and $19,000 in net cost of outputs appropriation for the transfer of sport and recreation from the Territory and Municipal Services Directorate to the Economic Development Directorate.

Section 16B of the Financial Management Act 1996, rollover of undisbursed appropriation, allows for appropriations to be preserved from one financial year to the next. This package includes two instruments authorised under section 16B of the act. The appropriations being rolled over were not spent during the 2010-11 fiscal year and are required in the 2011-12 fiscal year for the completion of the projects.

The first instrument authorises the rollover of $1.298 million in expenses on behalf of the territory appropriation for the superannuation provision account to enable funds to be used for any residual Totalcare settlements and for the balance thereafter to be transferred to the ACT superannuation trust account; the rollover of $630,000 in nest cost of outputs appropriation for the Canberra Institute of Technology, representing commonwealth funding for the national partnership-TAFE fee waivers for childcare qualifications; the rollover of $116,000 in capital injection appropriation for the Shared Services Centre, for the safeguarding government business: reducing the risk of communication blackouts project; and the rollover of $28,000 in controlled capital injection appropriation for the Legal Aid Commission for the new directions program phase 2.

The second instrument authorises a total of $12.830 million in rollovers for the Environment and Sustainable Development Directorate, comprising $4.43 million for net cost of outputs, $720,000 for payments on behalf of the territory and $7.68 million

of controlled capital injection appropriations. The details of these rollovers relate to project funds where commitments have been entered into but the related cash has not yet been required or expended during the year of appropriation, for example, where capital works projects or initiatives for which the timing of delivery has changed or been delayed, where outstanding contractual or pending claims exist or where there are delays in implementing budgeted recurrent initiatives.

Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance. This package includes two instruments authorised under section 18 of the act. These instruments provide the Justice and Community Safety Directorate with an additional appropriation of $582,530, and the Legal Aid Commission ACT with an additional appropriation of $89,000 for the 2011-12 fiscal year, to reduce waiting times in the Supreme Court.

Further details of these instruments can be found in each individual instrument that I have tabled here today. I commend these instruments to the Assembly.

ACT festival fund
Paper and statement by minister

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

ACT Festival Fund—2012 Funding Round 2—Information booklet.

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

Leave granted.

MR BARR: Mr Speaker, I rise to report back to members of the Assembly on the outcomes of the second round of the 2012 ACT festival fund grant program. As members are aware, the ACT festival fund application process for 2012 was once again very competitive with 31 applications and a total request of more than $630,000, with $220,000 available in the fund.

A total of 13 festivals and $201,041 was recommended for funding by the assessment panel, leaving a balance of $18,959 in the fund. That is why on 15 November 2011 I announced that there would be a second application round for community groups to reapply for funds left over from the first round of the fund.

Mr Hanson: Nothing happened in between.

MR BARR: No, I announced it before any motion of yours, actually, Jeremy, yes.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, members!

MR BARR: I made it very clear throughout this process that applications for the festival fund are assessed by an independent committee and are assessed against

published criteria. As previously stated, the selection criteria are publicly available information. However, for the convenience of members I have tabled the information booklet including the criteria in the Assembly this afternoon.

I must say again, Madam Assistant Speaker, that I am concerned that Mr Hanson's contribution to the debate is that he believes there should be a greater level of political control exercised over this funding process. I am thankful, however, that some sort of common sense did prevail and in the end, as I announced, all applications in the second round were also assessed by an independent committee, where around $20,000 was allocated.

Round 2 opened on Saturday, 19 November and closed on Friday, 16 December. Again, applicants were encouraged to have a pre-application meeting where all criteria are outlined and explained, in addition to the material that is publicly available. A total of eight applications were received for round 2, with a total request of $79,444. The top three ranked applications were recommended by the assessment panel and $19,944 has been allocated.

The Lu Rees Archives of Australian Children's Literature received the full amount requested of $7,944 for connecting communities through story. The Tuggeranong Community Arts Association received $6,000 of the $8,000 they requested for the Canberra Ukulele Festival of Fun and the Weston Creek Community Council received $6,000 of the $8,000 they requested for the Weston Creek Festival.

The assessment panel provided the following comments on the reason for the Tuggeranong Community Arts Association and the Weston Creek Community Council receiving less than the amount they requested. Tuggeranong Community Arts Association submitted a sound application to the round requesting an amount of $8,000. Whilst the panel was supportive of the overall concept, they identified some inconsistencies in the submitted budget and therefore recommended funding of $6,000.

The Weston Creek Community Council submitted an application to the round, requesting an amount of $8,000. The panel noted that the application was much improved compared to that submitted in round 1, and I am pleased to inform the Assembly that the Weston Creek Community Council participated in a pre-application meeting to assist them in putting together their second round application.

The panel recognised the value and significance of the event to the Weston Creek community. However, they also noted that the claims against some criteria could have been strengthened, therefore recommending an amount of $6,000.

I congratulate the successful applicants for the second round of the 2012 ACT festival fund and look forward to working with the wide range of community groups who have been supported through this funding round in supporting their events in the future.

Education and care services national regulation
Paper and statement by minister

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing): For the information of members, I present the following paper:

> Education and Care Services National Law—Education and Care Services National Regulations, dated 9 December 2011, together with an explanatory statement.

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

Leave granted.

MS BURCH: It is my pleasure to table the final step in implementing the legislative framework for the national quality framework. I am here to table the education and care services national regulations. As you are aware, Madam Assistant Speaker, the ACT government committed to the national quality agenda through the national partnership agreement on the national agenda for early childhood education and care back in 2009. The reforms undertaken as a result of our commitment to this agreement will improve education and development outcomes for the children attending ACT education and care services.

This includes reforms for long day care, family day care, independent preschools, ACT public preschool units and outside-of-school age care. They will reduce the regulatory burden for service providers as well as providing for greater efficiency and cost effectiveness of the regulatory process.

The reforms will see an increase in public awareness of the importance of education and care services in the critical early years of a child's development. The reforms will focus attention on the education and care workforce and the vital role educators play in the lives of children and families. A key part of this will be the ongoing process of further increasing the skills of the highly dedicated workforce.

The national quality framework came into effect from January 1 of this year following the passing of the Education and Care Services National Law (ACT) Act 2011 by this Legislative Assembly on 25 October 2011. One of the key components of the framework is the regulations which provide for the application of the national law. These were provided and approved by the Ministerial Council for Education, Early Childhood Development and Youth Affairs last October, following which they were released to the sector.

The importance of the regulations for the education and care sector cannot be overstated and is reflected in the significant consultation both locally and nationally that has taken place during their development. This partnership has been vital in the process of working towards the implementation of the framework and it is, I believe, why the ACT's education and care sector is appreciative of the need of these reforms.

By all accounts, the services are adapting well to the new requirements, with support from the Children's Policy and Regulation Unit. The Children's Policy and Regulation Unit will support the ongoing processes of continuous improvement to assist services in meeting the national quality framework. There is no doubt that the national quality framework represents one of the most significant developments ever for the education and care sector.

The good news is that our centres already meet many of the requirements of the framework, and for those where further work is required, the ACT government is providing assistance. The government is committed to introducing these changes in partnership with the centres and the families of the 16,000 children who attend them here in the ACT.

I present the education and care services national regulation for the consideration of members of the Legislative Assembly.

Long Service Leave (Portable Schemes) Amendment Bill 2011—revised explanatory statement

Paper and statement by minister

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections): For the information of members, I present the following paper:

> Long Service Leave (Portable Schemes) Amendment Bill 2011—Revised explanatory statement.

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

Leave granted.

DR BOURKE: I present a revised explanatory statement to the Long Service Leave (Portable Schemes) Amendment Bill 2011 as introduced into the Legislative Assembly on 8 December 2011. The explanatory statement has been revised to correct a cross-reference to the bill itself at clause 43. As a consequence, the numbering of the remainder of the clauses required revision.

Madam Assistant Speaker Dunne, I wish to thank you and your adviser, who I shall not name, for originally bringing this matter to our attention during the briefings provided by my officials to the opposition and the Greens on the content of the bill.

Schools—infrastructure

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): 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 Mr Hargreaves be submitted to the Assembly, namely:

> The importance of making and supporting quality and timely investments in school infrastructure in the ACT.

MR HARGREAVES (Brindabella) (3.54): It is not often you win the lottery, but I have done it this time. Madam Assistant Speaker, I rise to speak on this very important topic of the need to make and support quality and timely investments in school infrastructure. Last year every one of Canberra's public schools received an upgrade. Last year this Labor government delivered capital works worth over $187 million to our public schools and has committed to another $150 million worth of new initiatives this year. That is about $337 million over two years for our kids. More than $330 million just so the kids have a fantastic tomorrow.

Over the last six years Labor delivered capital investments in ACT public schools worth over a half a billion dollars. First up, we are looking after the most important asset of any school, and that is the teachers. Staff facilities have been upgraded to continue to ensure that we look after our teachers by providing proper communal areas and the appropriate workspaces to undertake crucial out-of-class activities.

So as to continue to meet the demand generated by increasing enrolments, new facilities have been built and existing infrastructure has been upgraded. Our public schools have received everything from new classroom fit-outs to new libraries, new computer labs, meeting rooms and, of course, new toilets. In the playground we have also made sure students remain sun smart with more shade sails and covered outdoor play areas. And during our wet and windy winters they are also a great sheltered area for students to play under.

We are also continuing to roll out security fencing at identified schools. As a result we have already seen vandalism drop away considerably. With upgraded school security alarm systems to prevent unauthorised entry, Labor is committed to protecting students and teachers. With the rise of dormitory suburbs and busy commuter parents, our schools are working with TAMS to manage traffic issues around those schools. Through car park and entrance upgrades the government is tackling traffic congestion, lessening the risk of students and teachers being injured and helping busy parents drop off students easily.

Under the $28 million smart schools initiative the ACT government committed us to state-of-the-art upgrades in ICT in all our public schools. This sort of stuff has blown me out of the water.

I went to Richardson primary school some years ago to find that they were the first school to have one of those smart screen things. The students there, primary schoolers, little tackers, were showing me all about the surface of the moon by dragging things on the computer across the screen. I paused to remind myself what happened when I was in primary school. I had to graduate from using a pencil to learning how to write with a dip pen—dip it in the ink. Indeed, I had to go and mix the actual ink itself and

stick it in the inkwell. We did not have calculators or abacuses even. We had to learn it all. We did not have any assistance, electronic or otherwise. Teachers used chalk.

I look at what is available for the young people today and I am absolutely amazed. I can only speculate that because of this incredible investment in modern teaching technology these kids aged 8, 9 and 10 are more advanced than I was when I was twice their age. I think it is down to the investment this government has made since 2001. We can take the credit for that. I can remember going around as a fairly new MLA in 1998, 2000, and I did not get that sense that I was walking into a space age school. I do now. I think it is absolutely remarkable.

All public schools in Canberra are wi-fi enabled and linked to an ultrafast fibre optic network. My house is not wi-fi enabled. Our public schools in the ACT are, as some eager commentators have already put it, iPad-ready. I do not have an iPad. It is scary putting an iPad in the hands of a person half your size. It is scary, but it is wonderful at the same time. With such a high quality computer network in place, the opportunities for learning are limited only by the students' imaginations. How wonderful is that? Using their own netbooks, tablets or laptops, students can access historical archives online. They can read classic novels in e-book format. They can watch high definition videos of an exciting science experiment.

But the benefits are not just to the traditional subjects. Through our schools network students also have access to industry standard design software on their computers. We are talking here about giving students the tools to collaboratively publish their own newspaper, to write software apps. Madam Assistant Speaker, 12 months ago I did not know what an "app" was and now they are using them as teaching aids. They can edit movies and they can undertake digital artwork.

With instant access to online resources, we are giving students the opportunity to build the lifelong e-literacy skills that are central to the modern Australian economy. I might even suggest that if we want to compete on the global stage we must have people educated along the way, from primary school age onwards, so they have the same literacy, numeracy and technical skills as those people in the overseas markets with whom they will compete.

Labor sees as its most important job to ensure our young people get the best possible start in life. To us, this means providing the best infrastructure. It means having the best programs and facilities. It means having the most up-to-date computers and networks. It means looking after teachers and students.

Now let us focus our attention just for a few minutes on Tuggeranong and the Brindabella electorate in particular. I will remind those opposite of the enormous investment this government, the Labor government, made in Brindabella in recent years. All too often we think Brindabella is forgotten in the distribution of resources with the catchcry: "Gungahlin's getting it. Why can't we?" Or: " Belconnen's getting it. Why can't we?" Well, this government has put an investment into Brindabella that reflects a vision as opposed to the crass opportunism of those opposite.

As part of the towards 2020 school renewal initiative we have witnessed an investment in Brindabella of over $58 million in the development of the Namadgi P-10 school. Let us not forget that those opposite are on the record as voting time and again against this initiative, a vote that had only one possible outcome—to rob our children and the 436 current students of opportunity. It was, in fact, an attempt to steal our kids' future.

The vision that delivered such informed design and standards in the form of such terrific facilities is a model for contemporary education not just here in the ACT but nationally and internationally. As a member for Brindabella I am proud of this achievement. Every day I drive past it and look at it and say, "How good is this?" Some of the old schools were tired and weary and I imagine not all that welcoming. If you have a look at Namadgi P-10 school now, you will see it is a piece of state-of-the art architecture and it is welcoming and it is exciting and it is vibrant and it is there because the Labor government put it there.

Safety, of course, is the paramount issue, and I remind those opposite that, in voting against the 2011-12 budget, they were voting against the new $6 million footbridge over Drakeford Drive. This footbridge, the construction of which is well underway, will enable the safe and smooth movement of students across Drakeford Drive, thereby improving the safety of our students. And how good is that? How can anybody vote against a safety initiative for children? How can you lie in bed and sleep when you have voted against protecting kids? I just cannot understand that. Maybe I am a bit naive, but I cannot understand that one.

The record of this government speaks for itself. It is tangible, it is visionary and has as its focus the needs now and into the future of our greatest resource—our kids. We only have to look around our other electorates, but I will not touch on the detail of these. I am sure my colleague, the minister, Dr Bourke, will go into a bit of detail. One of my daughters went to Ginninderra high school. I have to say, I did not like it when she enrolled in it. My daughter is over 40 now. It was Stalinistic, hard concrete, it looked like it had the Berlin Wall around it, and it had a product which matched the coldness it had. Some of the students there went on to bigger and better things in spite of it and some of them had their opportunities cut short because it was a miserable place to go to. How can you ask teachers to go to work and optimistically help the kids out when you are making them to work in such a place as that? It is not on.

This government has had foresight and courage. Let us face it, it took a heck of a lot of courage to do what this government did in 2006. That was a start. It enabled us to have an education inside the school gate and a chance to remedy the things that had been left to be neglected over years of previous conservative rule in this town. Places were run down. The Mt Neighbour school was an asbestos-ridden rat hole. It needed to go, and it went. Where did the kids go? They went to one of the most vibrant schools in the southern hemisphere—the Kambah Namadgi P-10 school.

We look at the budget and we see the two biggest spending items are health and education. Those big items are an investment in the future. We are looking after the here and now as far their health is concerned, but education is all about looking after

the future. Our investment is in the kids. We have to make sure that we give the kids the opportunities we did not have. If some of us are lucky enough to have been given opportunities as kids, we need to consider those who did not.

My first school was at a migrant hostel and it was a two-teacher school with nuns. There were three grades in each room, and it was pretty ordinary. I went to about 13 different schools in my educational career because of the transitory nature of my father's employment, and every one of them was a miserable, depressive rat hole. We do not have that in the ACT anymore. We have places which encourage optimism and opportunity and forward thinking.

The record of this government does not have as its focus short-term, cheap political gain. It has the benefit, the opportunity and the optimism that we so rightly need to hand over to our kids. They look to us to give them the tools to do better than we did. We need to give them tools to do better than we did and to repair the damage that other people have done.

MR DOSZPOT (Brindabella) (4.09): I thank Mr Hargreaves for his matter of public importance—the importance of making and supporting quality and timely investments in school infrastructure in the ACT. Today's MPI is one which I am confident that all members in this Assembly would have no hesitation in supporting. Quality and timely investment is the cornerstone of any project management strategy. When it comes to education, quality investment in schools is absolutely critical to the delivery of sound educational outcomes. As Nelson Mandela has often been quoted as saying, "Education is the most powerful weapon which you can use to change the world."

Here in the ACT we have much about which we can be proud in our education system. Each year in the ACT over 66,000 students are enrolled in one of 84 public schools or 44 non-government schools. As shadow education minister, I have been fortunate to have visited nearly every one of those schools in the past three years.

In the ACT, the Education and Training Directorate asset register values their investments in ACT schools at $1.854 billion, made up of $1.808 billion in land and buildings, leasehold improvements of $2.7 million, and property, land and equipment valued at $44 million. By any standard, the ACT has a significant financial investment and commitment, and it would be a formidable task to manage such a large asset.

When one looks at the Education and Training Directorate asset management strategy, I note that they base it on a number of key principles. Asset management activities are undertaken within an integrated and coordinated framework. Asset management practices and decisions are guided by service delivery needs. Asset planning and management are integrated with corporate and business plans, as well as budgetary and reporting processes. And capital expenditure decisions are based on evaluations of alternatives that take into account estimated costs, benefits and risks.

In the 2010-11 financial year, a total of $289 million was added to the asset register, with new land for the Franklin early childhood school and Bonner primary school, capital works at Namadgi, Harrison and Gungahlin, and $38 million in other various capital works.

In the last budget there was over $150 million in new capital funding for new schools and upgrades of existing schools, including the previously mentioned Bonner primary school, which has a cost tag of some $6 million, and another $42 million for the early childhood school and childcare centre in Franklin. We also know that in the last budget there was an allocation of some $10 million for expansion and refurbishment at Majura and Macgregor primary schools and artificial grass playgrounds at a number of other schools.

As I said earlier, I have had the pleasure of visiting a majority of the schools in the last three years, and there is no doubt that there are some outstanding physical examples of successful, impressive modern architecture.

The new Gungahlin college would be the envy of any jurisdiction probably anywhere in the world. It is unique. Its co-location of the college, the Canberra Institute of TAFE and the Gungahlin library on the one site is intended to create a learning hub. It has it all—gyms, sports grounds and, no doubt eventually, proximity and easy access to the Gungahlin leisure centre. And I am told it has had to turn away dozens of interstate visitors keen to tour its state-of-the-art facilities because they simply cannot cope with the number of people wanting a tour. The principal has had inquiries from educators all around Australia. The principal, Gai Beecher, was quoted in May last year as saying that they had over 200 people coming through the school in one week, that 10 schools were booked in for a tour in the first half of the third term and that architects were also keen to see it. I personally have to thank principal Gai Beecher for providing a very interesting tour for me some months back, in the middle of last year. As I say, I was very impressed and I thank her very much for the in-depth introduction I had to the college.

Just as impressive is Harrison school, and well might it be when it has a $79 million price tag. Anyone who has driven past the school would not fail to see its unique architecture and colour scheme. They would not fail to be impressed by its environmental credentials, with ventilation systems that circulate hot and cold air, its rainwater tanks that provide water for toilets and gardens, its energy efficient lighting and its maximum use of natural light. Interestingly, we learnt earlier this month that it is also now a textbook-free school, with every student given access to an iPad through a rent or buy scheme. This is certainly technology at the absolute cutting edge. But given the propensity for young people to lose things, it will be interesting to see how that particular strategy rolls out.

Before we get too carried away, as perhaps Mr Hargreaves did in his little preamble, which I guess was very meandering and touched upon all sorts of things educational, and about how things happened in his day, somehow I felt that he should have known a little bit more about the education system. I thought that Minister Bourke may have given Mr Hargreaves a bit of an education about the topic that he was going to talk about. Alas, we got a lot of rambling and a lot of the usual John Hargreaves philosophy, but very little in order to better see what are the good points that I have just spoken about. It would have been good to see Mr Hargreaves elucidate some of those points as well.

Sound investment strategy is basic to any business, and perhaps most importantly to government. It is time to point out some of these home truths about the making and supporting of these timely investments in schools. But such a phrase does not come naturally to mind when applying it to this government, as we have seen even this week, with failures to provide costings in health and with the sloppy process in proposed government office infrastructure plans. So one should move with caution when suggesting that this government's investments in schools are timely or even well placed.

Frankly, quality school investment is also not an immediate tag one would place on any Labor government, given the federal Labor government's management—or serious lack of—of the delivery of the so-called building the education revolution fund, more frequently referred to as the "bloody expensive rip-off". Around Australia we have $600,000 canteens that cannot fit refrigerators, science labs that cannot open because they fail OH&S standards, air conditioning that cannot work because there is not enough electricity to run it, and new classrooms built without including it in the costs. And let us not forget the school that had a new school hall just in time before the school closed because of a lack of pupils.

The ACT Liberals are not alone in showing perhaps some scepticism about whether the government has got the balance right. Even the *Canberra Times*, in its editorial of 10 February, pleaded with the government to "let's not forget our older schools". It said in part:

> Canberra's newest school, Harrison, boasts an impressive range of education aids, including digital whiteboards and wireless internet coverage. It also has the latest in modern conveniences such as energy-efficient lighting, advanced ventilation systems, and reticulated landscaping fed by on-site rainwater tanks …
>
> But what about our older schools?

What about our older schools, Dr Bourke? The editorial continues:

> They do not, of course, incorporate all the facilities to be found at Harrison and the other multi-million dollar schools … but there is some anecdotal evidence suggesting that our older schools also lack adequate heating and cooling systems, play equipment, and watertight roofs.

It is not just anecdotal evidence. A cursory look through submissions to the federal government's review into school funding, the Gonski review, shows there are many schools in the ACT with many angry parents. Leaky roofs, 1970s-style buildings and archaic computers are among the range of issues ACT parents, teachers and principals have highlighted to that review. Some schools are being forced to rent out calculators for maths classes and make students pay for broken outdoor equipment because there are no available funds and timely maintenance budgets.

Farrer primary school, Dr Bourke, had an important building at their school closed twice because the department deemed it unsafe. A building report that listed several recommendations from a civil engineer to fix moisture problems as far back as 2009

was ignored. The building had high levels of mould and parents withdrew their children because they were becoming sick. This is Canberra in the 21st century, Dr Bourke.

Last year up to a dozen schools faced the prospect of having to close if heatwave conditions had continued during school term. The AEU said at the time:

> There are about 10-12 schools that we are concerned about each year. They are all about the same vintage and have the same sorts of problems, both with heating and cooling. Some classrooms had reached temperatures of 43 degrees in previous years.

I know that heating is just as much a concern for some schools, and it is hard for a parent of a child at Kingsford Smith school to be enthusiastic about iPad schools and energy efficient lighting when all they seek is support to keep their canteen open.

I note the size of the ACT maintenance budget and the amount spent on school infrastructure refurbishment. I accept that maintenance will always be a challenge when you have 65 per cent of schools aged 30 years or older. But I have to seriously question whether that money is being spent wisely when I get complaints from parents at Torrens school whose children came back to school last week to find that their school had their third new fence in as many years. I am aware of the arguments both for and against the erection of a security fence around schools, but I know of some schools that have had fences that are bigger and more dramatic than fences around many embassies where a genuine security risk exists.

But why has it taken three attempts to get the fence at Torrens school in the right place and made of the right materials, Dr Bourke? I understand the latest fence is mere centimetres from the previous fence which was deemed to be too close to the footpath. Three fences to address a security risk that is unknown to some members of the school's own board: I do not believe this qualifies as an example of quality and timely investment.

The government can look to its schools infrastructure refurbishment program. It can laud its $162 million of investment. But it owes the taxpayers of Canberra, Dr Bourke, an absolute commitment that the moneys it spends are directed to projects that are well researched, wanted by the local community and projects that will deliver a lasting benefit.

Dr Bourke, if your government believes in the principle of making and supporting quality and timely investments in school infrastructure, why did your government remove the interest subsidy scheme commitment to non-government schools that educate 41 per cent of the students in the territory? I would be very interested in your answer on that one.

The interest subsidy scheme, or ISS, has been the only form of direct capital support provided by the ACT government to the non-government school sector and it has removed that ability to assist much-needed infrastructure in the non-government sector. If the government is genuinely committed to supporting quality and timely

investment in school infrastructure then it would not have taken so long to prepare and submit the appropriate applications that would allow the construction of the new Catholic high school in Throsby. It would have ensured, if it is into quality project management, that it had filled in the paperwork correctly and the first time around, and not had to resubmit it—which seems to be quite an episode in Mr Barr's life these days; resubmitting things, forgetting to submit things or just plain not doing the job correctly—further delaying the already slow and neglectful approach it has taken to this project in Throsby.

It appears it does not matter that families in the Gungahlin area do not know when their children will have a Catholic high school to attend. It does not matter that this less-than-quality approach to process has already cost the Catholic Education Office a significant amount of money.

The ACT Liberals support quality education across all sectors, government and non-government. We support quality investments. Spending large amounts of taxpayers' funds does not of itself ensure quality, and under Labor quality is an expendable commodity.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.23): With 84 public primary schools, high schools and colleges in the ACT, quality and timely investments in school infrastructure should be discussed as a matter of public importance. These schools aim to provide safe and quality learning environments to over 39,000 children and young people, and the territory's parents and carers should feel confident that is what their children will find when they go to school each day.

The ACT Greens believe that it is the responsibility of government to ensure the provision of high quality, well resourced and safe learning environments that are open to all students. I believe that the ACT should strive to provide the nation's best schools, schools that are accessible to all and create pride in our community.

Madam Assistant Speaker, I believe that safe, child-friendly and supportive learning environments are not just about bricks and mortar. Educational institutions can be considered a home of sorts to most of our children for many years. I am sure that we can all find ourselves feeling nostalgic as we drive past our former schools and remember the hallways and playgrounds from our childhood. These schools are places where we experience many of our defining moments and they play a very important part of how we grow up.

We have many old and much-loved schools in the ACT. This is reflective of their importance also in neighbourhood identity. We have a mix of old and new schools and we will have more schools to build in the future. As we begin to plan for the future, it is important that we recognise the significant financial implications of maintaining our schools to the expected high quality and the need to update and respond to the changing needs of students, teachers and the community.

We need to think about the long-term benefits of building sustainable schools and commit to those schools having high green star ratings, such as the new Bonner primary school. We want to see school investment policies that recognise the

environmental and health concerns related to toxins and reduce the use of these risks by ensuring that furniture, fittings and building materials are toxin-free or pose the least possible risk.

This, of course, extends to the types of cleaning products, for instance, that we use in schools. Chemicals in cleaning products can have adverse health impacts on some children and it is important that the use of chemicals in schools continues to be scrutinised and progress made to use toxin-free or low-toxin chemical products or, as I said, chemical-free products.

When the government is called on to begin maintenance work, we need to consider engineering solutions that will stand us in good stead for many years and offer flexible options for the changing student populations. We need to consider the potential impacts on the local environment of building works, be they extensions to existing schools or assessing the need for new ones.

We also need to consider the changing nature of teaching technologies and learning methods. Schools are now places of many innovative approaches to education and we need to build in the flexibility to adapt to this and to reduce the need for sometimes costly retrofitting.

We need to carefully plan the future of our investments and we need that planning to be based on sound economic advice, solid demographic data and sincere community input. The ACT Greens believe in a transparent approach to decision making that allows for genuine discussions and debate and for those decisions to be accountable to the people of the territory.

Planning for such a vital concern as education and schools cannot be done without being open to scrutiny, and it should not revolve around election cycles and political concerns. In short, Madam Assistant Speaker, we need to apply a triple bottom line approach. This is something, of course, that the Greens have been pushing for for many years. This approach, this thinking, provides an economic, social and environmental cost-benefit analysis of government policies and programs, including expenditure.

With so many public schools and an increasing population, we need to have a clear and strategic approach to school infrastructure in the territory. We cannot have a reactive system that only makes investments when an issue makes it into the *Canberra Times* or when parents and community groups make complaints and raise health and safety concerns. Timely investments, by definition, if they are to be considered quality investments, should be made when they are needed, not before, and certainly not after.

I return to my earlier point that high quality education and high quality learning environments are not just about bricks and mortar. It can sometimes be hard to define exactly what makes a great school. It is not all about dollars spent or brand new classrooms. It is about the culture within the school, the dedication of teachers and other staff, and the active engagement of children and young people's minds.

However, I do acknowledge that careful and well thought out infrastructure can support this by providing positive recreational opportunities, creative learning environments and experiences, and safe and stimulating places to learn. To engender the best possible place for our children and young people to play and learn, to provide systems that engage with and to provide opportunities for all young people to extend their knowledge and capabilities in ways that enrich their lives requires strong links between schools and their communities. It requires and needs real and genuine consultation with parents, teachers and a sometimes forgotten group—that is, the children and young people themselves.

There is a lot of debate in Australia at the moment about schools funding, and 2012 is looking to be one of the most exciting and important years for education in Australia in decades. With the recent reviews into nearly every aspect of education—primary, secondary, tertiary and higher education—we stand on the edge of a significant period of change, both nationally and locally.

The ACT cannot afford to be passive in these times, nor can we afford to rest on the laurels of past successes. As I have stated already, we do have a lot to be proud of. But we must all take an active role in developing and implementing best practice approaches to education and ensure that we continue to have a system that is fair and equitable, a system that we can continue to be proud of.

I am sure we are all in our own ways looking forward to the Gonski review of funding of schools, anticipated to be released by the end of this month. I would hope that whatever the recommendations, the ACT continues to aspire to have an excellent education system and public education system and that we can feel confident that this will continue into the future.

As I have said, while the ACT does, in fact, already have much to be proud of in terms of educational achievement, parental satisfaction and in other domains, we are failing some of the most disadvantaged and vulnerable people in our community. The recent NAPLAN results do indicate that we are performing well in most areas, except in the gap between high and low socioeconomic status student outcomes.

It is no secret that, broadly, student outcomes can often be correlated with a number of social indicators. It is further no surprise that many students from low socioeconomic status backgrounds are being left behind in the crucial indicators of literacy and numeracy proficiency. It is hard to overestimate the importance of being able to read and write in modern society. It is of grave concern that we appear to be failing some students and those who may need support in multiple areas.

The Greens are committed to providing significant investment in high schools and colleges to improve school coordination and administration, innovative teaching and student-teacher relationships and ending the educational achievement gaps that currently exist. This is, of course, why we put into the Labor-Greens parliamentary agreement the need for the inquiry into the achievement gap as well as an inquiry into students with a disability. We look forward to continuing to see the recommendations progressed. There is still a lot of work to be done in those areas.

The Greens will always support quality investments and we will respond to issues relating to schools' needs in a timely fashion. We believe in listening to stakeholder views and concerns and being proactive in identifying when and where schools funding needs to be directed.

The Greens support the vital role of public school education in the ACT. We support the importance of making and supporting quality and timely investments in the bricks and mortar and the other facilities that are provided for our students right across the ACT.

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (4.33): I too rise to speak on the very important topic of the need to make and support quality and timely investments in school infrastructure. I thank Mr Hargreaves for bringing this matter of public importance to the attention of the Assembly. I know of Mr Hargreaves's commitment to school education and I know he most strongly believes every child deserves a great education in a great city.

I am happy to be part of a government, part of the Labor government, that has invested more than any other government on school infrastructure. As Mr Hargreaves indicated, over the last six years Labor has delivered capital investments in ACT public schools worth over half a billion dollars. We have invested in every school. Every existing ACT public school has benefited from significant funding to improve their staff and student facilities.

As Mr Hargreaves mentioned, our existing public schools have received a plethora of new fit-outs and new facilities. Through the recently completed schools infrastructure refurbishment project, Labor spent $162.1 million on Canberra public schools. There was something there for every government school and every student.

In Gungahlin, public schools received new classrooms, security upgrades, shade sails and air conditioning. In Belconnen, schools received new teaching spaces, classrooms, security upgrades, a gym, a science area, shade shelters, libraries, art rooms, photo labs, drama and music areas, computer labs and computers, bike enclosures, a band room, a boiler and toilets.

In central Canberra, new canteens, new classrooms, new toilets, car park upgrades, a new lift, landscaping, achievement centres, a boiler, new air conditioning, computer labs, new science labs, new roofing, disabled access, a drama area, a new languages centre and security fencing have all been built.

Woden and Weston Creek schools have new evaporative coolers, new classrooms, new air conditioning, a new kindergarten area, new shade sails, new admin areas, a refurbished autism area, toilet upgrades, security fencing and soundproofing.

In Tuggeranong, an area I know is dear to Mr Hargreaves's heart, we have got new toilets, an achievement centre, security fencing, air conditioning, gym and pool upgrades, canteen upgrades, library upgrades, more disabled access, landscaping, a performance arts centre and car parks.

The list goes on. But, Mr Speaker, Labor's commitment to students and staff is not just about refurbishing and upgrading. It is also about introducing innovative facilities, programs and infrastructure into these areas to support 21st century learning. All those children who had their first day at preschool last week across Canberra are our future. The ACT Labor government is committed to making sure that these children and all those who follow them have the best start in life.

We are committed to making sure Canberra's younger students have access to the best quality preschool education. That is why we have invested in five dedicated early childhood schools and another is being built in Franklin to open next year. This has been a $20 million infrastructure investment that recognises the growing body of evidence that points to the important role education plays in the early years of childhood.

Built as community hubs within Canberra's suburbs, these new schools are providing evidence-based learning programs to students during one of the most formative phases of child development. Moreover, education services will be backed up by a range of new family and child services.

With these schools we have invested in an integrated service model that places the needs of children and their families at the centre. Families have access to a comprehensive array of programs with services including education, childcare, health, parenting and early intervention programs all integrated into each school. It is part of our cradle-to-work approach to education. The early childhood schools showcase Labor's whole-of-government approach to services. We are supporting children's early learning, ensuring family engagement and, at the same time, building service capacity.

When it comes to education, we want to retain Canberra's high global standing in reading, science and maths. From our perspective, the best way to do this is to continue to invest in our public high schools. That is why my predecessor, Andrew Barr, launched the excellence and enterprise framework. Excellence and enterprise is about building performance in every area of the curriculum across every public secondary high school. It is about giving every school the opportunity to build on their natural advantages to develop areas of subject specialisation and excellence. It is about giving parents choice within our public school system.

But, most importantly, it is about giving students the chance to capitalise on their natural abilities, giving them the tailored support and resources to ensure they succeed during secondary schooling. Of course, this cannot be done if schools do not have access to the facilities needed to teach specialist subjects. That is why Labor will continue to fund the necessary infrastructure in areas like languages, performing arts, numeracy, science and technical skills.

This is a system that will deliver a more distinctive secondary system, a system better suited to the needs of parents and students, a system better able to partner innovative schools within the community sector with business and with industry. Through investment in excellence and enterprise, students leaving our secondary system will

have the skills to take on the world. On this side of the Assembly, we recognise that the education landscape is changing and information technology is now integral to the way teachers teach and students learn.

There are new challenges but, more importantly, new opportunities to develop the skill base needed in the modern global economy. Labor has responded by making a significant investment in information and communications technology. The government has provided significant capital investment in ICT initiatives of around $40 million since 2006-07, with recurrent funding continuing to increase. This is a 28 per cent boost on those previous levels.

Importantly though, through the $28 million in the smart school, smart students initiative, we have delivered optic fibre cabling to all public schools in Canberra. Wireless networks are now installed across Canberra schools, ensuring that the ACT is a leader in providing students and teachers with access to the latest technology and all this entails in terms of learning resources.

We have also committed significant investment to public primary schools for capital investment in ICT infrastructure, including interactive whiteboards, computers, renewing educational and administrative applications, implementing online services to enhance digital learning opportunities and centralising corporate business systems. I am also proud to note that ACT teachers are leading the way when it comes to computer innovation. We already have the highest per capita use of ICT systems and software by teachers in Australia. We are leading the country.

Mr Speaker, this is a government that has invested in upgrading every school. We have invested in making every school a better place to teach and a better place to learn. We have invested in Gungahlin and Tuggeranong, at Woden and Weston, in central Canberra and Belconnen. We will continue to invest in providing ACT students and their families with the best possible schools infrastructure. I am proud to be part of a government and a party that holds education so close to the core of its existence.

MR SPEAKER: The discussion is concluded.

Personal explanations

MR SMYTH (Brindabella): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: A personal explanation?

MR SMYTH: Yes, on the ground that I have been misrepresented.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. During question time Ms Burch, when answering a question on the community sector wage decision, said:

> I was a bit disappointed to hear Mr Smyth's comments on 2CC the day after the decision when he said that the Canberra Liberals, if elected, may not fully fund the decision.

That quote does not exist. I did not say those words. I have just listened to the tape, and I am happy to read the section where I was asked how the Canberra Liberals are going to pay for this. I said:

> Well, if we are elected this year, that's certainly one of the problems that we would face, because what we've got is a budget that is in deficit and what we've got is a Government that hasn't diversified the ACT economy, so that we can have the resources and reserves so that when these issues arise, we can meet that need. So, that is certainly something we'll have to discuss and work out how we will fund those over the coming years.

I would ask Ms Burch to come down and either prove that I have said that the Canberra Liberals, if elected, may not fully fund the decision or apologise, as is required under the ministerial code of conduct.

MR HARGREAVES (Brindabella): Mr Speaker, I too seek leave to make a personal explanation under standing order 46 about misrepresentation.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Earlier today, in reference to the apology I made to Mrs Dunne last year, she said categorically that I was forced to make that apology. I was not. The moment I became aware that Mrs Dunne had some discomfort, I rang her at her home. It took all afternoon, half the next day and all the next day before I could finally get on to her. I did. I spoke to her. I offered her my sincere apologies. I thought they were accepted and I told her that it was my intention to come into the house the following sitting day and make an apology. There was no forcing of anything at all. It was a reasonable thing on my part to address the discomfort of a member, and I take great umbrage at the suggestion that I was forced to do that sort of thing.

Electoral Legislation Amendment Bill 2011

Debate resumed from 31 March 2011, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.45): The Greens will be supporting this bill today. As the attorney has previously explained in this place, the proposed amendments flow from the Electoral Commission's report on the 2008 ACT Legislative Assembly election. In the report the commissioner identified a number of relatively minor improvements to the Electoral Act which would streamline the process of running elections and ultimately make the process a smoother one. Election day is an important event and any improvements that make the day run more smoothly are welcome.

One example is the proposal to update the list of electors available to Electoral Commission staff to include date of birth and gender. This is designed to assist staff on election day who mark off names as people vote, but in the interests of privacy this extra information will not be available to candidates. This amendment is an example of the relatively small but important efficiencies gained through the bill.

The bill was examined by the justice and community safety committee, who recommended that it be supported, subject to the removal of those clauses that were tied to the casual vacancies bill which will not be pursued by the government. The attorney will be seeking to remove the relevant clauses, and the Greens support their removal. The attorney has outlined the reasons in detail previously and I do not propose to go over the ground again. I would like to conclude by simply saying that the Greens support the removal of these clauses.

MRS DUNNE (Ginninderra) (4.47): The Liberal opposition will be supporting this bill which gives effect to a number of recommendations made by the ACT Electoral Commission in its report on the 2008 election. There are two elements of the bill which seek to restrict the number of candidates in a party to the number of seats available and to disqualify all candidates if a political party nominates more candidates than there are available seats. We would not have supported these elements and I note the Standing Committee on Justice and Community Safety, in its inquiry into this bill, recommended that the Assembly not support those elements.

I also note that the scrutiny of bills committee had concerns about these elements from a human rights viewpoint. Interestingly, the attorney did not accept the scrutiny committee's arguments. He took the view that the onus should be on the parties to lodge accurate and timely nominations and that there are 24 hours between the time of nomination and the declaration of candidates to enable any corrections to be made.

Fortunately, the government will seek to omit these nonsense clauses from the bill so that it will not have to endure the embarrassment of having them voted down. It would have been yet another embarrassment for an attorney to add to his long and growing list of getting things wrong. I am told, though, that, far from recognising this nonsense, the government is claiming that it must omit the clauses because its casual vacancies bill will not be debated.

Apart from those matters, this bill does a number of other things. It lowers the age for provisional enrolment from 17 years to 16 years. I note the commonwealth made the same change in 2010. This means that young people can register two years before they reach voting age. This has two benefits. First, it provides a better process for a more up-to-date electoral roll by the time of elections; and, second, it raises the awareness among young people of a political process which we enjoy in our democracy.

The bill also enables the return of a candidate's deposit to the person who paid it or to the person authorised by the person who paid it. The amendment brings us in line with commonwealth law, thus providing better consistency across jurisdictions.

It also provides that the certified list of electors used in polling places include the year of birth and the gender of the voter. This information will not be available in certified extracts provided to candidates but the commissioner will be able to provide the extract in electronic form, if requested.

The bill also removes the requirement for postal voting papers to be witnessed, thus making the process of voting just that much easier and more private.

Finally, the bill amends the Electoral Regulation 1993 to give the commissioner flexibility in relation to the layout of declaration ballot papers and makes minor consequential amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008.

The bill makes a number of relatively minor and non-controversial changes, some of which will create efficiencies. The others will make our electoral system more accessible. In saying that we will support the bill, I do note, from the attorney's tabled response to the Standing Committee on Justice and Community Safety's inquiry into this bill and the accompanying casual vacancies bill, that the attorney has decided that he will not bring forward the casual vacancies bill.

I welcome that as a victory for democracy in the ACT and a victory for upholding the principles enshrined in Hare-Clark. I note the 20th anniversary of the success of the Hare-Clark referendum was celebrated only yesterday. I will say more about that in the adjournment debate. The opposition will be supporting this bill and welcomes the back-down on the undemocratic processes proposed by the government in the count back legislation and welcomes the changes that were made in this bill.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.51), in reply: I thank members for their overall support of this bill. The bill amends the Electoral Act 1992 and the Electoral Regulation 1993, in line with the recommendations made by the ACT Electoral Commission in its report on the conduct of the 2008 ACT Legislative Assembly election. It also makes consequential amendments to the Aboriginal and Torres Strait Islander Elected Body Act 2008.

These amendments will improve the ACT's electoral system in ways proposed by the commission in its report. Members will be aware that this bill was referred to the Standing Committee on Justice and Community Safety for review, and the committee recommended that the Assembly support the bill with two qualifications. These qualifications related to the removal of clauses 7 and 8 of the bill, which are consequential on the amendments in the Election (Casual Vacancies) Amendment Bill which, as Mrs Dunne has indicated, does not have the support of the Liberal opposition. I will turn to these provisions in more detail later.

The bill makes a number of amendments to finetune aspects of the electoral process. These include allowing candidate deposits to be refunded to people other than the candidate, providing that a certified list of electors used in polling places contains the year of birth and gender of each elector, ensuring that an extract of the certified list of

electors provided to candidates will not contain the year of birth and gender of electors in order to protect their privacy, allowing the Electoral Commissioner to provide an extract of the certified list of electors to candidates in electronic form on request, removing the requirement for a person to sign as a witness when a voter casts a postal vote, and providing flexibility to the Electoral Commissioner to determine where the word "declaration" is to be printed in relation to the words "ballot paper" on declaration ballot papers.

Further, this bill implements the important reform of lowering the age at which individuals can provisionally enrol to vote, from 17 years old to 16 years old. This change will bring the ACT into line with recent changes to the equivalent commonwealth provisions. As anyone who has enrolled on the commonwealth electoral roll is automatically taken to be enrolled to vote for ACT purposes, lowering the age of enrolment will not substantially affect the operation of the territory's enrolment scheme.

Sixteen-year olds who are enrolled to vote on the commonwealth roll are already taken to be enrolled on the ACT roll, despite the higher age specified in the territory's legislation. This amendment, though, is important because it is designed to address an inconsistency between the territory's electoral legislation and the commonwealth's Electoral Act. It also has the important effect of further encouraging young people to ensure they are enrolled and give them the opportunity to be enrolled on the electoral roll before they turn 18 for their first election. The bill also makes a series of consequential amendments to accommodate the changes I have just mentioned.

The bill also includes clauses that limit the number of candidates that can be nominated in one electorate. The government was keen to progress these clauses in conjunction with the casual vacancies bill. However, I am sorry to say that these clauses will not be progressed. This is despite the fact that there is a clear majority on the floor of this Assembly for these changes.

These clauses would have imposed a restriction that prevents a political party nominating more candidates for one electorate than the number of members of the Legislative Assembly to be elected in that electorate. Members will be aware that these amendments are consequential on the Electoral (Casual Vacancies) Amendment Bill 2011.

The provisions in the casual vacancies bill were designed to address the difficulty that arises when the party of a vacating member has no eligible members left to contest that vacancy. This would result in the filling of the vacancy by a member of another party or an independent, thereby subverting the will of the electorate expressed at the time of the election. In short, the casual vacancies bill would allow the Legislative Assembly, in these very limited circumstances and in these circumstances only, to nominate a candidate.

However, the government will not press forward with these amendments at this time. It is understandable that a party may wish to nominate more candidates in an electorate than the number of vacancies if to fail to do so may mean that the party would lose a seat in the Legislative Assembly. If a party expects to win seats in the

Assembly, it would want to ensure that it has a sufficient number of unelected candidates available to contest any subsequent casual vacancy.

Such a process would, of course, be unnecessary if the government's casual vacancies bill were passed, but sadly this is not going to happen. The limitation imposed on candidate numbers in this bill is a reflection of the redundancy of nominating excess candidates under the proposed new framework.

As I mentioned earlier, both this bill and the casual vacancies bill were considered by the Standing Committee on Justice and Community Safety. As part of the committee's report, which was tabled in October last year, clauses 7 and 8 of this bill were opposed. The government considered it highly problematic that it would prevent people seeking to represent the electorate.

The report suggested that such a measure would infringe the right to take part in public life under section 17 of the Human Rights Act 2004 and may leave the amendment open to challenge on that basis. The committee noted that this view was consistent with the concerns raised by the scrutiny of bills committee in its consideration of clauses 7 and 8.

I am not sure how it would be a restriction on the right to take part in public life if the casual vacancies bill were to be passed. But regrettably, this bill will not pass, for lack of support of those opposite to provide the sufficient majority to allow it to be enacted. So on this basis the government proposes that clauses 7 and 8, which restrict the number of candidates, will not be progressed. The government will not be supporting them and will be voting to remove them from this bill.

In addition, clause 10 of the bill would make a consequential amendment to the restriction on candidate numbers in clauses 7 and 8. It would remove provisions relating to the layout of ballot papers in circumstances where there are more applicants than positions available in the relevant electorate. In view of the removal of clauses 7 and 8, clause 10 should also be removed. Accordingly the government will be opposing clause 10.

With the exception of clauses 7, 8 and 10, I am pleased that the amendments proposed by this bill have the support of other members. They continue the process of improving the operation of the territory's electoral system. I urge members to support the remainder of the bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clauses 7 and 8, by leave, taken together and negatived.

Clause 9 agreed to.

Clause 10 negatived.

Clauses 11 to 23, by leave, taken together and agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Business Names Registration (Transition to Commonwealth) Bill 2011

Debate resumed from 28 October 2011, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (5.00): The Liberal opposition will be supporting this bill, which repeals the Business Names Act 1963 and subordinate legislation and completes the process of transferring responsibility for the registration of business names to the commonwealth. I thank the attorney for arranging a briefing on this bill, which we received in November last year. This bill, I understand, meets a commitment made in the intergovernmental agreement signed by the ACT and all jurisdictions on 2 July 2009 and tabled in the Assembly on 18 August 2009.

Under this legislation, existing business names will be transferred automatically to the national system, which starts in May this year. Transitional arrangements are built into the bill and overlap the national scheme start date to enable name renewals to continue through the Office of Regulatory Services for one month, challenges to be made to the Supreme Court for two months, and revocations of cancellation decisions by ORS for three months after changeover.

What are the benefits to the ACT arising out of this bill? According to the attorney's presentation speech, this bill will reduce red tape; lower fees; create efficiencies by enabling businesses to operate across jurisdictions with just one registration; increase competition; enhance consumer protection; enable better monitoring to prevent names likely to offend, mislead or deceive consumers; provide a one-stop link to trademark and domain name searches; allow for consistency in assessing proposed business names; and create geographical identifiers for similar business names.

The scrutiny of bills committee raised a concern the bill may engage the Human Rights Act through the transfer of personal information about business proprietors to the Australian Securities and Investment Commission. The committee did not call on the attorney to respond, but it should be noted that the explanatory statement seeks to address this issue, arguing that limitations on privacy are reasonable and minimised by the protections in commonwealth regulations. It also argues that information to be collected is no more than currently is the case.

In considering this bill I also invited comment from stakeholders. The Canberra Business Council raised a number of issues that cannot be addressed at territory level through this bill. The council had raised these matters in their submission to the Senate Standing Committee on Economics in its inquiry into the establishment of a national business names register. I call on the attorney to take these matters on board and pursue them with his federal colleague.

Firstly, the council says there needs to be a better system for identifiers for identical business names that are used in the same jurisdiction. Secondly, it calls for legislation to pay more regard to the value of trademark assets, particularly as a means by which to establish priority for applications for identical business names. Finally, the Canberra Business Council considers the ACT's current choice available to business owners for the period of registration should be retained in the legislation. Currently, ACT business owners can choose to register their business name for three or five years. The national scheme only allows registration for one or three years. Such a restriction only adds to the bureaucratic red tape already plaguing business owners in the territory.

Returning to the scrutiny of bills committee, I note that it drew attention to the possible Henry VIII clause contained in this bill as it relates to transition provisions. In effect, the Henry VIII clause serves to restrict the legislature's ability to legislate. In this case it is because the bill gives the executive power to make regulations, which, in effect, change the law without going through the due process of parliamentary debate.

The committee has raised this issue many times before and the government, as it does in relation to this bill, continues to deflect the committee's concern. The government does not accept this assertion in relation to bills on the basis that it does not restrict the Assembly's ability to legislate. The Assembly is able to disallow any regulations, and the relevant provisions for which regulations can be made have a finite life. Whilst we have concerns with the government's propensity to persist with Henry VIII provisions, we are prepared to accept the government's arguments on this occasion.

One might think that a reform of this nature whereby a territory function is transferred to the commonwealth would serve to save money for the territory. This is not the case. Officials advised me in the briefing on this that the legislation will not necessarily save substantial costs for the ACT because staff engaged in the business registration section, which is not a full-time activity, will be redeployed elsewhere. Any savings will be incidental at best—things like processes or form printing. There will, however, be substantial savings for businesses currently in the ACT. A three-year registration of a business name costs $151 and a five-year registration costs $221. Under the new ASIC scheme which commences in May, a one-year registration will be $30 and a three-year registration $70.

This bill and the national approach to business registration have the potential to make life a little easier for our country's business owners. Anything that makes their life a little easier should be given every opportunity to succeed. This is so particularly in times of economic difficulty. We can thank the various Labor governments around the

country for the economic dilemma our business communities face today. Employment opportunities are contracting. Our export industries are becoming less and less competitive and there are problems in the retail sector.

Will the national business registration scheme succeed, Madam Deputy Speaker? There is a problem—that is, there is a Labor government in charge of it. While we are hoping that we will have good outcomes for the community, I am not entirely sure given the track record of this government and the Gillard government.

MS LE COUTEUR (Molonglo) (5.07): The Greens will be supporting this bill today, and it is good that finally, from a business names point of view, we have got to the point of federation more than 100 years after it happened. This bill is the ACT part of implementing a national business registration scheme. It is on the back of the intergovernmental agreement which was signed back in 2009 to have a national business names registration scheme. This is going to make life a lot easier for both consumers and businesses. Consumers have the problem at present that you can have multiple businesses by the same name in different states and territories but they may not, in fact, be the same business. Businesses have the same problem—they have a name, but there is someone else trading under that name somewhere and they have no relationship necessarily to that person. That person may or may not be doing something that is in any way supportive of their business. The idea of this bill is to provide national consistency to business name registration.

All currently registered ACT businesses will be automatically registered under the new system with ASIC—the Australian Securities and Investments Commission—and the bill allows the Office of Regulatory Services to provide these details to ASIC. There will be a transition period. ORS will manage new registrations and renewals up to about May this year. Businesses can challenge a decision by ORS in terms of the transfer of registration or cancelling a registration because it was up to two months after the changeover date. Of course, the movement of business names will be informed under the Privacy Act, so there will not be any inappropriate sharing of information.

Mrs Dunne has mentioned some of the positives of this—lower fees for registration and renewal. Probably these days equally relevant to businesses may be the fact that there will now be 24-hour online business name registration. Certainly most small businesses that I am aware of do all their bookwork after hours, online, if they possibly can. Businesses also will not have to register in each state and territory individually, and that will save a lot of effort for our businesses which are bigger than just the ACT, and a lot of ACT businesses are trading outside the ACT.

As I said earlier, there will be consumer protection because there will be only one business with a particular name. There will be a national register where this information can be searched. From a business point of view, the registration will occur at the same time as the ABN registration. All in all, I think this is a positive step forward for business in Australia. I think the only strange thing is that it has taken so long to achieve it.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.11), in reply: I thank members for their support of this bill. The Business Names Registration (Transition to Commonwealth) Bill is an important part of the reforms signed up to by the Labor government under the seamless national economy initiative. This initiative aims to deliver more consistent regulation across jurisdictions, reduce excessive compliance costs on business and reduce restrictions on competition. The bill aims to implement some of these objectives by creating consistent regulation across jurisdictions for business name registration. Recognising the importance of a nationally consistent regime, COAG agreed to adopt a national business names registration scheme in 2007. The bill represents the ACT's commitment to implement this decision following the signing of the intergovernmental agreement by all states and territories in 2009.

Business will benefit from just one registration with Australia-wide application. The bill removes the administrative and cost burdens on businesses of registering in each state and territory in which they trade. For a place like the ACT, where businesses trade across borders quite often, it is a very important reform. The bill will make it easier for businesses in the ACT to carry on business in both the ACT and across the borders. The new system will reduce expenses and reporting burdens currently imposed on them.

The national scheme will include lower fees for registration and renewal, and this will benefit many businesses that also operate outside of this jurisdiction. Consumer protection will be enhanced by the national register, which will make it easier for consumers and traders to identify and locate particular businesses. The national register will prevent the registration of inappropriate business names that are likely to offend, mislead or deceive consumers and traders.

The national consistency will be achieved with an identical or nearly identical test for assessing a proposed business name. In other words, if a business proposes a business name that is identical or nearly identical to an interstate name, the business will not be able to register that name. For existing names which are already registered and are identical or nearly identical, geographical identifiers will be used. Existing businesses with identical or similar names will be able to continue trading, but ASIC may insert an identifier such as "ACT" on the register. The business name itself will not include "ACT", so businesses will not need to change stationery or signage. This ensures that existing businesses will not be disadvantaged.

The bill includes transitional provisions to enable a smooth transition of business names registration to the commonwealth so that businesses will not be disadvantaged or inconvenienced. This will be achieved by provisions that allow automatic registration of business names and others that preserve some of the existing arrangements under the ACT Business Names Act for a short period. For example, the Office of Regulatory Services will be able to continue to process applications for up to one month after had scheme commences. ORS decisions can also be challenged in the Supreme Court for up to two months after commencement.

Increased efficiency and convenience for businesses will be enhanced with a 24-hour online business name registration system for businesses that operate outside normal business hours or who do their administrative work outside of those hours. Business owners will be able to register their business names at the same time as they apply for an ABN, with information being pre-filled from one registration to the other.

I take the opportunity to provide a revised explanatory statement to the bill, which incorporates some minor editorial changes from the one presented when the bill was first introduced.

Increased efficiency, convenience and national consistency will be achieved by this bill. I am confident that this bill will benefit ACT businesses and the community and will also potentially attract new businesses to the territory. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Roads—T2 lanes
Statement by minister

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.15), by leave: I rise to make a statement regarding reinstatement of the T2 lane on Adelaide Avenue, pursuant to the resolution of 16 November 2011. It gives me pleasure today to report back to the Assembly on the work that the government is doing in relation to the motion of the Assembly in relation to bus lanes and T2 and T3 lanes, and to respond to some concerns the Assembly had back in November, in relation to Adelaide Avenue.

It is interesting that the work is confirming exactly what the government has always thought—that it is best to base decisions on evidence, rather than on intuition or a hunch or a bit of radio talkback.

My report to the Assembly on these matters today is set in the context of the government's transport strategy, "Transport for Canberra", which details the government's approach to planning and delivering transport for Canberra.

Our policies are designed to create a safer, more efficient, more sustainable, more equitable city. These include a network of "rapid" corridors, on which public transport will be given priority over general traffic; and a "travel demand management" approach, which means traffic lane space should be prioritised to move more passengers with less congestion rather than simply managing the number of vehicles per lane. This approach encourages car-pooling.

Transport for Canberra also includes specific incentives and actions to help increase the number of people per vehicle; these include continuing the "three for free" parking scheme in the city and town centres; expanding car-pooling across the ACT public service by 2013 and investing in an expansion of the program to include federal government departments; considering high-occupancy vehicle lanes where they do not interfere with bus priority on rapid transit corridors; and combining car-pooling with workplace travel planning for ACT government facilities, and providing support and templates for community, public and private sector workplace travel planning.

Transit lanes, which are also referred to as T2 or T3 lanes, facilitate improved travel times for buses, taxis and other vehicles carrying multiple occupants. T2 lanes can be used by vehicles if there are two or more people in the vehicle, while T3 lanes can be used if there are three or more people in the vehicle.

In November 2011, the temporary T2 lane on Adelaide Avenue was converted back into a bus lane. This was a commitment that had been made when the lane was temporarily converted to a T2 in order to help manage traffic demand generated by the construction of the Gungahlin Drive extension. In response to a motion of the Assembly, the government reinstated the T2 lane on Adelaide Avenue on 19 November 2011.

I would like to give some detail about the work the government is doing to develop guidelines for transit lanes more generally. TAMS and the Environment and Sustainable Development Directorate are working together to produce a guideline on transit lanes that will incorporate safety, congestion and sustainability goals consistent with the transport for Canberra policy.

To assist in development of this guideline, consulting company AECOM has produced a summary of high-occupancy vehicle policies and approaches elsewhere in Australia and internationally, as well as a preliminary analysis of which roads might be suitable for high-occupancy vehicle investigations in future. The AECOM study is now available on the TAMS website and I refer members to it. I also have a copy here that I am able to table.

In the broad, high-occupancy vehicle or transit lanes are a form of travel demand management in which road space is prioritised, based on the number of people per lane rather than the number of vehicles. This allows vehicles with higher occupancies, whether cars or buses, a faster journey time.

The transport for Canberra strategy outlines a number of considerations in relation to transit lanes and bus lanes. First, if the road is on a rapid public transport corridor, a decision to install a bus transit lane will be based on bus/transit journey times, and the "level of service" criteria for buses. This reflects the number of people per lane and the congestion during peak hours. A T2 or T3 lane will be considered if there is no existing transit lane as a way to "step up" to a full bus lane over time. The type of arrangement would be considered for John Gorton Drive in the new Molonglo valley development, for example. If the road is not a rapid public transport corridor, a decision will be based on transport efficiency, including the level of congestion, traffic delay and passenger throughput.

The AECOM report has identified a list of candidate corridors to consider transit lane facilities. The study notes that the bus/transit lanes could be considered on a range of rapid bus transit corridors in line with transport for Canberra, and on any other road that is experiencing peak hour congestion and meets the established conditions. The report also includes traffic counts and analysis of roads that have existing bus lanes.

While a bus lane may look empty at a particular time, existing bus lanes in fact carry the equivalent of or more passengers than adjacent traffic lanes, with the benefit of a free flowing lane for these passengers. An example of this is on Flemington Road, where buses constitute only 1.8 per cent of the vehicles but carry almost half of all persons in the corridor in the morning peak. Similarly, on Adelaide Avenue, buses constitute one per cent of vehicles but carry 34 per cent of all persons in the corridor in the evening peak. The bus lane currently carries as many people as each of the traffic lanes.

The government is examining road safety issues on the Adelaide Avenue T2 lane. AECOM's report notes that the Australian road rules allow traffic to legally enter at any location along a T2, even though they cross an unbroken line. The report notes that, from a safety perspective, this is an undesirable and confusing feature of the road rules. The report also notes that, during the morning peak, conflicts arise between slow-moving vehicles merging with buses and other T2 traffic travelling at 80 kilometres per hour. This is a particular problem at the slowest points, where traffic merges onto Adelaide Avenue from Kent Street and Hopetoun Circuit.

The Transport Workers Union has raised concerns on behalf of bus drivers about this safety issue—that vehicles are cutting off faster-moving buses, with the potential for crashes. The situation is likely to become more severe as the development of the Molonglo valley further increases the traffic flows. If Adelaide Avenue continues with a T2 lane, the AECOM report recommends that traffic be prevented from entering and leaving the T2 lanes at Hopetoun Circuit and Kent Street.

AECOM's survey in peak periods shows that the T2 lane provides minimal journey-time savings for cars—eight seconds in the morning and 14 seconds in the afternoon. In examining the advantages and disadvantages of T2, T3, T4 and bus-only options for the Adelaide Avenue transit lane, the report does not recommend a T4 lane because national road rules do not provide for T4 lanes.

Adelaide Avenue is on a current rapid public transport corridor. The current bus passenger numbers of over 3,000 persons in the afternoon peak period reflect potential for a bus lane. A bus lane would also reduce the merging conflicts. As the AECOM report notes, a bus lane will often look empty, despite carrying an equal number of people as the adjacent congested traffic lanes, or a greater number. However, if looked at another way, the single bus lane moves more passengers, without congestion, than the other two traffic lanes do.

The government is currently undertaking a feasibility study into freeway-style bus stops on Adelaide Avenue. As part of the implementation of transport for Canberra, the feasibility study along Adelaide Avenue and Yarra Glen will identify the best

location for the bus stops between Deakin and Curtin. This study will provide further detailed information about projected passenger and traffic demand. I understand that it is very unlikely that the freeway stops could operate safely in a T2 or T3 lane, and in the event of bus stops being installed, a bus lane would be the preferred solution.

In light of the review of the bus stops, and further work on the projected passenger and traffic demand on Adelaide Avenue, the government will reassess the bus lane option once the Adelaide Avenue bus stop study is finalised. In the meantime the government has decided that it will remain as a T2 lane until this study and the transit guidelines have been finalised.

In relation to the Assembly's interest in a government-wide car pooling scheme, the government's draft transport for Canberra strategy includes a commitment to expand the Health Directorate's car-pooling scheme across the ACT public service by 2013, and acknowledges the potential for car-pooling as part of managing travel demand. The Health Directorate's scheme has been in place since 2010, and uses an internet-based matching system for those that want to car-pool. Discussions to progress the ACT-wide car-pooling scheme are in progress, and the rollout will begin on 1 July 2012. Following a trial period, the government will consider the costs and benefits of including federal government agencies in such an ACT government car-pooling service.

The government believes that transport policies should be integrated rather than ad hoc and that decisions should be evidence based, not emotive or feel-good. The government's transport for Canberra policy sets a clear direction for the ACT's transport system. In general, public transport should have priority over other traffic on "rapid" transit corridors. Across the road network generally, the allocation of road space should be based on the number of passengers throughput and efficiency rather than the number of vehicles per lane. Application of these two principles will help develop a more sustainable transport system where public transport is the easiest and obvious choice for travel. It will also help us manage the road system effectively and efficiently, creating productivity and road safety benefits for the territory.

I appreciate this opportunity to inform the Assembly of some of the work being done in this area. I present the following paper:

> Transit Lane Warrants Study, prepared by AECOM Australia Pty Ltd for Roads ACT, dated 1 February 2012.

I move:

> That the Assembly takes note of the paper.

MR COE (Ginninderra) (5.26): This report is a very welcome report and one that confirms the announcement made on Monday by the Canberra Liberals that the Barry Drive bus lane should be converted to a T2. If you go to 6.8, it says:

> The analysis presented in Chapter 5 shows that with a four lane road there is virtually no risk to bus travel times being adversely affected by converting one lane from a bus lane to a T2 lane which aligns with the ACT government to

> implement T2 / T3 lanes without detriment to bus journey times /priority along a corridor.
>
> On a six lane road there is a likelihood of a marginal impact arising from the conversion of a bus lane to a T2 lane. On an 8 lane road there is a high risk that the conversion of a bus lane to a T2 lane would adversely impact the performance of buses, however there would be no impact from the conversion to a T3 lane.

It goes on to say, and this is the important bit:

> Despite the analysis showing … journey times would be impacted marginally with the implementation of Transit Lanes on six and eight lane corridors which does not align wholly with the policy objectives above, consideration would need to be given to the level of impact and delay expected as it is possible that vehicle occupancy rates and overall corridor efficiency would significantly improve, thus meeting some of the objectives set out in the Transport for Canberra document.

Isn't that interesting? They can try and spin it, and she can selectively quote till the cows come home, but at the end of the day the consultants' report actually backs up what the Liberals announced on Monday. It also backs up what the Liberals initiated in this place in November last year at the request of the community. The community wants to be able to get from A to B as efficiently as possible. In many instances, having two, three or four people in a private motor vehicle would not only be the most efficient but also the most environmentally friendly way of transferring from one destination to another.

This report is one that you can rest assured we will be quoting from in the future. I very much thank the ACT government for providing the Canberra Liberals with further information to support our position, which is so longed for by the community.

Canberra was invented for the car. The car was the backbone of Walter Burley Griffin's vision for this city, and we have to accept that. There will always be a role for public transport; however, the car is going to be an essential means of transport for the vast majority of Canberrans for a long time.

It is for that reason that the Canberra Liberals support the conversion of the Barry Drive bus lane to a T2 and also support keeping a T2 lane in Adelaide Avenue.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.29): I do not know what Mr Coe does not understand about this report but I simply draw his attention to the preliminary evaluation of Barry Drive on page 3 of the executive summary. It is very clear in what it says about Barry Drive. Unfortunately, Mr Coe does not seem to be interested in the evidence. In the morning peak hour on Barry Drive, the report concludes—

Members interjecting—

MADAM DEPUTY SPEAKER: Just a moment. Excuse me, Mr Corbell. Could we have a little less conversation across the room and let Mr Corbell speak.

MR CORBELL: Thank you, Madam Deputy Speaker. Let us refer to the AECOM report directly. At page 3 of the executive summary, under the preliminary evaluation for Barry Drive, it says:

> In the AM peak hour there were a total 904 vehicles that would have been eligible to use a T2 Transit lane along Barry Drive. If all eligible vehicles had utilised the T2 facility, then the average travel speeds of buses may have reduced as the maximum number of vehicles to maintain LoS B is approximately 840—even though Austroads reports that for 80 km/h roads traffic can maintain 80 km/h at LoS C. Thus LoS would decrease to LoS C if all eligible vehicles used the T2 Lane.

There is a bit of engineering speak there. It goes on, and this is the important bit:

> A T2 lane is therefore not considered appropriate. A T3 lane could be considered from traffic flow perspective however at Kingsley Street the kerbside lane will become a trap right turn lane for buses only. There is therefore little benefit in a T3 lane on Barry Drive.

But the really important thing is what comes next. What comes next is the need to think longer term about our transport choices—not think about short-term populism like Mr Coe. The report goes on:

> As Gungahlin continues to grow it is expected that traffic on the GDE / Belconnen Way / Barry Drive route into the City will continue to increase thus the benefits of the bus lane are expected to continue to increase over time.

It is very clear that we can either take a short-term, populist view like Mr Coe, who likes to continue to insist that the car is king, when every city in the world is working to reduce the need for increased road capacity for private motor vehicles and encourage and provide real choices for people to not use their cars for all of their journeys. That is what every other city in the world is doing, but Mr Coe wants to say that the car is king and that we should just provide for cars and bugger everybody else. That is not the way to approach the public policy debate on the issue of transport in this city.

The fact is that when the bus comes on time, everybody wins. Drivers in their cars win because there is less congestion on their roads, and people in buses win because they have a reliable journey. This is a difficult task in Canberra; there is no doubt about it. The dispersed nature of the city, the challenge of providing frequent rapid services over long distances and the need for good connections into the suburbs are challenges for us as a government and as an Assembly. We are doing the policy work, but it will not be aided by simplistic, short-term, populist measures like those proposed by the opposition, particularly when those measures fly in the face of the engineering evidence.

MS BRESNAN (Brindabella) (5.33): I will speak very briefly to the report. It is good that we have got this process where we have had this work done. This is something the Greens moved to include in the motion of the Assembly. It is about whether it is

closing a T2 lane that has been operational for some time or saying, "Let's close a bus lane that has been operating for some time to transfer that." It is actually about doing the necessary research to do that. Without doing that research, it is not an evidence-based approach to transport planning. That is what we need. It is great that we have had this work done now. I hope—and the Chief Minister has indicated—that we see these guidelines applied across the whole of the ACT so that we can have an evidence-based approach applied to bus lanes, T2 transit lanes or whatever it might be and where it is going to be appropriate to place them.

It is also encouraging to see the car-pooling work—this is something the Greens have been wanting to see for some time as well—and implemented in a timely way. The report notes, as does the Chief Minister's statement, that this will be by 2013. I hope we do see it implemented by that time so that we can have that encouragement.

I am glad that the Canberra Liberals will quote from this often. I hope they quote the parts that Mr Coe neglected to mention today. Another thing which he did not mention is that it looks at the overall future—and that is what Mr Corbell has mentioned—of transport planning. While a transit lane might be appropriate at one point, you have to consider the future uses of that road, including whether there are going to be bus stops placed along Adelaide Avenue. There are things that have to be considered.

I hope we hear Mr Coe quoting from the document and actually acknowledging all those points about travel—something which he has not been able to do in the past. I hope that we see him starting to do that in the future.

Question resolved in the affirmative.

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 Private Members' business, order of the day No 18—Children and Young People (Transition to Independence) Amendment Bill 2011 being called on and debated cognately with Executive business, order of the day No 3—Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011.

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

[Cognate bill:
Children and Young People (Transition to Independence) Bill 2011]

Debate resumed from 8 December 2011, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MR SPEAKER: I understand it is the wish of the Assembly to debate this bill cognately with private members' business order of the day No 18, Children and Young People (Transition to Independence) Amendment Bill 2011. That being the case, I remind members that in debating order of the day No 3, executive business, they may also address their remarks to private members' business order of the day No 18.

MRS DUNNE (Ginninderra) (5.37): The Liberal opposition have long been strong advocates for a program that provides our young people with an orderly, well-structured and accessible transition out of the care and protection system and into fully fledged adulthood.

The two bills before the Assembly today seek to put in place a number of measures designed to make the process of transition to independence one that is holistic and inclusive. This process of transition is designed to provide the support that young people in the care and protection system need in order to help them to move from day-to-day foster or kinship care to independent living. It is designed to help them begin their lives as young adults and to make a valuable and worthwhile contribution to the community.

The whole notion of transition recognises what all parents know—that there is not a magic switch on our children that at the age of 18 suddenly turns them into fully functioning, autonomous adults where nothing goes wrong.

Ms Burch: That would be nice, though.

MRS DUNNE: I do acknowledge the comment across the chamber from Ms Burch that that would be nice; but it is not the case and we live in the real world. The challenge we face as a community and the challenge the government faces is to minimise or, with some proactive and pragmatic management, eliminate the risk that a young person transitioning from care to independence will find that transition too sudden and too much to deal with. The risk is that if these young people are not supported at this critical time they can too easily descend into a life of crime or drug and alcohol abuse, psychological disorders, poverty, homelessness. The risk is that these young people will not have the capacity to achieve as much as would have been the case elsewhere.

These two bills do two important things. Firstly, transition support plans will be developed and reviewed regularly for all young people currently or previously in the care and protection program, in consultation with those young people as well as certain others, including their carers. This supported transition, along with regular reviews of the plans, will continue until the young people go through their early young adult years; that is, until they turn 25.

Secondly, supported transition will include making available to young adults their personal information and records and providing assistance, including financial assistance, to young adults to access other services. Access to personal information and records is of critical importance because it not only provides young adults with

their childhood identity, the record of where they have been and what they have been through during their childhood; it also provides the foundation for learning from mistakes, reconciling injustices and celebrating achievements. It is recognised that some of this information may need to be revealed in a sensitive and gentle way. Nonetheless, it is important in their preparation for adult life.

The provision of support, including financial support, in accessing other government and community services is important too. Those early adult years can be a stressful time for anyone, especially for those who have been through institutionalised support through their formative years. Both of these bills seek to do these things.

So the question comes down to which of the bills to support. We have given very close and careful attention to both of these bills. Indeed it has been a difficult thing to decide. Both bills have good and not so good elements. So let me make a couple of important points.

First, it was Ms Hunter who led the legislative charge in this space. It was she, and not the government, who was able to recognise the need, develop the policy and translate that into a bill, which she introduced to the Assembly on 24 August 2011. It was not until 8 December, more than three months later, that the government sufficiently got their act together to introduce their bill—and what a "me too" bill it was. In some ways it could be considered somewhat in bad faith. If the government were really interested in this we could have passed this legislation last year, and if the government had concerns about Ms Hunter's bill they could have proposed amendments to it then. We have seen amendments circulated in the last little while.

Recognising need is something in which this minister and this government have little proficiency. When it comes to good grace and getting on with the job, it seems the minister and this government will only do something when they are shown the way by the other parties in this place. This is especially the case in the care and protection system. The changes that we have seen brought in in the care and protection system, or the mooted changes in the care and protection system and the wider youth justice system, have been the result of the work of the opposition, the Canberra Liberals in particular but the non-government parties in general.

It seems that this minister and this government will only make things right for the community when other parties speak out long and loud for that community. We have seen this before in things like the Human Rights Commission's review of the youth justice system, the public accounts committee's inquiry into the Fitters Workshop and the misleading and contrived justification for the government office block. This bill is another example of a minister, and a government, that is a follower, not a leader.

The second point I want to make is that, while Ms Hunter's bill is well considered—indeed the government has plagiarised elements of it—it is a little too prescriptive rather than a simple expression of policy. The government bill goes more directly to the policy, leaving the way open for the administration to establish the procedures that go to deliver the outcomes called for by that policy. It is for this reason alone that the Canberra Liberals will be supporting the government's bill today.

In one sense, though, I did almost opt for prescription in this case. Prescription is what is needed for this minister in this government, who are followers rather than leaders. Bare-bones legislated policy has in the past been insufficient for them to be able to deliver the outcomes that are needed for those who are most vulnerable in our community. So we will have to watch this minister like a hawk, for she is yet to demonstrate to this place and to the people of the ACT that she is capable of turning policy into the delivery of outcomes.

I and my colleagues have chosen this path of the government's bill over the Greens' bill because we believe that in government it provides us, the Canberra Liberals, with the best means of ensuring that this important policy initiative is put into practice. So we are opting for the government's proposal. But we do not have high hopes for this minister.

When I took briefings on these two bills the government proudly talked about the processes it follows, the publications it produces and the forms it develops. That is what this government is about: it is about outputs. It is all about processes, publications and forms. It is not about outcomes that our community are looking for. Outcomes are what make a difference for our community. A child in foster care would have preferred an outcome that delivered a Medicare card in something less than eight months. Another child would have preferred an outcome that allowed him to go to school near where he lives instead of on the other side of the city. He would have preferred an outcome that provided certainty and not a protracted process of negotiation across two directorates that resolved the issue just in the nick of time, just before school resumed after the summer holidays.

A group of distressed children would have preferred an outcome that enabled them to live in clean accommodation with beds, heating, electricity and hot water. A grandparent who took custody of her grandson would have preferred an outcome that included nappies, food, clothing, a bassinet and a car capsule when her infant grandchild was handed to her at an airport. A family having to deal with an endless line of caseworkers would have preferred an outcome that gave them one point of contact. And a young 16-year-old girl in kinship care but under the care and protection program would prefer an outcome in which she and her carer are made aware that she is eligible for the development of a transition from care program, so that she and her carer can ensure that she has access to all that she needs to make the most of her schooling and make a contribution after her schooling.

These are but a few examples. The last of those was a young girl that I met two days after I was briefed by the minister's department, when they told me: "Mrs Dunne, this is all happening. We do this anyhow." So I met this girl and we talked about her circumstances and at the end of the conversation I said: "You are in college, you are 16, you are doing well at school. Have you had a conversation with the care and protection services about your transition when you finish school, when you turn 18?" The answer was no and her carer said to me: "But she is on final orders. I do not think we are entitled to a transition plan." I assured her that she was and she said that she would follow this up—because the carer and this young girl want to make every post a winner. They want good outcomes and they are not getting it from the department.

This was in stark contrast to the assurances that I had been given two days earlier about all young people. The first young person in that category that I met after that briefing put the lie to the briefing I had received. That is why I will be vigilant to ensure that this minister complies with this legislation. This is another example of how this minister is a follower and not a leader.

However, it should not be for the non-government parties to set procedure, to be prescriptive and to set an agenda for the government, notwithstanding this government's inability to get the job done. When the community are calling out for policy to be set and the government is not listening, the non-government parties have the right—indeed, the obligation—to the community to respond to that demand. The democratic processes of this Assembly will not allow this policy to pass unnoticed. But once the policy is passed it is the responsibility of the government to embrace that policy. I am telling you now, minister: it is your responsibility to embrace that policy and set up the processes that are required to deliver the outcomes that this policy requires.

In the detail stage Ms Hunter will introduce some amendments to the government's bill. The Canberra Liberals will be supporting a number of these amendments, because we think that they will add value and clarity to the existing policy and to the overall philosophy of the Children and Young People Act; that of working in the best interests of the child and keeping the best interests of the child and young person as paramount. Those amendments will seek to strengthen the government's bill and to provide an even better framework in which our young people can build their future. In the end we will have a piece of legislation that will better serve our young people and our young adults and give them a better chance in life, and we owe them that much. It is now up to the government to deliver on the outcomes.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (5.50): Young people leaving state out-of-home care are arguably one of the most vulnerable and disadvantaged groups in society. In comparison to most young people, they face difficulties in accessing education, employment, housing and other developmental opportunities. The social and economic costs associated with the current failure to provide leaving care and post-care support to care leavers are significant for the individuals involved and the broader community.

This issue has been around for a long time, and for far too long our community has not been doing the best it can by this particular group of vulnerable young people. I am very pleased that today we are finally addressing this shortcoming, and I am very proud that the Greens have played an important role in bringing about change and ensuring that better services are provided.

The issue of young people who are transitioning from out-of-home care into adulthood is well researched and, in many regards, well understood. There is currently unprecedented policy interest in the transition of young people from state care, and no shortage of academic research and information available from people who work in the field. However, both nationally and within the ACT, little has been done to strengthen the supports and assistance available to young people and young adults leaving care.

Several other Australian jurisdictions include leaving care sections within legislation. The Northern Territory, New South Wales and Western Australia have legislated in this area to increase the rights and supports that young people who are leaving or have left out-of-home care receive.

I am sure that everyone can appreciate that the circumstances that lead to a child being removed from their home and family usually mean that a child or young person has been subject to traumatising levels of emotional, physical or sexual abuse or neglect, and the impacts that this can have.

There is strong evidence that children need a minimum of five key experiences to succeed—that is, caring adults in their lives, safe places to live, a healthy start, effective education, and opportunities to help others.

Developmental and economic studies have linked these five experiences to better adult outcomes, such as improved health status, less dependency on government and the earning of higher wages. However, we also know that current research indicates that young people and young adults who have been in out-of-home care situations have much poorer life outcomes.

To date in Australia there has been limited public concern with the plight of care leavers. They are a small, dispersed and relatively powerless group. Nationally, around 2,000 young people aged 15 to 17 years exit the out-of-home care system. In the ACT that figure is around 40 young people annually.

Advocacy for care leavers has been led by a small but passionate and committed group of people, and this voice has generally been led by a coalition of peak child welfare providers, individual researchers, and some non-government agencies and community groups such as the CREATE Foundation. These groups have lobbied hard on human rights, practical and economic grounds. This has had limited success nationally but has been able to provide states and territories with research and information to make some policy adjustments along the way.

Perhaps one of the biggest barriers to the development of effective supports for young care leavers has been the well-intentioned but perhaps ill-informed view that young people are entitled to attain absolute independence once their statutory child protection order ends. It is legitimate to have concerns about unnecessary intrusion by the state. It may well be that some care leavers may not want further involvement with state institutions, either because they are doing well and no longer require help or because they are not coping and blame their problems on the past actions of the state care system. But we cannot allow this argument to be used as an excuse for withdrawing support to care leavers. We have a responsibility to develop an understanding with young people that it is okay to be interdependent with others and that there is a system to help them.

Most families in the community keep the door open to allow their children to return well into adulthood if and when they choose to do so. The ACT Greens strongly believe that the territory as parent should also provide support into adulthood as these

young people often have no alternative sources of support. I would like to emphasise the point that the territory is the parent and has to more than fulfil an administrative burden to ensure that there is a roof over these young people's heads while orders are in place. The community is supposed to fulfil the role of parent, and this involves a complex relationship and ongoing responsibility with reciprocal responsibilities and an inherent level of dependence.

Just the same as for most other young people in our community, that relationship does not end at their 18th birthday. It is our responsibility as community representatives to set the standards of care that we expect for the young people in our community's care. We have an obligation to legislate to support this group of young people. This is why the Greens believe that protections such as a statutory charter of rights are so important. As a community, we have set up a statutory system to look after the children who can no longer remain with their birth parents. In doing so as a community we have collectively agreed on what standards of care we expect to be provided to these young people. Something as important as this should not be simply left to policy made by the government of the day. Community standards of care and the rights of children in out-of-home care should be clearly stated to provide the highest levels of protection and care to all.

There are many issues where the government of the day should certainly be able to exercise their particular policy views—planning-related regulations, for example, as the city planning needs change with population growth and competing land needs. Any government should have the right to develop and mould policy to meet those needs. However, the lives of young people should not oscillate between political parties, election cycles or changing policy of governments. The basic and bare minimum expectations should be set out within legislation clearly for all to know, understand and adhere to.

In October 2010 the ACT Greens released "Strengthening our support of young people transitioning out of care: a new framework". The paper raised many issues but concentrated on providing a solution-based focus for the future—an action plan to get better outcomes for young people transitioning from out-of-home care.

The Greens put forward a five-point plan to strengthen supports for young people transitioning out of care. This included the provision of material and non-material support until young people reached 25 years of age, the development of a comprehensive leaving care plan for every child leaving care in the ACT, and free access to personal identification materials such as birth certificates and other personal items and information such as education documents, photographs and case files.

The Greens also strongly believe that the ACT would benefit from a non-government post-care service to provide ongoing and coordinated support to young people and young adults who have left care. We will continue to lobby for this as a priority for those who are leaving the out-of-home care system.

Through ongoing pressure and awareness raising about this issue, we saw several announcements made by the government during the 2011-12 ACT budget process. This has included provision of extra funding to provide financial supports to young

people transitioning from care and the creation of four transitioning from care workers to provide assistance in a government and non-government setting.

On 8 March 2011 the minister gave in-principle support to extend the age limit for supporting children in formal care arrangements beyond the age of 18. The Greens began drafting the Children and Young People (Transition to Independence) Amendment Bill in March 2011.

On 4 August 2011 Minister Burch made a commitment to extend supports to young people from 18 to 25 years and to introduce a bill in the December sitting period. The ACT Greens' bill was ready to go and, as a result, we tabled our bill in August 2011.

The ACT government's bill is very much based on the bill the Greens presented to the Assembly in August of last year, and the Greens are pleased to see the inclusion of young adults up to the age of 25 into the act. This has been an important step for young people who are transitioning from care to be able to access supports beyond their 18th birthday. Some young people will leave care abruptly from age 15 or so and commonly refuse to participate in transition planning. However, this group of young people should still be entitled to ongoing support at a later stage if and when they want it.

We are also pleased to see a formalised definition of what a transition plan is and should include. Planning for transition is very important and should occur from age 15 onwards. It is important to note that international research indicates that three key elements are required to improve the outcomes for care leavers. They include improving the quality of care, a more gradual and flexible transition from care and more specialised after-care supports.

The other aspect of transition plans that cannot be ignored is the need for young people to be involved in the development and implementation of the plans. It is critical that young people are also encouraged to get the people who support them or those who could support them into the future on board with a transition plan and share that information.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MS HUNTER: There is no point developing a plan that is for a young person only and does not encourage them to use the assets and strengths they have available to them.

However, the ACT Greens' bill proposed several other clauses which were intended to strengthen the functions of a transitioning from care bill. These included the inclusion of the Charter of Rights for Children and Young People in Out of Home Care, access to information and personal items, financial loans for young people leaving care, without the imposition of interest, and support and assistance to access protected information.

It is important, before we argue that the sky will fall in because we are trying to legislate a charter of rights into the Children and Young People Act 2008, that we take the time to look at what the government has previously committed to. On 27 November 2009 the Minister for Community Services, Ms Burch, launched the ACT Charter of Rights for Children and Young People in Out of Home Care. The charter is for all children and young people who are unable to live with their birth parents and are living in short-term or long-term out-of-home care. This includes foster care, kinship care, respite care or other residential-care facilities.

The charter sets out what children and young people can expect from the people who are looking after them and work with them when they are in care. The charter is the same for all ages, nought to 18. The rights are: the right to be safe and looked after; the right to be respected; the right to be treated fairly; the right to have fun, play and be healthy; the right to be heard; the right to privacy and have your own things; the right to ask questions about what is happening to you; the right to have contact with the people you care about and know about your family and cultural history; the right to go to school; and the right to talk to people about things you do not like or do not understand.

The charter is based on the rights that all children and young people have and is consistent with the United Nations Convention on the Rights of the Child, the ACT Human Rights Act 2004 and the Children and Young People Act 2008, all of which outline the basic human rights to which all children and young people are entitled.

Today I want to challenge the government to either stand by the previous commitments they have made or at least be honest enough to state what they can and cannot deliver for these children and young people in the care of the director-general.

I must say that I am at a bit of a loss at this outcome, especially as the government indicated in the legislation program the other day that they wanted to expand the range of rights protected for all of those in our community—that is, economic, social and cultural rights—yet they are unwilling to protect the rights of those in our community who are arguably most affected by government actions and have a far closer relationship with the government than anyone else—that is, the territory as their parent.

As many of you who have been into my office will know, I have a poster advertising these rights up on the wall and certainly I have promoted it to stakeholders. However, after today, I could not really do that in good faith because I am not sure that there is a genuine and real commitment to each and every one of them.

The last three items which differ from the ACT Greens' bill are about providing access to information and personal items, financial loans for young adults leaving care, and support and assistance to access protected information. All of these clauses are about strengthening and providing post-care options for young people and young adults.

While we know that young people in care need stable and supportive placements to overcome their experiences of abuse, neglect and family breakdown, we are also aware through research into the area that they require ongoing monitoring when they transition from care.

Young people require long-term support post care so that difficulties, be they in housing, education, social, emotional or other key areas, can be overcome before they lead to personal crises. Often part of the longer term post-care supports are around access to personal items and information from childhood that can help a young person or young adult work through the issues they have been affected by. Therapeutic support in care and post care are identified as being a high priority for this target group.

In conclusion, we know that affirmative action, supports and programs are needed to compensate care leavers, given their disadvantaged position compared with other young people their age in the general population. The territory as parent has an obligation to redress these disadvantages by providing care leavers with the same ongoing resources and opportunities that any parent in the general population offers their children.

I am disappointed that our bill was not supported, as I believe it is the better legislative instrument to support young people through their transitions from out-of-home care towards adulthood. However, I am extremely proud that the Greens have been able to push this agenda and to be able to ensure that the voice of young people in the ACT has been heard. And with the amendments which I understand will be supported we will have largely achieved what we set out to do for these young people and young adults.

While work in this area has begun, there is still much to do and we will keenly watch the anticipated outcomes of legislative change and increased supports to this group. Research informs us that care leavers experience multiple disadvantages, as I have said, resulting from traumatic experiences early in their lives or prior to being put into care, their often unhelpful experiences in care at times and the non-availability of ongoing support after they leave care. All of these can be negative experiences and they are preventable.

Ultimately, early intervention programs for families at risk are imperative to ensure that children are kept safe and well nurtured. Providing a good out-of-home care system with stable, positive and caring placements with relatives or foster carers is vital for those who cannot remain with their birth parents. Finally, we need to provide ongoing support to care leavers to ensure we play a part in their healing, help them to develop positive outcomes and make sure that ultimately these young people can reach their potential. The Greens will be supporting this bill with amendments.

Debate (on motion by **Ms Porter**) adjourned to the next sitting.

Adjournment

Motion by (**Ms Burch)** proposed:

> That the Assembly do now adjourn.

Electoral system

MRS DUNNE (Ginninderra) (6.07): As I promised, Mr Speaker, I will take the time in the adjournment debate to mark the 20th anniversary of the successful electoral system referendum in the ACT and the decision by the ACT population to have Hare-Clark as its electoral system. As members would know, I was fairly closely involved in the Hare-Clark campaign committee. I want to take some time to pay tribute to the sterling work of a range of diverse people who came together, despite their diversity, with one aim, which was to give the ACT a fair electoral system in the face of the proposal from the Labor Party at the time that we should have single-member electorates.

The Hare-Clark campaign committee was an extraordinary demonstration of social capital in the ACT, with a coalition coming together of the Liberal Party, the Democrats, the Proportional Representation Society, the Residents Rally, the Greens, the Business Lobby, the Wilderness Society and noted individuals. They ran a campaign which was supported by a huge number of volunteers and many others over a long period.

We turned—and I say "we"; I was involved and I took time off my work to participate in the campaign—an approval rating for Hare-Clark from something like 25 per cent of the population to close to 75 per cent of the population by the time of the ballot. I think this is something that people can be proud of. It was a fabulous experience for those of us who were involved in the Hare-Clark campaign.

The Hare-Clark campaign was supported by a representative from each of the parties that I mentioned. It was headed by Bogey Musidlak from the Proportional Representation Society and included Miko Kirschbaum, John Gagg, Lyle Dunne, Keith Old and Graeme Evans. One member of the Labor Party, Mr Ken Fry, came on board to give his support to the Hare-Clark campaign. There were other notable supporters—Mr Malcolm Mackerras and the late Professor Arthur Burns, to name the key players.

The committee was committed and worked really hard. It was known for what, these days, would be called electoral stunts. We did not have much money but we had huge amounts of imagination. There was a handicap race outside the Woden Plaza. Mr Hare made a surprise appearance at the Multicultural Festival outside in Civic Square distributing balloons that said simply, "the best" and "fair and democratic". I will not tell you who was wearing the hare suit at the time, but he was closely related to me. One of his assistants remarked that she tried to give away balloons but some children said, "No, I don't want a balloon from you; I want it from the rabbit."

In addition, there was an essay competition and there was a gerrymander wheel. Every day we put out some element. We had a campaign office in City Walk, which is now the Medicare office, I think. We put out some element every day. I pay tribute to one person who was a great mentor—and there were great mentors, Mr Jim Leedman, Mr Tony Hedley—the great Neil Robson, the father of Robson rotation. It was a great outburst of democracy. It was nearly thwarted when the ACT Labor Party introduced

its first cut of the Hare-Clark bill and attempted to introduce above-the-line voting, which is why the same group of people, plus others, worked hard to have the elements of Hare-Clarke entrenched by referendum in 1995.

I want to pay tribute to those people who worked hard for the democracy of the ACT and on this 20th anniversary to show that we have got a great electoral system in the ACT that has served us well for that time and will for many years into the future.

Health—women

MS BRESNAN (Brindabella) (6.12): On Friday, 10 February I hosted a welcome reception for Marg Phelan, a midwife based in the Northern Territory who is cycling around Australia to promote midwives and pregnancy and birth choices for women. The Go Girl Australia trip is raising money for a not-for-profit venture that aims to promote continuity of care from a known midwife, normal birth and breastfeeding.

Go Girl believes that every Australian woman is entitled to make these choices and that far too many women are not well informed about their options in pregnancy, childbirth and early parenting. Armed with years of experience as a mother and a midwife, a well-travelled bike named Cecil, thousands of kilometres in the saddle, and wonder van Muriel, Marg Phelan is combining her life's passions to spread the word that women have a right to choose where and with whom they give birth and to be properly supported in these choices.

Marg's aim is to educate Australian women of all ages, lifestyles and circumstances about the benefits of care from a known and trusted midwife and the importance of good support throughout their pregnancy, birth and early parenting journey.

Marg works in the Darwin Homebirth Service and is able to offer the model of care to which she believes all women are entitled. Marg sees pregnancy, labour and birth as a normal physiological process and believes that for normal pregnancies homebirth is a safe and enormously rewarding experience.

Marg acknowledges that there will be times when medical intervention is necessary, which is why she and fellow midwives in the Darwin Homebirth Service follow the Australian College of Midwives national midwifery guidelines for consultation and referral, facilitate prompt transfer to hospital when required and continue the care while in hospital, working with other professionals as needed.

I would just like to quote some words from Marg that I think sum up her approach to midwifery and the approach she has taken also to this particular campaign. I might add that this campaign is particularly focusing on Aboriginal communities. It wants to encourage Aboriginal women of all ages to be midwives so that they can then go back to their communities and practise that, which I think is a wonderful thing.

I quote Marg from the Go Girl website:

> It is the mothers and babies who are the most important people—the basis of our whole society … To be able to support women through pregnancy, labour and birth, ensuring they feel safe and are among people they trust, is a huge privilege.

All my encouragement goes to Marg on her journey as she rides across Australia. Go Girl is an excellent campaign if anyone wants to check it out and donate to the cause. It is doing a wonderful job to promote midwives and choice for birth.

Hawker village

MS PORTER (Ginninderra) (6.15): I rise this evening to correct the record following the assertions last night by Mr Coe that I have been lock-step with the government throughout the process of the Hawker draft master plan. To understand just how wrong Mr Coe's assertions were, we need to go back to the start.

My memory is that on or about 9 February 2009 I took a call from a very irate Garry Prince, the Hawker newsagent. The reason for Mr Prince's call and for his agitation was an auction sign on the car park adjacent to KFC. About 4.30 that afternoon I visited Mr Prince and spoke with him at length about his concerns and, indeed, agreed with him. The first that he or I—or anyone else for that matter—became aware that this block of land was to be sold was the erection of that sign.

First thing next morning I went to see the then Chief Minister to raise my concern. He was also not aware that the block was to be sold. I suggested it should be withdrawn from sale, and he agreed. I further suggested there needed to be public consultation on the matter with the people who use Hawker shops—that is, predominantly residents of Weetangera, Scullin, Page as well as Hawker. Again Mr Stanhope agreed. I know Mrs Dunne is going to claim that she forced the Chief Minister's hand at the time. However, he had already decided to put the wheels in motion to achieve that at the time she brought her motion on.

Having said that, I have to admit that the consultation process that was then commissioned by the LDA was pretty poor, and it was not until the previous Department of Land and Property Services was established that things started to get back on track. Be that as it may, I have attended every single meeting that has been held about this matter with one exception—that was the first meeting that was held by the group that calls themselves the friends of Hawker village. Madam Assistant Speaker, that was not for want of trying to attend that meeting. I rang a convenor, Mr Bill Kearney, and said that I wanted to come along and hear what people had to say—not to speak but just to listen. However, despite having lived in Hawker since 1990 and having been a member for Ginninderra since 2004, I was told in no uncertain terms by Mr Kearney that I would not be welcome and if I tried to attend I would be told to leave. I believe you tried to attend, Madam Assistant Speaker, and you were asked to leave. If that is your view of a democratic organisation and process, Mr Coe, I would like to hear you defend it.

Time prevents me going into greater depth. However, let me just say this: not only have I attended all meetings called by the friends, bar the one first, but I have also attended a large number of drop-in sessions, and I do not recall having seen either Mr Coe or Mrs Dunne there. That does not mean to say they did not go, but I do not recall seeing them.

I have had many conversations and email exchanges with members of the friends and provided them with all the information they have sought on each and every occasion. I will continue to do so. Of course, I have also had many conversations and email exchanges with other residents of Hawker and surrounding suburbs. I was also the person who suggested to Mr Stanhope that, because the consultation process was so poorly conducted from the start, we should develop a master plan and have a project reference group.

As Mr Coe knows full well, at the recent meeting 54 of the 130 present voted not to support any redevelopment—hardly a ringing endorsement of that position. However, I was so concerned at the heat that was in the room that I went to Minister Barr and told him I was concerned about the anger that was evidenced by the community becoming polarised. I suggested it would be in everyone's interest that we suspend the work on the project. As you know, Mr Barr has declared a three-year moratorium on the project, and I am pleased with his decision.

I challenge Mr Coe to document his accusation that I was in lock-step with the government over Hawker, whatever that is supposed to mean. What I have done is what I have done for the last seven years in this place—that is, listen to my community. It was not my role to polarise community views by taking a position on the draft master plan rightly being developed by the community reference group, of which the friends, church, business and other community representatives were members. I thank all the members of the reference group for their work. So if listening is a crime, Madam Assistant Speaker, I gladly plead guilty as charged.

Mr John Hibberd

MR RATTENBURY (Molonglo) (6.20): I would like today to reflect upon the contributions that Mr John Hibberd made to the promotion of conservation and environmental causes both locally and overseas. John passed away over the summer recess after a battle with cancer. John's 43-year career in environmental protection was testament to his dedication and passion.

For the past three years the ACT benefited from John's role as the Executive Director of the Conservation Council. In this role, John passionately fought for the inclusion of biodiversity considerations within urban planning processes. One of his great successes was in the establishment of the biodiversity mapping project, which provides technology for identifying and displaying biodiversity hot spots and ecological connectivity throughout the ACT.

John also played a vital role in the expansion of the Bush on the Boundary Working Group, working to mediate issues arising at the suburban bushland interface. Throughout his involvement, the bush on the boundary network has expanded into Gungahlin, and will soon reach Jerrabomberra and Tuggeranong.

John's engagement with conservation issues was diverse and included appointments to the Australian Committee of the International Union for the Conservation of Nature and to the boards of the New South Wales Nature Conservation Council and New South Wales's stunning Biamanga national park.

John played an important role in the protection of koalas in southern New South Wales, and was involved in a series of forest conservation and anti-logging campaigns both in Australia and overseas. Through his work with the New South Wales National Parks and Wildlife Service, he succeeded in substantially expanding New South Wales's national park estate.

John's work also extended to the field of environmental education. As a senior research fellow at Wollongong university, he designed and managed multidisciplinary environmental research programs and, during a stint in Papua New Guinea, he led the charge in strengthening environmental science programs at the University of Papua New Guinea.

John not only invested his passion in Australian conservation protection but also worked on a number of major international aid projects, including forest management and water quality improvement in Vietnam, sustainable community development in Papua New Guinea and tropical forest conservation in South-East Asia. His career even featured a year working as policy coordinator for the Australian Greens.

All who worked with John commented on his inspiring attitude, generosity, kindness, passion and wit. Our natural assets are all the safer thanks to John's work.

On behalf of the ACT Greens, I wish to express my condolences to John's wife, Sylvia, his family and friends. As attested to by the crowd at his funeral service, John's loss will be felt by many.

Chinese new year dragon boat regatta

MR DOSZPOT (Brindabella) (6.23): As shadow minister for sport and recreation, it gives me great pleasure to say a few words tonight about the recent achievements of the support and protocol unit and members of staff of the Assembly Secretariat who participated in the Chinese new year dragon boat regatta on Lake Burley Griffin last Saturday, 11 February 2012. The dragon boat crew of sport and pro-tickle were Chris Wilson, Laurel Coyles, Mary Krix, Lars Plenge and Gabriel Everitt from the support and protocol unit, along with three former staff members, Samara Henriksen, Kahlea McGeechan and Angela Lee, and in the engine room were Rick Hart, the master of facilities, and attendants extraordinaire, Rod Campbell, Andrew Tyrie, Paul Oliver and Sam Rauraa.

The question about the attendants, of course, remains: where were Denis Axelby and Dick Stalker? Denis has impeccable cricketing skills that he could have contributed, while Dick has a strong independent streak that could have been useful. I understand there were also a few ring-ins to fill the boat of 20 paddlers and maybe we can get their names and ensure that they too will be immortalised in *Hansard*.

The team competed under the name sport and pro-tickle, a play on support and protocol, with 16 other boats competing for the title. With two early morning practice sessions leading up to race day, the team progressed from being a fun group of, in their words, "uncoordinated misfits" to a "streamlined and synchronised professional

team", also in their words of course, of paddlers who beat all odds to win first place in both heats, heat 1 in 55.41 seconds and heat 2 in 54.26 seconds. The final was paddled at an almost Olympic pace—these are my words and slightly exaggerated—of 53 seconds, with several teams fighting for line honours. In a photo finish, however, sport and pro-tickle flew home to win first place from their closest rival by the smallest of margins, just 0.13 of a second.

Our congratulations go to all the valiant dragon boaters of sport and pro-tickle for taking out first place in the A final.

University of Canberra senior secondary college
Melba Copland secondary school

MR COE (Ginninderra) (6.26): I rise this evening to acknowledge two colleges located in my electorate of Ginninderra. At the end of last year I had the pleasure of attending the University of Canberra senior secondary college, Lake Ginninderra, graduation ceremony. I, along with some of my Assembly colleagues, including Vicki Dunne, Meredith Hunter and Mary Porter, and Senator Gary Humphries and a number of other supporters of the school, had the privilege of presenting awards to the outgoing year 12 class of 2011.

I would like to acknowledge the hard work and dedication of the following award recipients for 2011: Julius Afele, Isobel Ree, Robert Agostino, Remy Chadwick, Nicholas Ramirez, Lanora Feeney, Kathryn Arnold, Elise Jarosz, Rosa Newton-Walters, Bill Jian Zhenxuan, Sam Hardwick, Saxon Coupland, Maddie Sharpe, Sarah Thomason, Tarana Anand, Rachel Leonard, Edwin Dandadzi, Kesley Luis, Sarah Robertson, Sherridyn Willoughby, Louise Caldwell, Owen Carr, Sophie Cools, Adam Czarny, Sam Hardwick, Peter Knowles, Clare Sibthorpe, Melandri Vok and Jan Zimmer.

I would also like to pay tribute to the dedication of all the staff, both teaching and admin, at the college, including the principal, Martin Watson, deputy principals, Gerard Barrett and Kim Nichols, and one of the organisers of the awards ceremony, faculty leader of student services, Graeme Budd. I wish all those people the best of success for this coming school year.

I would also like to thank the outgoing P&C who served last year, including Catherine Chadwick, Georgina Newton-Walters, Michael Hicks, Christian Tolme and Mary Webb, in addition to the school board: Steve Sant, Martin Watson, Gerard Barrett, Phil Rasmus, Alex Olbrei, Bryana Conroy, Mary Webb, Geoff Bell, Marina Huston, Judy Moore and Colleen Wright.

I would also like to put in a plug for all those who are considering auditioning for *The Wedding Singer*, which is the college musical for this year. These sorts of productions are wonderful examples of how to unite the school community and I hope members of this place might be able to attend.

Late last year, I also had the opportunity to attend the years 7 to 12 presentation and year 12 graduation ceremony of the Melba Copland secondary school, also located in

my electorate of Ginninderra. The Melba Copland campus has a student population of 900 students spread over two campuses, the high school campus and a separate college campus. The school is working very hard under the guidance of the principal, Michael Battenally, and deputy principals, Mary Arnold, Sharon Jasprizza and Jesse Sidhu, to provide a rich and balanced learning program that allows students to achieve and build upon their unique talents, skills and interests.

The school has a mission of fostering a supportive environment of respect, trust and intercultural understanding. Each student is encouraged and challenged to learn, grow and accomplish personal, academic, social and vocational excellence. I wish the MCSS board, the parents and citizens association, the student representative councils and all those who make financial contributions to the library trust all the best for their upcoming year. I would also like to commend Jane Tullis, who was the head of the P&C in 2011. I wish the students, staff and all of the Melba Copland school community a very successful 2012.

Mr Brendan Smyth

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) (6.29), in reply: I take this opportunity on the adjournment to respond to an earlier statement by Mr Smyth, who has again verballed people—but we know that from Mr Smyth. What I said in response to a question this morning was that I was disturbed to hear Mr Smyth's comment on 2CC, the day after the decision, that the Canberra Liberals, if elected, would not fully fund the decision.

I made that statement because that was the interpretation I got from his comments on 2CC on 2 February, this month. It was an extensive interview because I do not think anyone can talk with Brendan Smyth quickly. There are always a good lot of words in whatever he has to say. But let us be clear:

> … if we're elected this year—

and this is a quote from Brendan Smyth—

> that's … one of the problems we would face, because what we've got is a budget that is in deficit … what we've got is a Government that has not diversified the ACT economy, so that we can have the resources and reserves so that when these issues arise, we can meet that need. So, that is certainly something we'll have to discuss and work out how we will fund those over the coming years.

Question: "How would the Canberra Liberals fund the $27 million commitment?" Mr Smyth: "That might well be a problem that I might have in October this year."

That, to me, is clearly Mr Smyth not giving a concrete commitment to the community sector, as this government has done, and as I would imagine the Greens would be seeking from people in this Assembly. I give Mr Smyth and the Canberra Liberals the opportunity to come to this place and give this chamber and the community sector an absolute guarantee that they will fund the community sector Fair Work Australia decision or to be honest and say they will not fully fund it.

I think the ball is in their court because from Brendan Smyth's words alone—"That might be a problem" and "we'll have to discuss and work out how we will fund those over the coming years"—that is not definitive support for the community sector. That is wavering support. That is lack of commitment from the Canberra Liberals to the community sector that does such a fabulous job for all of us here in Canberra.

Question resolved in the affirmative.

The Assembly adjourned at 6.33 pm until Tuesday, 21 February 2012, at 10 am.

Answers to questions

Kava—legislation and health impacts (Question No 1602) (Revised answer)

Ms Bresnan asked the Minister for Health, upon notice, on 30 March 2011:

(1) Is the drinking of Kava, where it has been produced via cold water extraction of the peeled root, for cultural purposes in the ACT currently illegal; if so, what are the penalty units for not adhering to this law.

(2) Is the (a) supply and (b) sale of Kava, where it has been produced via cold water extraction of the peeled root, in the ACT currently illegal; if so, what are the penalty units for not adhering to these laws.

(3) What specific clauses, of which regulations and legislation, gives effect to the rulings referred to in parts (1) and (2).

(4) Does the Australia New Zealand Food Standards Code on Kava, Standard 2.6.3, apply in the ACT, to permit for the sale of Kava where it is produced via cold water extraction of the peeled root; if not, why not.

(5) What specific evidence has the ACT Government relied on to conclude that the drinking of Kava has adverse health effects on Pacific Islander people who use it for cultural purposes.

(6) What evidence does the ACT Government have to show that the drinking of Kava in the form referred to in part (1) has more severe health impacts than standard alcohols such as beer and wine and what is the impact in comparison to stronger alcohols such as spirits.

(7) What formal consultation and public dialogue did the ACT Government conduct with Pacific Island communities in the ACT before the ACT Government adopted Federal positions on Kava in (a) 2004, (b) 2008 and (c) 2009.

(8) What formal consultation and public dialogue did the ACT Government conduct with Pacific Island communities in the ACT on Kava in the lead up to the 2011 Multicultural Festival.

Ms Gallagher: I am advised that the answer to the Member's question is as follows:

(1) The drinking of kava root extracts is not illegal in the ACT, however restrictions are in force to the extent that kava is listed as a prescription only medicine, and as such needs to be used in accordance with a valid prescription. The administration of a prescription only medicine to oneself without a prescription is an offence attracting a maximum penalty of 100 penalty units and/or imprisonment for 1 year (s37 *MPTG Act*).

(2) The supply and sale of kava root extracts is not illegal in the ACT, however as in question 1, restrictions are in force such that supply or sale of kava needs to be in accordance with a valid prescription. This restriction is irrespective of whether the kava is supplied for sale. The supply (including sale) of a prescription only medicine

by a person who is not authorised to supply the medicine is an offence attracting a maximum penalty of 500 penalty units and/or imprisonment for 5 years (s26 *MPTG Act*).

(3) The *Medicines, Poisons and Therapeutic Goods Act 2008 (MPTG Act)* governs all medicine related dealings in the ACT. Specific sections citing these offences are mentioned above.

Kava is listed as a prescription only medicine under the Standard for Uniform Scheduling of Medicines and Poisons (SUSMP), which is adopted by reference under the MPTG Act. The SUSMP and the listing for kava therein are enacted in all other Australian States and Territories in their respective medicines legislation.

(4) The above standard is given effect within the ACT, and lists restrictions on the supply and labelling of kava as a food product. However, the standard also states that it should be considered in conjunction with other State and Territory restrictions and further that 'Where kava is permitted for supply, the requirements in this Standard complement those restrictions.'

Therefore, as cold water extracts of kava root are only permitted for supply by way of prescription under medicines law, the Australia and New Zealand Food Standards Code does not apply in this setting.

(5) The decision to reschedule kava to a prescription only medicine was not made by the ACT Government. The ACT Government adopts medicines scheduling decisions in Territory legislation by way of the SUSMP, as do all other States and Territories. Scheduling decisions, including the decision to list kava as prescription only, are made by an independent statutory committee under the Therapeutic Goods Administration. ACT Health has representation on this committee, as do all other jurisdictions.

Summaries of all rescheduling decisions are published on the TGA website under Record of Reasons. The decision to list kava as a prescription only medicine was based on reports of abuse of kava mainly in Northern Territory communities, and also evidence of liver toxicity and death associated with kava use. The decision to reschedule was made on balance against risk to broader public health, and not due to adverse health effects on Pacific Islander people who use it for cultural purposes.

(6) The ACT Government has not sought comparative evidence on the health impacts of alcohol vs kava. However, importantly, this type of evidence would have little impact on kava legislation as the laws governing the supply of alcohol and medicines are separate. Furthermore, the comparative risk of a medicine against alcohol consumption is not a standard criteria against which medicines are scheduled. Rather, scheduling decisions are based upon the severity and risk of toxicity of a substance, its use and potential for abuse.

(7) The issue of kava regulation has been a matter of national concern for many years and opportunities for consultation and dialogue with the Pacific Islands communities have been afforded at the Commonwealth level.

In specific relation to the scheduling of kava, the TGA calls for public comment on rescheduling submissions and publish decisions on their website as part of usual process. I understand that the TGA offered an extended period of consultation for this submission however no public submissions were received for this meeting.

In light of the TGA consultation process, the ACT Government did not engage in further consultation or dialogue with the Pacific Islands communities prior to the Commonwealth scheduling changes.

(8) The organisers of the National Multicultural Festival were first advised of the restrictions on kava supply by way of a formal letter from the Health Protection Service in February 2010 following the 2010 festival. It appears that this advice was not heeded and further advice was again sent in January 2011 prior to the 2011 festival.

A request from a peak Pacific Island representative for Ministerial exemption to this law was made prior to the 2011 festival, however this was not approved.

Following the 2011 festival, dialogue has ensued between senior representatives from ACT Health, the Office of Multicultural, Aboriginal and Torres Strait Islander Affairs (OMATSIA) and the Pacific Islands community. A joint statement from ACT Health and OMATSIA will be issued to the community shortly. In addition, a joint forum will be held in May whereby community leaders will be invited to voice their concerns and comment on recommendations for further action.

Calvary Hospital—upgrade (Question No 1713)

Mr Hanson asked the Minister for Health, upon notice, on 16 August 2011:

(1) In relation to the Capital Asset Development Plan (CADP), Phase 1, for projects that have been completed, what (a) is the asset, (b) function does it provide, (c) was the start date for capital works, (d) was the completion date and (e) was the full cost.

(2) In relation to the CADP, Phase 1, for projects which construction has commenced but is not yet complete, what (a) is the asset, (b) function will it provide, (c) was the start date for capital works, (d) is the expected completion date and (e) is the expected the full cost.

(3) In relation to the CADP, Phase 1, for projects that are planned or proposed but where construction has not started, what (a) is the asset, (b) function will it provide, (c) is the expected start date for capital works, (d) is the expected completion date and (e) is the expected the full cost.

(4) In relation to the CADP Phases 2 and 3, for all projects that have been planned, proposed or considered by government, including Calvary Hospital upgrade and proposed new sub-acute hospital, what (a) is the asset, (b) function will it provide, (c) is the expected start date for capital works, (d) is the expected completion date and (e) is the expected the full cost.

Ms Gallagher: I am advised that the answer to the member's question as follows:

(1) In relation to the Capital Asset Development Plan (CADP), Phase 1, projects that have been completed:

See Table 1 attached.

(2) In relation to the CADP, Phase 1, projects for which construction has commenced but is not yet complete:

See Table 2 attached.

(3) In relation to the CADP, Phase 1, projects that are planned or proposed but where construction has not started:

See Table 3 attached.

(4) In relation to the CADP Phases 2 and 3, projects that have been planned, proposed or considered by government, including Calvary Hospital upgrade and proposed new sub-acute hospital:

The scope of other proposed projects has not been completed. See Table 4 attached for information on projects that received funding in the ACT Budget.

(Copies of the attachments are available at the Chamber Support Office).

Waste—recycling (Question No 1903)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 27 October 2011:

> In relation to Regarding Annual Report 2010-11 statistics, Output 1.3 Waste and recycling, p 112 (a) why is the 'original target' figure, which was revised down as per the footnote in 2011-12 Budget Paper no 4, p 73, and as part of the estimates hearings (Estimates Hansard 24-05-11, p 858-59), reported here as an unqualified 75%; (b) how did the 'actual result' figure increased by 6% (relative to the revised 'est. Outcome in 2011-12 Budget Paper No. 4, p 73') in the 6 weeks that lapsed between the estimates hearings and the end of the financial year; and (c) why were the factors identified in TAMS Annual report 2011, p 112 attributed to an increase in the 'actual result' figure such as significant extra green waste generation during the spring-summer of 2010 not factored into the 'estimated outcome' figure presented in the 2011-12 budget paper, no 4, p 73.

Mr Corbell: The answer to the member's question is as follows:

(1) (a) For the 'percentage of material recovered from the total waste stream' in Output 1.3, the 2010-11 TAMS Annual Report provides an Original Target of 75% and an Actual Result of 75%.

For the 'percentage of material recovered from the total waste stream,' the 2011-12 Budget Paper no 4, p 73, provides a 2010-11 Target of 75%, a 2010-11 Estimated Outcome of 69% and a 2011-12 Target of 67%.

The Target for 2010-11 was not revised and remained at 75%.

The Estimated Outcome was revised down to 69% because data at the time indicated the Target would not be met. Data gathered up until April showed that waste to

landfill had dramatically increased. Because recycling data is only obtained once per year in July / August, it was not available at that time and so there was no data to show that recycling had also dramatically increased. In the absence of 2010-11 data, TAMS prepares projections based on previous years' data. Actual recycling in 2010-11 far outstripped actual recycling in all previous years. The Estimated Outcome therefore underestimated the percentage of material recovered from the total waste stream.

Refer also to the response for Question on Notice 1902.

(b) The 'Actual Result' figure increased because recycling data obtained from the industry survey showed an unexpected and dramatic increase in recycling, from around 605,000 tonnes in 2009-10 to around 807,000 tonnes in 2010-11. This offset the expected increase in waste to landfill, which was around 229,000 tonnes in 2009-10 and 268,000 2010-11.

The increase in recycling was driven by additional green garden waste and building waste recycling.

Refer also to the response for Question on Notice 1902.

(c) This is due to the timing of the two papers: the Budget is released in May whereas the Annual Report is usually released in September. Waste data is collected on an ongoing basis and current data feeds in to both the Budget and the Annual Report. Recycling data is obtained once each year at the end of the financial year, typically in July / August. This means that the Budget is based on current waste data only and the Annual Report is based on current waste and recycling data. As such, TAMS did not have the recycling data when preparing the Budget; therefore, it did not identify factors that had contributed to increased recycling, but did have this data when preparing the Annual Report.

ACTEW and ActewAGL—vehicle fleets (Question No 1922)

Mr Seselja asked the Treasurer, upon notice, on 16 November 2011 *(redirected to the Acting Treasurer)*:

(1) How many road-registered motor vehicles are owned or leased by ACTEW and ActewAGL.

(2) How many of the vehicles were home garaged by ACTEW and ActewAGL employees, as at 1 October 2011.

(3) What conditions pertain to home garaging of vehicles by ACTEW and ActewAGL employees.

(4) How many of the vehicles were home garaged (a) outside the ACT, (b) more than 10 km outside the ACT and (c) more than 20 km outside the ACT.

(5) How many vehicles garaged outside the ACT are allocated to persons for call out in times of emergency.

Mr Barr: The answer to the member's question is as follows:

(1) ACTEW leases seven vehicles. I am advised that information relating to ActewAGL vehicles is not reported to or retained by ACTEW.

(2) ACTEW has approved home garaging for two (2) Water Security Major Project vehicles. From time to time other vehicles are home garaged on a short term basis to accommodate work requirements. Information relating to ActewAGL vehicles is not reported to or retained by ACTEW.

(3) Home garaging of vehicles is approved in accordance with ACTEW's Corporate policy for cost and time efficiencies or emergency call out. Information relating to ActewAGL vehicles is not reported to or retained by ACTEW.

(4) Nil.

(5) Not applicable.

Planning—strategy (Question No 1924)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 16 November 2011 *(redirected to the Acting Minister for the Environment and Sustainable Development)*:

(1) How many submissions have been received on the ACT's Draft Planning Strategy to date.

(2) How many individuals have attended public consultations to date and what has been the average age of these people.

(3) How many individuals attended the "Meet the Planners" exhibition in the ACT Legislative Assembly on 29 October 2011.

Ms Gallagher: The answer to the member's question is as follows:

The first four weeks of consultation on the draft ACT Planning Strategy (draft Strategy) coincided with consultation on the draft Transport for Canberra. The exhibition in the Assembly Exhibition Room displayed both draft policies. Many of the submissions on Transport for Canberra included comments about the draft Strategy. However, I am advised that in regard to solely the draft Strategy and up to the date of the Question on Notice:

(1) 45 submissions had been received.

(2) 40 people attended the launch of the draft Strategy and a further 82 recorded their attendance in the two weeks the exhibition was at the Assembly. Since then the exhibition has been on rotation in the town centre public libraries and numbers have not been captured. Presentations to industry and community groups have been held as well as three focus groups to canvas issues with vulnerable people, the elderly and indigenous peoples. The age of people attending falls into two cohorts, 20 to 30 years old and over 45 years old.

(3) It is estimated there were over 30 people at the two "meet the planner sessions" held in the Legislative Assembly on Saturday 29 October and on Monday 31 October.

Cycling and pedestrian infrastructure (Question No 1930)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 17 November 2011:

(1) In relation to walking and cycling infrastructure, can the Minister clarify what the relationship is between the allocated $3.6 million recurrent funding to increase bicycle and pedestrian infrastructure through the Labor-Greens Parliamentary Agreement and the $9.2 million allocated to walking, cycling and signage over four years for walking, cycling and signage described in Budget Estimates Hansard of 24 May 2011, p 808.

(2) How does this $9.2 million differ from the announcement of $9 million for the seven cycling projects including the city cycle loop last week.

(3) Is the additional $1.5 million allocated in Budget Paper 2011-12, p 82, part of the $9.2 million figure.

Ms Gallagher: The answer to the member's question is as follows:

(1) The $3.6 million recurrent funding covers the maintenance of the existing footpath and cyclepath network. The $9.2 million forms part of the Capital program which refurbishes and or upgrades walking and cycling facilities including the provision of improved signage.

(2) The $9.0 million announced to progress the seven priority cycling projects includes $4.2 million from the $9.2 million Capital program which had previously been unallocated to projects.

(3) No; the $1.5 million allocated in budget paper 2011-12, p 82 is in addition to the $9.2 million Capital program and is for the construction of cycling infrastructure associated with the Pearce Chifley community path project.

Children and young people—care and protection (Question No 1935)

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, Part 1.3 – Outlook for the Future, p 13, what is the progress since July 2011 in relation to (a) implementation of the Government's response to the Human Rights Commission's review of youth justice (p 15), (b) development of a diversionary framework for the ACT (p 15), (c) achievements and under-achievements under the Young People's Plan (p 15) and (d) young people transitioning from care (p16).

(2) How many overseas workers were recruited to care and protection during 2010-11 and how many of those workers are still employed in the program.

(3) What induction training are overseas recruits given and to what extent does this include training as to local Australian culture.

(4) How many workers does the Directorate intend to recruit during 2011-12 and is that target on track.

(5) What has the Directorate done to satisfy itself that there are insufficient Australian workers to meet the staffing needs.

Ms Burch: The answer to the member's question is as follows:

1)

(a) The Government tabled its response to the Human Rights Commission's review of youth justice in the Assembly on 18 October 2011. The Youth Justice Implementation Taskforce has embarked on developing the Blueprint for Youth Justice in the ACT as the key platform of the Government's response to the Commission's review. The Blueprint will provide the strategic direction for the development of the youth justice system over the next 5-10 years.

The Taskforce has developed the key components of the Blueprint and will undertake a public consultation between December 2011 and March 2012.

While the Blueprint is being developed, key aspects of the Government's response to the Commission's review have already been delivered or are being progressed.

For example:

- The After Hours Bail Support Service commenced operation on October 28 this year. (Recommendation 7.2).
- The Youth Drug and Alcohol Court has started accepting referrals (Recommendation 7.29).
- The single case management model recently introduced by Youth Services in the Community Services Directorate will help improve outcomes for children and young people who move between Bimberi and the Community (Recommendation 8.1).

Progress has also taken place in respect of a range of operational matters at Bimberi Youth Detention Centre through the Integrated Management System (IMS).

(b) The development of a diversionary framework will be a key action area of the Blueprint.

(c) The Key Achievements implemented under the *Young People's Plan 2009-2014* are outlined in the *2011 Annual Progress Report*, which is available on the Community Services Directorate and the Youth InterACT websites in a short form document highlighting key achievements.

The *ACT Young People's Plan 2009-2014* Annual Progress Report 2010 outlining the progress against the five key priority areas for action across the ACT Government and community sector under the five key priority areas can also be accessed through the Community Services Directorate and the Youth InterACT websites.

The website links are: Youth InterACT www.youth.act.gov.au and Community Services Directorate http://www.dhcs.act.gov.au/ocyfs/publications.

(d) The progress since 1 July 2011 to 7 December 2011 regarding young people transitioning from care is that 14 young people have left care. Of these 14 young people, 14 leaving care plans were filed and 12 leaving care conferences were completed before the young people left care. Two leaving care conferences were not held because one young person now resides in NSW and is in the guardianship of the NSW Guardianship Tribunal. This young person's case manager did participate in meetings to facilitate the transfer of the young person to NSW. The other young person also resides in NSW and has appropriate supports in place provided by NSW Family and Community Services.

2) The overseas recruitment campaign commenced in March 2011 (2010/2011) – 39 overseas applicants have taken up offers of appointments. 19 overseas recruits have commenced work with care and protection services since 5 September 2011 (2011/2012) and are all currently working for care and protection services it is anticipated that a further 20 overseas recruits will commence by March 2012.

3) Overseas recruits are provided with a comprehensive orientation and induction process. A comprehensive suite of training is offered to all new recruits which is tailored to include educative components to orientate new recruits to Australian culture and customs. All overseas recruits also are provided with a cultural awareness program in Aboriginal and Torres strait Islander culture.

4) Care and Protection Services expects to be on fully staffed by March 2012. The Directorate will continue to recruit based on projected needs to maintain capacity.

5) During 2009-10, 2010-11 and 2011-12 Care and Protection Services have undertaken extensive local and national recruitment for frontline Care and Protection Workers.

Bimberi Youth Justice Centre—review (Question No 1938)

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 4.1 – Youth Services, p 82, what changes to policies and procedures at Bimberi have been made since the Human Rights Commission issued its report into the youth justice system in the ACT.

(2) Does the Bimberi facility now carry a full complement of staff; if not, why not, and when will it.

(3) Have staff turnover statistics improved in the last 12 months and what were the statistics then and what are they now.

(4) Has a working and flexible roster been developed for the Christmas to New Year period to enable staff to apply for leave and not have it rejected because of staff shortages.

(5) What improvements to training and equipment have been made to ensure personal security of staff.

(6) What improvements have been made to perimeter security.

(7) What improvements have been made to internal security and infrastructure in the cabins and individual rooms.

(8) Are all education, recreation and school holiday programs fully operational with a full complement of staff; if so, what are the education, recreation and school holiday program offerings; if not, why not.

(9) Has the Tomas and Keating review, p 85, been released publicly; if not, why not, and when will it be.

(10) Have all agreed recommendations of the review been fully implemented; if not, (a) which recommendations are still to be implemented, (b) why have they not been implemented and (c) when will they be implemented.

(11) What were the two recommendations in the review not agreed to and why were they considered inappropriate or inconsistent with Bimberi's design.

(12) Has the report on the risk and compliance framework gap analysis, p 85, been released publicly; if not, why not, and when will it be.

(13) What are the main recommendations of the analysis referred to in part (12).

(14) Has the Directorate implemented all recommendations; if not, why not and when will this happen.

(15) What changes have been made to Bimberi management and operations as a result of this analysis.

Ms Burch: The answer to the member's question is as follows:

(1) Since the Human Rights Commission issued its Report in July, there have been a number of operational procedures that have been added or changed which build on the previous Change Management Strategy.

These include changes to case management procedures; risk classification procedures; induction and training procedures; arrangements concerning emergency management; formalisation of operational procedures for Unit Managers and Team Leaders (Post Orders); and a review of risk management processes across Bimberi.

A formal review of all policies and procedures is currently being undertaken as part of the development of the Integrated Management System (IMS).

(2) The Bimberi Youth Justice Centre has a full complement of staff.

(3) Staff turnover rates have reduced in the last twelve months. In the 2010-11 financial year there were a total of 18 staff separations. In the 2011-12 financial year to date there have been 3 staff separations.

(4) The normal roster is in place for the Christmas/New Year period. Leave has been negotiated to accommodate staff requesting leave. There are no staff shortages.

(5) Duress alarms are issued to all personnel who are based at Bimberi Youth Justice Centre, including health and education staff. A direction has been given that all staff must wear the duress alarm and are not to enter the Centre without one. Improvements to training have included the addition of new modules in the 2011 Induction Program. New modules include Emergency Management, Understanding the Neurobiology of Complex Trauma and Suicide Awareness. In 2011 the training program has incorporated the Certificate IV in Youth Justice.

(6) The perimeter fence has been improved and lighting has been repaired.

(7) Information on modifications to internal security and infrastructure in cabins cannot be provided due to issues of security-in-confidence.

(8) All education, recreation and school holiday programs will be fully operational with a full complement of staff. Programs over the school holiday period will be flexibly designed depending on the make-up of young people in the Centre over this period. The current planned recreational, vocational and skills based school holiday programs during December 2011 and January 2012 include the following:

- Softball, Baseball, Tennis, Wii Connect Sports, Crafts and Beading, Cooking, Mixing music, Orienteering, Art – paper Mache masks, Touch Football, Badminton, Table Tennis Tournament, Movie nights, Card and Board Games and a Chess Competition.

- The Police Citizen's Youth Club will be partnering in providing a summer program which will consist of – Eyebox, which is a fitness circuit training and Lifeskills program.

- The Church Pastor will be undertaking a bike repair program and the Australian Children Music Foundation will be attending once per week during the school holidays to undertake a music program.

- Young people in Bimberi also have access to Kindles and personalised art packs for use in cabins.

- Young people in the Transition program within Bimberi Youth Justice Centre will be attending community based programs including a local external touch football competition.

(9) The answer to this question was provided in the answer to questions I took on notice at the Standing Committee on Education, Training and Youth Affairs Annual Report Hearing on 21 November 2011.

(10) See answer to Question 9 above.

(11) The Member is referred to Hansard of 28 June 2011.

(12) The answer to this question was provided in the answer to questions I took on notice at the Standing Committee on Education, Training and Youth Affairs Annual Report Hearing on 21 November 2011.

(13) See answer to Question 12 above.

(14) See answer to Question 12 above.

(15) See answer to Question 12 above.

Children—kinship carers (Question No 1939)

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 4.2 – Care and protection services, p 93, given that in the Estimates Committee hearings this year, representatives of the grandparent and kinship care association confirmed their assertion, given in the Estimates hearings last year, that the kinship care program amounts to institutionalised abuse of children, why did the Directorate do nothing in the intervening 12 months to change that view.

(2) What special support services, including counselling and respite services, are available to aged kinship carers of children and young people.

(3) What expertise is held in, or available to, the Directorate in the discipline of gerontology as it applies to the psychology of aged kinship carers caring for children or young people.

(4) What did the Directorate do to promote the kinship carer training sessions, p 103.

(5) What assessment has the Directorate made as to the reasons for the low attendance.

(6) What feedback was given by those who attended and what changes were made to the session programs as a result.

(7) Will future sessions be offered and what is the Directorate's strategy to attract more people.

(8) What elements of the session program deal with the special nature of the relationship between children and young people and aged carers.

(9) Since the Public Advocate's report on the placement of children with an organisation that was not authorised as a suitable entity, what changes has the Directorate made to its internal policies and procedures to ensure this is not repeated.

(10) When the Directorate makes an emergency placement with an organisation that does not carry suitable entity status, does the director-general give oral approval, followed up with written approval, with a copy given to the organisation; if so, over what time frame does the written approval follow the oral approval and is this in accordance with the spirit of the term "as soon as possible" as given in the Legislation Act; if not, why not.

(11) How many emergency placements have been made with Northern Bridging Support Services (NBSS) over the past twelve months.

(12) At any time, did the director-general give oral approval for those placements and did he follow up with written approval, with a copy provided to NBSS; if not, why not and, as a result, is not the directorate in breach of the Children and Young People Act 2008.

(13) What is the difference between a place of care, as defined in the Act, and a place where care is provided to children and young people for whom the Territory is the parent.

(14) Do different standards of care apply to places of care as against places where care is provided; if so, why.

(15) What recommendations has the Directorate made to the Minister in relation to future approvals of places of care,

(16) If no recommendations referred to in part (15) have been made, why not.

(17) Has the Directorate recommended to the Minister that Bimberi be approved as a place of care; if not, why not.

(18) How long did it take for Housing ACT to respond to the first time Barnados submitted maintenance requests for either of the two houses leased to Barnados as places where care is provided.

(19) Do both houses now comply with the care standards and is the Minister considering approving them as places of care; if not, why not.

(20) What is the Directorate doing to consult with young people and carers in the development of the transitioning from care service, p 103.

(21) How will the service ensure ongoing consultation with young people and carers in the future improvements and modifications to the service.

Ms Burch: The answer to the member's question is as follows:

(1) The Community Services Directorate has continued to work to improve services and supports for kinship carers and remained surprised at this commentary. The Directorate meets regularly with the Grandparent and Kinship Carers Association and continues to have excellent engagement when meeting and working with them. The Directorate has worked closely with the Association to provide supports for kinship carers and achieve the best possible outcomes for children in their care. This past year, the Directorate received excellent feedback from grandparent and kinship carers. The ACT Government has demonstrated its ongoing commitment to kinship carers by

announcing further funding of $1.7 million over 4 years in the 2011-12 budget to provide a community kinship care program.

The preference is always to keep children safely at home with their parents. When this is not possible and children have been traumatised by the abuse and neglect they have experienced, the Directorate will explore the most suitable and least traumatic option for their care, often a kinship placement. This can be a challenging time for the carers and the children and the Directorate continues to explore how to support carers further as they care for their family members in a placement.

(2) Aged kinship carers of children and young people are able to access the Kinship Care Mediation and Counselling Service delivered by Relationships Australia which provides free individual, family group counselling and mediation services to kinship carers.

They are also encouraged to seek support from the Kinship Carers Advocacy and Support Service which is funded to provide information and support in addition to a reference group developing resources to support kinship carers. In particular, aged kinship carers have access to the Grandparents Support Program, funded to provide support to grandparents caring for their grandchildren, including those with formal care arrangements, informal orders and those through the Family Court of Australia.

Aged kinship carers may access needs-based training and information sessions conducted by the Learning and Community Education Unit within the Community Services Directorate and are able to seek support from the Carer Liaison Officer and the Aboriginal Kinship Liaison Officer located within the Directorate.

The Foster Carers and Kinship Carers Guide is provided to advise all kinship carers of relevant information. The Guide is currently being evaluated to ensure its relevance for all kinship carers.

The 'Carer Connection' Newsletter provides relevant and up to date information on a range of issues and is distributed to all carers on a regular basis.

(3) Professionals within the Community Services Directorate demonstrate an understanding of the psychology of aged kinship carers caring for children and young people. In addition, training and information sessions conducted by Learning and Community Education for kinship carers are derived from an understanding of human development in terms of meeting the needs of young people whilst acknowledging the particular needs of their older carers.

(4) The recent information and training sessions for kinship carers were promoted to carers who had a recent placement of a child or young person with them, by letter and followed up with a phone call from either the Carer Liaison Officer or the Aboriginal Kinship Liaison Officer.

(5) Kinship care is about caring arrangements within a family unit and often has privacy issues for that family arising from the complexity of the situation. This often leads to carers simply preferring to get on with family life, rather than considering the possibility of attending training and information sessions. There are also the practical demands of the carers' lives and their lack of available time, given that that they have added to the size of their families in caring for a child or young person.

(6) Feedback from those who attended recent training and information sessions was very positive and participants stated their needs were met. As a result, only minor changes were made from the September to the November training session, minimising the structure of the session around a number of key issues. This was done in response to those who expressed a need to simply talk and share their experiences with others in a similar situation.

(7) Future sessions will be offered so as to maintain the provision of information and training that meets the needs of carers. These sessions will continue to be promoted through the 'Carer Connection' newsletter and through letters and phone calls to new carers.

(8) As the current strategy for Kinship Carer Support and Training is to respond to the particular needs of carers, training and information sessions will address the issue of the special nature of the relationship between children and young people and aged carers as required.

(9) The Directorate is currently reviewing policies and procedures and has arrangements to put alternative accommodation options in place under the direct auspices of the Directorate in the event such a placement is required.

(10) Appropriate delegations are in place and Care and Protection Services staff are expected to apply their expertise and training to make an appropriate judgement and decisions about placements of children and young people.

Where possible, children and young people are placed with foster carers, kinship carers or residential carers. As indicated in legal advice previously provided, when this is not possible, section 19 of the Children and Young People Act 2008 the Director-General or their delegate may make decisions about the child or young person's daily care including "arrangements for temporary care of the child or young person by someone else". If this occurs, appropriate steps are still put in place to ensure the placement is as safe and appropriate as possible.

(11) From December 2010 to December 2011 there have been 15 children from 5 families placed in different placement exclusively with NBSS in short term "last resort" placements. The days placed ranged from 2 days to 21 days. The last placement ended 9 August 2011.

(12) Appropriate delegations were in place and Care and Protection Services applied their expertise and training to make appropriate judgement and decisions about the placements of these children and young people.

Where possible, children and young people are placed with foster carers, kinship carers or residential carers. As indicated in legal advice previously provided, when this is not possible, section 19 of the Children and Young People Act 2008 the Director General or their delegate may make decisions about the child or young person's daily care including "arrangements for temporary care of the child or young person by someone else". When children were placed with NBSS, appropriate steps were put in place to ensure their placement was as safe and appropriate as possible.

(13) I refer you to the legal advice already provided in the Children and Young People Act 2008 and the Explanatory Statement in relation to clause 513.

(14) It is expected that all places where care is provided are appropriate and in line with the Out of Home Care Standards.

(15) If it is determined by the Directorate that a place of care should be approved, the Minister will be briefed and the recommendation made.

(16) See answer to Question 15.

(17) No. Bimberi should not function as a place of care and it would not be appropriate to place children and young people on care and protection orders in Bimberi unless they were subject to an order of remand or committal.

(18) The properties have been leased for a number of years. Further clarification of this question is required about the specific time period.

(19) The Out of Home Care agencies are required to ensure that the properties meet the out of home care standards. The Minister has instructed that the Barton Property not be used for children in out of home care following the public release of the address of this property. The other property complies with the Out of Home Care Standards.

Consideration of other residential care arrangements other than Marlow Cottage to be notified as a place of care is not being undertaken. See response to question 15.

(20) The Community Services Directorate has consulted young people, including people previously in out of home care, carers and organisations representing carers through:

- releasing a Discussion Paper and seeking comment on improvements to transitions for young people from out of home care in October 2010;
- seeking feedback from non-government agencies and young people on the proposed service model and the new support and assistance service since October 2011;
- releasing a paper on the proposed service delivery model for young people transitioning from out of home care in November 2011; and
- making a presentation about the transitioning from out of home care service to the Grandparent and Kinship Carers ACT Inc in
- December 2011.

The Community Services Directorate will establish a Youth Advisory Group to provide advice on the transitioning from out of home care service.

(21) The Community Services Directorate will ensure ongoing consultation with young people and carers by:

- producing newsletters to update young people, carers and other stakeholders about the transitioning from out of home care service;
- developing a website, an email address and a 1800 telephone number where young people, carers and others can receive information and provide feedback about the service;

- receiving continued advice from the Youth Advisory Group; and
- evaluating the service, including feedback from young people and carers.

Community Services Directorate—community involvement (Question No 1940)

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, Part 3 – Management of the organisation, p 126, why is the narrative in the report so insular, in that it talks about collaboration with a wide range of internal committees and groups and nothing about collaboration with the community, presumably an important element in sustaining community confidence.

(2) To what extent does the Directorate collaborate with the community in its policy of working collaboratively.

(3) Why is the community excluded from the list outlined in this section of the report.

(4) How much did the Directorate spend on staff training and development during 2010-11.

(5) What does the figure referred to in part (4) represent as a proportion of total employee costs.

(6) What is the Directorate's goal in terms of the cost of training and development as a percentage of total employee costs and when will it achieve that goal.

(7) What has been the trend over the past few years as to the ratio of males to females employed in the Directorate.

(8) What is the Directorate doing to bring the ratio closer to parity between the two genders.

(9) What is the total cost of the Directorate's boards, committees and policy and advice groups including remuneration, servicing and administration costs, pp 148 and 152.

(10) How often does the Directorate review its portfolio of boards, committees and policy advice groups as to performance, effectiveness, any apparent overlaps, redundancies of purpose, etc.

(11) What was the result of any review undertaken during 2010-11.

(12) What were the major policy initiatives that the Directorate implemented during 2010-11 as a result of recommendations of its boards and committees.

(13) What is the total cost of representation of the Directorate on whole-of-government boards and committees and Territory representational activities, p 153, including travel, accommodation, out-of-pocket and administration costs.

(14) How often does the Directorate review its involvement in these boards, committees and Territorial representative activities as to performance, effectiveness, any apparent overlaps, redundancies of purpose, etc.

(15) What was the result of any review undertaken during 2010-11.

(16) What were the major policy initiatives that the Directorate implemented during 2010-11 as a result of recommendations coming out of those fora.

Ms Burch: The answer to the member's question is as follows:

1. The Community Services Directorate report aligns with the Annual Report Directions. Chapter 3 – Management of the Organisation relates to human resource management, recruitment and retention strategies, learning and development, occupational health and safety, workplace relations, governance, staff profile and lists the range of boards and committees the Directorate engages with (pages 148-154). These lists of boards and committees comprise local and national government groups as well as community and business groups. Further information regarding consultation and collaboration with the community can be found in Chapter 4 – Consultation and Scrutiny Reporting.

2. The Directorate's collaboration with the community on policy and program areas is detailed in Chapter 4 - Consultation and Scrutiny Reporting.

3. The community is represented in the lists of boards and committees as detailed on page 148-154. There is further information on community consultation and collaboration in Chapter 4 - Consultation and Scrutiny Reporting.

4.

2010-11 - Staff Development and Training Expenses	**Staff Dev & training cost $'000**	**Employee Cost $'000**	**% of Employee Costs**
CSD (inc HACT)	1,096	85,700	1.3%
Learning and Community Education Unit	945		
TOTAL	**2,041**	**85,700**	**2.4%**

5. See above for percentage of employee costs.

6. The Directorate does not set goals for the cost of training and development.

7. This information is available in Community Services Directorate Annual Reports. http://www.dhcs.act.gov.au/home/publications/annual_reports/2010_-_2011

8. The Directorate is not undertaking any measures to change the ratio.

9. The question relates to information in the CSD 2012-11 Annual Report. CSD spent a total of almost 9 hours in Annual Repost Hearings in November and Assembly Members has adequate time to ask questions at the Hearings or in the following five days after each session.

   Given the major task involved in compiling the answer to this question, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

10. The Directorate reviews the range of boards, committees and advisory groups as required by the individual group and in consultation with members and participants.

11. The question relates to information in the Community Services Directorate (CSD) 2010-11 Annual Report. CSD spent a total of almost 9 hours in Annual Repost Hearings in November and Assembly Members has adequate time to ask questions at the Hearings or in the following five days after each session. Given the major task involved in compiling the answer to this question, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

12. The question relates to information in the Community Services Directorate (CSD) 2010-11 Annual Report. CSD spent a total of almost 9 hours in Annual Repost Hearings in November and Assembly Members has adequate time to ask questions at the Hearings or in the following five days after each session. Given the major task involved in compiling the answer to this question, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

13. The question relates to information in the Community Services Directorate (CSD) 2010-11 Annual Report. CSD spent a total of almost 9 hours in Annual Repost Hearings in November and Assembly Members has adequate time to ask questions at the Hearings or in the following five days after each session. Given the major task involved in compiling the answer to this question, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

14. The question relates to information in the Community Services Directorate (CSD) 2010-11 Annual Report. CSD spent a total of almost 9 hours in Annual Repost Hearings in November and Assembly Members has adequate time to ask questions at the Hearings or in the following five days after each session. Given the major task involved in compiling the answer to this question, I do not believe that it would be appropriate to divert resources from the provision of direct services to clients, for the purposes of answering the Member's question.

15. See above response to question 14.

16. See above response to question 14.

Youth—Marlow Cottage (Question No 1941)

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, Official Visitor, p 314, why has there been no action taken to re-locate the Official Visitor with the Public Advocate of the ACT.

(2) What is the Government doing to address the concern of the Official Visitor in relation to young people leaving Marlow Cottage of their own accord, p 315.

(3) Why has the Official Visitor had to, once again, raise concerns about the suitability of the placement of some children and young people at Marlow Cottage, p 316.

(4) What is the Directorate doing to address this concern so that it does not arise again.

(5) Why is the high-level needs facility located next door to Marlow Cottage still not operational, p 316, despite a tender being proposed to be conducted in 2010.

Ms Burch: The answer to the member's question is as follows:

1) The allocation of administrative responsibility is properly a matter for Government. The Government response to recommendation 15.11 of the Human Rights Commission Report into Bimberi and the Youth Justice System, which dealt with re-location of the Official Visitor, was to note the recommendation. There are funding implications relating to the re-location, and these implications need to be considered in the budget context taking into account competing funding priorities.

2) When a young person leaves Marlow without permission and of their own accord Marlow staff notify Care and Protection Services and police to report the young person as missing.

   The Official Visitor annual report states they are satisfied with the procedures currently in place. They advise "the procedures in terms of informing the police and Care and Protection has been provided to the Official Visitor who is satisfied with the processes undertaken when young people run away and the action taken as outlined in the Safety Plan".

   Marlow and Care and Protection Services staff communicate to young people about the risks and compromised safety that the young person may experience when they abscond from their placement.

3) There continues to be a shortage of foster carers and kinship carers for young people in Canberra which results in the use of Marlow for young people.

4) Foster Care agencies continue to advertise seeking to recruit new foster carers.

   The Community Services Directorate has engaged in discussions with a local provider to increase the availability of foster care placements by 30.

   Work has commenced on the development of the 'Reception Centre'. A property has been secured and fitted out with linen, bedding, furniture and other necessities.

5) I refer the member to Question No: 1606 on this matter which I answered on 5 May 2011. Work on the service model is nearing completion, following this, the Directorate will undertake a procurement process to identify a suitable entity to operate the facility.

Children—childcare centres (Question No 1942)

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, Part 1.2 – Highlights of Achievements, p 5, given that the legislation to implement this agenda is passed, what practical assistance is the Directorate providing to services to ensure they are ready to meet the new child-to-carer ratio standards from 1 January 2012.

(2) How many childcare centres have already sought and been given exemptions from the new child-to-carer ratio standards.

(3) What assessment has the Directorate made as to the number of other childcare centres likely to apply for exemptions.

(4) If no assessment has been made, why not.

(5) Given that the Human Rights Commission has made a preliminary written statement to the Minister critical of the Directorate's interpretation of and response to a number of its recommendations, to what extent is the Directorate intending to modify its responses to those recommendations; if none, why not.

(6) What has been done and what is planned to be done to implement the additional funding provided in the 2011-12 budget for the kinship care support program.

(7) Has the central industrial relations service for the community services sector begun operations; if so, when and what is its structure; if not, why not and when will it start.

(8) What is the Government's response to the national equal remuneration case, p 8, and what policy impact, including financial and non-financial, does this have for the Government.

(9) What are the concerns of the community sector about the portable long service leave scheme from a policy viewpoint and how did the Government respond to those concerns.

(10) What findings has the draft report from MindPath made in relation to the decision-making processes within the Community Services Directorate in relation to the re-development of the former Flynn primary school.

(11) What is the Directorate's response to the recommendations made in the draft report referred to in part (10).

(12) Will the final MindPath report be released publicly; if so, when; if not, why not.

(13) Will the Government release publicly its response to the final report; if so, when; if not, why not.

Ms Burch: The answer to the member's question is as follows:

1. In addition to the information in the Annual report on pages 52-53, the Children's Policy and Regulation Unit have undertaken the following activities to support the education and care sector prepare for the one to four ratio:

   – Numerous information sessions and consultations were provided to the sector on the National Law and Regulations and questions relating to waivers were answered at the sessions.

- The ACT has included transitional arrangements in the National Regulations to assist services with the increase in staffing requirements for the one to four ratio change.

- From 2012 to 31 December 2013 the staffing arrangement will require every third educator to be qualified in the under two age group as opposed to every second educator.

- Investment in centre infrastructure to meet standards and improve spaces to accommodate the new ratio.

- A maintenance program to provide refurbishment and upgrades for some services who can extend or upgrade their premises to increase their places for children under two years.

- Provision of $9 million over two years to upgrade existing centre-based education and care facilities owned by Community Services Directorate. This additional funding will provide refurbishment and upgrades for some services who can extend or upgrade their premises to increase their places for children under two years.

- In March, June, October and November 2011, four ACT Children's Services Forums were held. There was opportunity at each of these for key sector stakeholders to clarify information about the implementation of the National Quality Framework.

2. Nil.

3. The Children's Policy and Regulation Unit have sought feedback in regard to the number of other child care centres in the education and care sector who may be likely to apply for exemptions or may require a waiver in 2012 through the following assessments:

   - In November 2011, information sessions were provided on the National Law and National Regulations and questions relating to waivers were answered at the sessions.

   - In December 2011, ACT education and care services who are in scope of the National Quality Framework were contacted to discuss their requirements for implementing the Framework from 1 January 2012 including the possible requirements for waivers.

   - Throughout 2011 Children's Services Advisors have been meeting with individual services to discuss implementation of the National Quality Framework including the need for a waiver for the one to four ratio requirement.

4. Not applicable.

5. The ACT Government response to the Human Rights Commission Report 'The ACT Youth Justice System 2011' (HRC Report) was informed by the advice of the Youth Justice Implementation Taskforce (the Taskforce) which comprises representatives from government and the community sector.

The Taskforce worked diligently to consider in detail the 224 recommendations made by the Human Rights Commission. Overall, the ACT Government response is consistent with the approach contained in the HRC Report.
The ACT Government position on each of the recommendations has been finalised and the Government, through the Taskforce, is now focused on developing the Blueprint for Youth Justice in the ACT.

The Blueprint for Youth Justice in the ACT will provide the strategic direction for the reform of the youth justice system over the next 5 – 10 years.

The Taskforce will consult with the community in developing the Blueprint. The Human Rights Commission will have the opportunity to participate in the consultation which will occur from December 2011 until March 2012.

6. Work is progressing on the development of a service model for four kinship support workers to augment current service provision in the ACT. A Project Officer has been appointed. A draft project paper has been developed and will be circulated shortly for comment and consultation within government and across the sector more broadly. The two kinship care support roles funded in the 2011 Budget were advertised in November 2011. Recruitment for two kinship support workers has commenced. It is expected two workers will commence in these positions early in 2012 to establish the service. Recruitment of two additional positions will commence midyear.

7. The Community Sector Industrial Relations Information and Advisory Service commenced on 27 October 2011. Jobs Australia is the lead agency in partnership with ACTCOSS. Information is available at http://ja.com.au/

8. The Government indicated in its submission to Fair Work Australia on 29 July 2011 that it "...does not accept a situation in which gender can form the basis for decisions about remuneration."

   The 29 July 2011 submission also indicated that "the Government is aware of the likely financial and non-financial impact of this case upon both employers in the ACT and upon the Government and will make a responsible decision regarding support for the sector at the appropriate time."

   In a supplementary submission on 9 December 2011 to the Full Bench of Fair Work Australia, in response to a joint submission to the Full Bench by the Australian Government and the Australian Services Union, the ACT Government noted that it "does not object to the outcomes proposed in the Joint Submission."

   As a decision has not yet been brought down by the Full Bench, the full impact of the any decision has yet to be determined. Nevertheless, the ACT submissions to Fair Work Australia represent the core of the Government's response to the case:
   - Gender is not a basis for making decisions about remuneration; and
   - Support will be provided to community sector employers impacted by the decision, at the appropriate time and in a responsible manner.

9. No significant policy concerns have been raised by the community sector.

10. Mindpath was engaged to conduct an investigation into a complaint. The investigation has been conducted on the basis that it is confidential to the parties to the complaint.

11. The Community Services Directorate is finalising comments on the Report provided by Mindpath.

12. The Report was prepared in response to a complaint matter. Publication of the report or any part of the report will be determined upon completion of the report.

13. Publication of any response to the report will be determined after completion of the report.

Hospitals—inpatients (Question No 1943)

Mr Hanson asked the Minister for Health, upon notice, on 7 December 2011:

What was the total number of inpatients admitted to The Canberra Hospital and Calvary Public Hospital that were residing in residential aged care facilities in 2010-11.

Ms Gallagher: I am advised that the answer to the Member's question is as follows:

In 2010-11 Canberra Hospital recorded 387 patients admitted who were recorded as residing in a residential aged care facility.

In 2010-11 Calvary Public Hospital recorded 4 patients admitted who were recorded as residing in a residential aged care facility.

Measuring the number of patients admitted who reside in a residential aged care facility is difficult to obtain.

Under national reporting standards, our hospitals record the place from where patients were admitted to hospital. A patient admitted to hospital from a residential aged care facility can be interpreted as a person's home and therefore entered as such in the patient administration system.

The Health Directorate is in discussions with Calvary Public Hospital about improving the reporting of this information.

Mitchell—chemical fire (Question No 1949)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 8 December 2011:

(1) Where was the Emergency Alert Operator who was on duty physically located on the night of 15 September 2011, when the Mitchell chemical fire emergency started.

(2) When did the period of duty for this Emergency Alert Operator begin and when did it conclude.

(3) If there was an Emergency Alert Operator already on duty on the night of 15 September 2011, why was it necessary to recall to duty another Emergency Alert Operator.

(4) Who had control of the emergency alert remote access device on the night of 15 September 2011 and where was this device located.

(5) If the person who had control of the remote access device on the night of 15 September 2011 was not on duty, why was the remote access device not located with the Emergency Alert Operator who was on duty.

(6) How many remote access devices are available to operate the emergency alert system in the ACT.

(7) What protocols exist for the management of these remote access devices.

(8) If there is only one remote access device, what arrangements exist to provide backup in the event that this device becomes unavailable.

(9) What arrangements exist to provide support or backup to an Emergency Alert Operator in the event of an emergency taking place.

Mr Corbell: The answer to the member's question is as follows:

(1) As previously advised in the Assembly the Emergency Alert Operator was initially working from a private residence on the night in question.

(2) The Emergency Alert Operator was on rostered call out arrangements from 15 September to 22 September 2011. During business hours the officer was undertaking normal duties, but available to undertake the role of EA Operator if required.

(3) There was no recall to duty of another Emergency Alert Operator during the Mitchell fire incident.

(4) The Emergency Alert Operator referred to in the previous questions was the responsible operator and had control of the remote access device.

(5) As previously stated, the Emergency Alert Operator was on rostered call out arrangements and had control of the remote access device on the night of the Mitchell fire incident.

(6) There are seven (7) remote access devices available to operate the Emergency Alert system.

(7) The access devices are allocated to nominated officers within the ESA and their allocation is registered on a spreadsheet.

(8) As previously identified, there are seven devices available for use.

(9) There are additional trained officers available to operate Emergency Alert. If required, these officers will be called upon to provide additional support.

Waste—facility management (Question No 1956)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

(1) In relation to the *Weathering the Change Draft Action Plan 2*, Pathway 2 – Buildings, transport, waste and renewable energy, what mechanism will the Government use to change the transport behaviour of Canberrans to achieve the transport abatement.

(2) How will the $40 million of capital for the waste facility be financed.

(3) What are the operating costs of this facility and have they been built into the model.

(4) Will this waste facility be owned and operated by the Government; if not, how will this be managed.

(5) How will the $1.5 billion of capital for renewable energy be financed.

(6) What are the yearly operating costs of this capital and has it been built into the model.

(7) Will this capital investment be owned and operated by the Government; if not, how will this be managed.

(8) What will be the cost each year, for each component up to 2020, if this pathway was implemented.

(9) What will be the abatement, for each component in each year up to 2020, if this pathway was implemented.

(10) Given that the costs are in net financing terms, who is it assumed that these financing costs are met by in the modelling.

Mr Corbell: The answer to the member's question is as follows:

(1) The Transport for Canberra Strategy will promote alternatives to private vehicles while the ACT Planning Strategy will support the creation of a more compact city with urban renewal along transport corridors.

(2) Draft Action Plan 2 does not promote the public ownership of electricity generation assets. Access to financial capital to fund the establishment of the required capacity would be the responsibility of a private entity.

(3) The operating and maintenance cost of an energy from waste facility was assumed to start at $1.85 million in 2015. This was included in the modelling. The modelling of an energy from waste facility was informed by previous modelling undertaken for the Government by URS-Ecowaste in 2010 for the draft ACT Sustainable Waste Strategy. These reports are available at **www.environment.act.gov.au/waste.**

(4) Draft Action Plan 2 does not promote the public ownership of electricity generation assets. This would be managed by a private entity.

(5) Draft Action Plan 2 does not promote the public ownership of electricity generation assets. Access to financial capital to fund the establishment of the required capacity would be the responsibility of a private entity.

(6) The yearly operating cost will be dependent upon how much capacity is installed each year and is a cost borne by the owner of the facility.

(7) Draft Action Plan 2 does not promote the ownership of generating capacity by Government. Wind farms that have been established around the ACT are private entities that 'sell' electricity into the National Electricity Market.

(8) The cost of this pathway presented in draft Action Plan 2 is an estimate based on an assumed staged introduction of wind capacity and energy efficiency programs up to 2020. The cost each year up to 2020 will be dependent upon how much capacity is actually installed in each year.

(9) The GHG abatement from this pathway presented in draft Action Plan 2 is an estimate based on an assumed staged introduction of wind capacity up to 2020. The abatement each year up to 2020 will be dependent upon how much capacity is actually installed in each year.

(10) Draft Action Plan 2 does not promote the public ownership of electricity generation assets. This would be managed by a private entity and the cost born by the owner of the facility.

Gas-fired power station (Question No 1958)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

(1) In relation to the *Weathering the Change Draft Action Plan 2*, Pathway 3 – Buildings, transport, waste plus gas-fired electricity generation and offsets, how will the $325 million of capital for the combined cycle gas turbine facility be financed.

(2) What are the yearly operating costs of this facility and have they been built into the model.

(3) Will this capital investment be owned and operated by the Government; if not, how will this be managed.

(4) What will be the cost each year, for each component up to 2020, if this pathway was implemented.

(5) What will be the abatement, for each component in each year up to 2020, if this pathway was implemented.

Mr Corbell: The answer to the member's question is as follows:

(1) Draft Action Plan 2 does not promote the public ownership of electricity generation assets. Access to financial capital to fund the establishment of the required capacity would be the responsibility of a private entity.

(2) Operating costs have not been included in the model as this would be managed by a private entity.

(3) Draft Action Plan 2 does not promote the ownership of generating capacity by Government, the required capacity would be managed by a private entity.

(4) The cost of this pathway presented in draft Action Plan 2 is an estimate based on an assumed introduction of a CCGT generator. The cost each year up to 2020 will be dependent upon how much capacity is actually installed in each year.

(5) The abatement each year up to 2020 will be dependent upon how much CCGT capacity is actually installed in each year.

Transport—abatement (Question No 1959)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

(1) In relation to the Weathering the Change Draft Action Plan 2, Pathway 4 – Buildings, transport, waste and offsets, who would purchase these offsets and how will the cost be passed onto the ACT community.

(2) How will the Government enforce a change in Canberrans transport behaviour to achieve the desired abatement.

(3) What will be the cost each year, for each component up to 2020, if this pathway was implemented.

(4) What will be the abatement, for each component in each year up to 2020, if this pathway was implemented.

Mr Corbell: The answer to the member's question is as follows:

(1) The mechanisms the Government will use to implement carbon offsets will be detailed in the ACT Carbon Offsets Policy. This will be released in conjunction with a final Action Plan 2.

(2) The Transport for Canberra Strategy will promote alternatives to private vehicles in the ACT while the ACT Planning Strategy will support the creation of a more compact city with urban renewal along transport corridors.

(3) The cost of this pathway presented in draft Action Plan 2 is based on an estimated price of carbon offsets. The cost each year up to 2020 will be dependent upon the amount of offsets required in each year.

(4) The abatement each year up to 2020 will be dependent upon the amount of offsets required in each year.

Environment—carbon offsets (Question No 1960)

Mr Seselja asked the Minister for the Environment and Sustainable Development, upon notice, on 8 December 2011:

(1) In relation to the *Weathering the Change Draft Action Plan 2*, Pathway 5 – Carbon Offsets, why is the cost of a carbon offset per tonne $25 in table 6, page 25, but based on a market price of $40 in the text, page 24.

(2) Who will buy these offsets and how will the cost be transferred to the ACT community.

(3) What is the actual environmental benefit to the ACT if the purchased offsets are not located in the ACT.

(4) Given that the rules around what may be defined as an offset, and the associated values of those offsets are fluid and currently under development; what is the basis of these estimates.

(5) Will the Government update these costs when the rules surrounding carbon offsets are more defined.

Mr Corbell: The answer to the member's question is as follows:

(1) A range of prices are available for carbon offsets, the accepted range is from $20 to $40. There is a difference in the reported figure for different years. $40 has been assumed as the price of offsets in 2020, this figure has then been expressed in 2010 dollars to remain consistent with the draft Action Plan 2 document.

(2) The mechanisms the Government will use to implement carbon offsets will be detailed in the ACT Carbon Offsets Policy. This will be released in conjunction with a final Action Plan 2.

(3) Any offset purchased would be consistent with national and international greenhouse gas offset frameworks to ensure ACT additionality to national programs.

(4) These estimates are based on current best practice (national and international greenhouse gas offset frameworks).

(5) The ACT Government is actively involved in developing the rules surrounding carbon offsets and will continue to update and improve methods as they become available.

Housing—bond money trust account (Question No 1961)

Mr Rattenbury asked the Attorney-General, upon notice, on 8 December 2011 *(redirected to the Acting Attorney-General)*:

(1) In relation to bond money lodged under the Residential Tenancies Act 1997 by tenants, how much money was located in the trust account mentioned in section 27(1) of the Act at the end of the (a) 2008-09, (b) 2009-10 and (c) 2010-11 financial years.

(2) How much interest was earned on the trust account referred to in part (1) in the last three financial years.

(3) How much interest was paid into the interest trust account mentioned in section 28(4) in each of the three financial years referred to in part (1).

(4) How much money was paid out of that interest trust account for each of the six purposes listed in section 28(4) during each of the financial years referred to in part (1).

(5) Which organisations received the money referred to in part (4).

Mr Barr: The answer to the member's question is as follows:

(1) & (2)

In relation to bond money lodged under the *Residential Tenancies Act 1997* by tenants, how much money was located in the trust account mentioned in section 27(1) of the Act at the end of the (a) 2008-09, (b) 2009-10 and (c) 2010-11 financial years and related interest.

	2008-09		**2009-10**		**2010-11**	
	Year-end Position $'000	Interest Earned $'000	Year-end Position $'000	Interest Earned $'000	Year-end Position $'000	Interest Earned $'000
Rental Bonds Trust Fund	39,643	2,278	44,027	1,887	48,966	2,679

(3) How much interest was paid into the interest trust account mentioned in section 28(4) in each of the three financial years referred to in part (1).

The amount of interest paid into the Rental Bond Interest Holding account during the period from July 2008 to 1 February 2009 was approximately $0.119m. The Rental Bond Interest Holding account has formed part of the ACT Civil & Administrative Tribunal (ACAT) since the ACAT Trust fund was established and commenced operation on 2 February 2009. It is not separately identifiable from other elements of that fund.

(4) How much money was paid out of that interest trust account for each of the six purposes listed in section 28(4) during each of the financial years referred to in part (1).

(5) Which organisations received the money referred to in Part (4)

The amount that was paid out during each of the financial years to various organisations referred to in part (1) and part (4) respectively from the trust fund for each of the six purposes listed in the section 28 (4) of the *Residential Tenancies Act 1997* is outlined below:

(a) Providing lessor and tenant information programs;

Year	Amount $'000	Organisations
2008-09	266	Tenants Advice Service (TAS)[1]
2009-10	266	Tenants Advice Service (TAS)[1]
2010-11	279	Tenants Advice Service (TAS)[1]

(b) Providing dispute resolution services for residential tenancy disputes;

Year	Amount $'000	Organisations
2008-09	288	ACAT[2]
2009-10	288	ACAT[2]
2010-11	298	ACAT[2]

(c) Facilitating assistance in the provision of residential accommodation, whether or not the accommodation is provided under this Act;

'Nil' facilitating assistance was made for each of 2008-09, 2009-10 and 2010-11 in the provision of residential accommodation, whether or not the accommodation is provided under this Act

(d) Researching issues of concern to lessors and tenants;

Year	Amount $'000	Organisations
2010-11	175	JACS Directorate – Legislation Legal Branch (LPB)[3]

(e) Reimbursing the costs incurred by the commissioner in instituting, defending or taking over proceedings in relation to tenancy disputes;

'Nil' cost was incurred for each of 2008-09, 2009-10 and 2010-11 by the commissioner in instituting, defending or taking over proceedings in relation to tenancy disputes.

(f) Reimbursing the Territory the cost of administering this Act. –

Year	Amount $'000	Organisations
2008-09	963	JACS Directorate – Office of Regulatory Services (ORS)[4]
2009-10	963	JACS Directorate – Office of Regulatory Services (ORS)[4]
2010-11	997	JACS Directorate – Office of Regulatory Services (ORS)[4]

Notes:
(1) Tenants Advice Service (TAS) is a non-government organisation providing tenants advisory services.
(2) ACAT was established since February 2009 and form part of Courts and Tribunal within Justice Community Safety Directorate's (JACS) portfolio. Payments shown in this table to ACAT prior to February 2009 were paid to the Courts & Tribunal for the operation of the Residential Tenancy Tribunal.

(3) LPB is one of Justice Community Safety Directorate's (JACS) business units providing legislation policy advice on Rental Bond related matters. The amount was provided to allow for the review of the *Unit Titles Act and Residential Tenancy Act.*
(4) ORS is the main administrative unit within JACS managing the Rental Bond function.

Security industry—guard dogs (Question No 1962)

Mr Rattenbury asked the Attorney-General, upon notice, on 8 December 2011:

(1) In relation to employees licensed to guard with a dog under section 13(1)(e) of the Security Industry Act 2003, are there any geographic limitations on where dogs can be used; if so, what are those limitations.

(2) Are there any limitations on the purposes for which dogs can be used; if so, what are those limitations.

Mr Corbell: The answer to the member's question is as follows:

The licensing and regulatory framework for private security firms using dogs for patrolling is set out in the *Security Industry Act 2003*.

This Act states that it is an offence to carry out a security activity without a licence to do so. Licences are issued by the Commissioner for Fair Trading in accordance with the eligibility criteria set out in the legislation.

To carry out these security measures, an individual would be required to hold an "employee licence", while their employer would be required to hold a "master licence".

The *Security Industry Regulation 2003* sets the qualification requirements for the guard using dogs being a Certificate II in Security Operations, with electives about—

- control and accesses to and exit from premises; and
- operating basic security equipment; and
- patrolling premises; and
- managing dogs for security functions; and
- handling dogs for security patrol.

Those who held an employee licence under the previous statutory regime are able to apply to vary their licence to permit them to guard with a dog, without formal training. If, within two years of the commencement of the current statutory framework, an individual with an employee licence under the previous statutory framework, who used this licence to guard with a dog, applies to have their licence under the current framework varied to allow them to guard with a dog, they will be taken to have obtained experience that is equivalent to satisfactory completion of a training course prescribed by regulation.

The *Security Industry Act 2003* and the *Security Industry Regulation 2003* do not identify or limit the geographical locations within the ACT where dogs can be used by security employees licensed to guard with a dog. However, there may be other pieces of legislation which limit the areas that animals are permitted.

Like all other animals, dogs are protected by the *Animal Welfare Act 1992*. This includes preventing people from causing the dogs unnecessary pain, committing an act of cruelty against them or using them for a purpose for which they are unfit.

If the dog has been trained as a guard dog, the Registrar for Domestic Animals must declare that a dog is a "dangerous animal" under the *Domestic Animals Act 2000*. In view of the risk to the community posed by dangerous animals, it is a requirement under the Act that individuals who own these animals must have a licence to do so.

Transport—light rail (Question No 1966)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 *(redirected to the Acting Minister for the Environment and Sustainable Development)*:

(1) In relation to the development of light rail proposals for the ACT, has the Government done an assessment of the risks associated with an oil-constrained transport future with and without a light rail system.

(2) Has the Government conducted analyses of the economic investment benefits that a light rail project would bring to Canberra.

(3) Has the Government conducted any comparative studies of light rail in cities similar to Canberra.

(4) Has the Government conducted a study of the financing options for light rail.

(5) Can the Minister provide the studies referred to in parts (1) to (4).

Ms Gallagher: The answer to the member's question is as follows:

(1) No, however the environmental costs and benefits of a light rail system were assessed as part of the 2008 light rail submission to Infrastructure Australia. The environmental costs and benefits of light rail and bus rapid transit will be included in the Northbourne Avenue (Gungahlin to City) Transport corridor study (the Northbourne Avenue study) currently underway.

(2) The 2008 Submission to Infrastructure Australia included an assessment of the costs and benefits of a light rail project. The Northbourne Avenue (Gungahlin to City) Transport corridor study will include economic assessments for light rail and bus rapid transit options for this corridor.

(3) The Northbourne Avenue study will explore national and international best practice examples of light rail and bus rapid transit corridors and systems, noting how they might be applicable in the ACT and the Northbourne Avenue/Gungahlin to City corridor specifically.

(4) The Northbourne Avenue study will include consideration of possible financing options for the preferred mass rapid transit option for the corridor.

(5) The Infrastructure Australia submission on light rail is publicly available. The Northbourne Avenue study is still underway, and will be released in 2012.

ACTION bus service—disabled access (Question No 1967)

Ms Bresnan asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) What disabled access standards apply in relation to bus stops and bus shelters and what do these require.

(2) Do bus stops that do not have shelter meet the standards referred to in part (1).

(3) What percentage of ACT bus stops/shelters are compliant with disabled access standards.

(4) What programs and goals does the Government have for upgrading bus stops both generally and to meet disabled access standards.

(5) How does the Government's policy to determine which bus stops will have shelter take into account the particular need for shelter for vulnerable groups, such as older Canberrans and people with disability and does this policy ensure that there will be more sheltered stops near aged care facilities.

Mr Barr: The answer to the member's question is as follows:

1. AS 1428 – Design for access and mobility, Disability Standards for Accessible Public Transport 2002 Guideline for promoting compliance of bus stops with the Disability Standards for Accessible Public Transport 2002 (December 2010). These standards cover guidelines for the provision of safe access to and from bus stops for people with disabilities.

2. Yes.

3. There are around 3000 bus stops in the ACT. 886 (i.e. 30%) of these bus stops were found to meet compliance standards in 2011.

4. The ACT Government has allocated $1.395 million in 2011-12 for the upgrade of bus stops to meet Discrimination Disability Act requirements.

5. The need for shelters is based on established justification criteria, such as minimum patronage levels at the relevant bus stop and its proximity to community facilities such as local centres, aged care accommodation and significant nodes of employment. To date this policy has ensured there are more shelters at stops in the vicinity of aged persons facilities.

Industrial relations—workplace bullying (Question No 1968)

Ms Bresnan asked the Attorney-General, upon notice, on 8 December 2011:

(1) What is the role played by private consultants and investigators in the resolution of workplace bullying complaints in which WorkSafe is also involved.

(2) Does WorkSafe use evidence collected by private consultants and investigators in the resolution of workplace bullying complaints and (a) how does it use this evidence and (b) does WorkSafe have protocols in place regarding the way it utilises evidence from private consultants/investigators in workplace bullying investigations.

(3) What government regulation, licensing, accreditation or guidelines exist in relation to private consultants/investigators who investigate workplace bullying matters.

Mr Corbell: The answer to the member's question is as follows:

(1) In meeting its duty of care, an employer (duty holder) has a duty under the Work Safety Act 2008 to take all reasonably practicable steps to identify and control risks to health and safety at work. In relation to the risk of bullying at work, the duty holder must demonstrate that it has developed and implemented systems and processes to prevent bullying at work and to manage any complaints of bullying that might arise.

A reasonably practicable step a duty holder can take in managing allegations of bullying at work would be for the duty holder to develop and implement procedures that include investigation of any such complaint. To avoid conflicts of interest and to ensure transparent and objective investigation of any allegation it may be appropriate that such an investigation should be conducted by a competent and suitably qualified independent person. The choice of competent and suitably qualified independent person to do this is a matter for the duty holder to make. WorkSafe ACT has no role in licensing or accrediting private consultants and investigators who might be used by employers to assist them in investigating allegations of bullying.

(2) WorkSafe ACT would consider any findings of fact from an independent investigator and whether the duty holder had appropriately responded to those findings as part of their investigation. In investigating complaints of bullying at work, WorkSafe ACT reviews the systems and processes that a duty holder has implemented in relation to bullying, including procedures for prevention and management of bullying at work, training of staff and managers, investigation of allegations and the actions taken by the duty holder to address the findings of any investigation undertaken. WorkSafe ACT Inspectors are trained generally in how to utilise expert reports obtained by duty holders in responding to risks or incidents at work.

(3) WorkSafe ACT has no role in licensing or accrediting private consultants and investigators who might be used by employers to assist them in investigating allegations of bullying. WorkSafe ACT is not aware of any other specific requirements although there may be requirements if the particular consultants are members of professional groups eg psychologists.

Industrial relations—Chinese embassy worksite (Question No 1970)

Ms Bresnan asked the Minister for Industrial Relations, upon notice, on 8 December 2011:

(1) Do the ACT's Work Health and Safety laws and Australian industrial relations laws apply at the Chinese Embassy site in Canberra; if not, what is the rationale for this.

(2) Do all workers undertaking construction works at the Chinese Embassy, including those who deliver materials or perform short term jobs at the site, have diplomatic visas, or are Australian residents also working at or entering the site.

(3) If workers at the Chinese Embassy do not fall under the ACT's Work Health and Safety or Australian industrial relations laws, what protections do apply to prevent workers being killed or injured.

(4) What opportunities for compensation or prosecution exist for any Australian workers killed or injured at the Embassy site.

(5) Are there any other embassies in Canberra where ACT Work Health and Safety laws and/or Australian industrial relations laws do not apply.

(6) What is the ACT Government's position on the application of ACT Work Health and Safety laws to workers entering the Chinese Embassy, and other Embassies, in Canberra, and what representations has it made to the Federal Government on this issue.

Dr Bourke: The answer to the member's question is as follows:

(1) Senior Officers of the ACT have met with the Federal Department of Foreign Affairs (DFAT) and the National Capital Authority (NCA) to discuss the work being undertaken at the Chinese Embassy. From that meeting, it was established that ACT laws do not apply. This is because if a workplace is located on national land with diplomatic immunities the ACT has no jurisdiction. The Chinese Embassy site has such status.

(2) I am advised that both DFAT and the NCA have confirmed that no Australian workers are allowed on site. DFAT have confirmed that all workers are Chinese citizens who have been granted diplomatic visas to travel to Australia and work on the site.

(3) DFAT and the NCA advise that Chinese officials have committed to comply with ACT building, employment and safety standards and have engaged a local Australian contractor to provide safety advice on how to do so.

(4) I am advised that for the reasons outlined above, the ACT Workers' Compensation and Work Health and Safety regulatory provisions would not apply to Chinese workers killed or injured on the site. DFAT have agreed to advise the ACT Work Safety Commissioner should any Australian workers be engaged on the project.

(5) Most other construction of embassies (or high commissions, consultants etc) occurs before the status of national land with diplomatic immunities is granted, and so the ACT would have jurisdiction until the site is formally declared an embassy. This is not the case for the Chinese Embassy due to an agreement reached between the Australian Government and People's Republic of China for this specific project. DFAT advice is this is a unique situation and unlikely to reoccur.

(6) The ACT Government applies its work health and safety laws to the full extent of the law. The Chief Minister wrote to the Federal Minister for Foreign Affairs on 6 December 2011 highlighting the discussions between Territory and Federal Officials and formally asking that DFAT advise the Work Safety Commissioner of any matter that may impact on public safety or if Australian workers are employed in the construction work on the Chinese Embassy site.

Cyclepaths—Kingston foreshore (Question No 1971)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011:

(1) Can the Minister provide details on where the location of the Kingston Foreshore component of the Lake Burley Griffin cycle path will be.

(2) How wide will this cycle path be.

(3) If this cycle path is to be located directly adjacent to the lake's edge, how will it interact with any planned outdoor cafe seating or pedestrian use of this area.

(4) Will this section of the cycle path have any speed or other restrictions placed on it.

(5) When will this section of the cycle path be completed.

Ms Gallagher: The answer to the member's question is as follows:

1. The Canberra and Queanbeyan Walking and Cycling Plan identifies the main commuter cycle route along Wentworth Avenue – this is an on-road cycle lane. The recreational cycle route follows Lake Burley Griffin and will include a 4 metre shared pathway at the lake's edge in front of the Waterfront development.

   The shared pathway will then follow the Kingston Foreshore promenade until it enters a copenhagen cycle route (which separates traffic from cyclists by a median); at Eyre St Bridge. The copenhagen style cycle route is being constructed along Eyre Street as part of the Stage 4 civil infrastructure works.

2. The cycle route along the lake consists of a 4 metre shared pathway. The design for the Kingston Foreshore promenade includes a 3.0 metre wide timber boardwalk, a 4 metre promenade (predominately a pedestrian zone) and a 5 metre shared use zone (pedestrians and cyclists). The copehagen cycle route along Eyre St is 2.5 metre wide.

3. Along the Kingston Foreshore promenade, it is intended that the 5 metre shared use zone becomes the primary route for pedestrians and cyclists using the promenade. The 5 metre zone has been designed to cater for cyclists – insitu concrete paving is used and cycle stands will be provided. A 6 metre building expansion zone within the development sites along the promenade adjoins the 6 metre shared use zone and will provide capacity for outdoor cafe seating. The seating from the 6 metre building expansion zone will not extend into the 5 metre shared use zone.

4. No specific speed restrictions are proposed. It is anticipated the 5 metre wide zone on the promenade will be used by recreational cyclists wishing to access the cafes and retailing facing onto the promenade and Kingston Harbour.

5. The promenade works are presently under construction as part of the public realm landscaping and associated works at Kingston Foreshore. The first stage (the shared use path adjacent to the lake) will be completed in 2012. The promenade works will be completed progressively, in conjunction with the building development along the harbour foreshore. Completion will occur progressively during 2013 and 2014.

Parking—strategy
(Question No 1972)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 *(redirected to the Acting Minister for the Environment and Sustainable Development)*:

In relation to the *Draft Parking Strategy 2007*, when is the Government going to release its Final Parking Strategy.

Ms Gallagher: The answer to the member's question is as follows:

The Government's parking policy was included in the draft Transport for Canberra policy, and will be released as part of the final Transport for Canberra policy in early 2012.

Trees—urban
(Question No 1973)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011:

(1) Can the Minister provide details on how timber from felled urban trees is currently used.

(2) Have any of the proposals for potential products outlined in the *Report on the sustainable re-use of timber from felled urban trees in the ACT* by Ian McArthur, available on the Office of the Commissioner for Sustainability and the Environment website, been taken up; if so, which ones.

(3) Have any of the recommendations of the report referred to in part (2) been taken up; if so which ones.

Ms Gallagher: The answer to the member's question is as follows:

1. Currently, by-product from tree maintenance operations is either chipped on site and used as mulch in the urban landscape or transferred as logs to one of the two wood storage locations in Curtin or Mitchell to be processed into mulch at a later stage. Mulch is also made available to ACT Government schools, the Stromlo Forest Park and the Government's tree planting contractors for mulching newly planted trees. Some of the stored logs have been made available on an ad-hoc arrangement to schools, the Integrated Urban Waterways project, the National Zoo and Aquarium and ACT Equestrian Association for horse jumps in Equestrian Park.

2. Mr McArthur's report identifies a list of potential products from urban tree management operations. The following is a summary of actions against the potential products identified by Mr McArthur.

   Sawlogs
   The majority of log by-product generated by urban tree management operations is unsuitable for sawlogs, so this option has not been explored.

   Posts
   Only a very small number of logs suitable for posts are generated by urban tree management operations, so this option has not been explored.

   Specialty products
   Some of the wood by-product generated by urban tree management operations is suitable for specialty markets although market interest is very small, so this option is being considered. Currently, this type of wood is made available to schools and other users upon request.

   Firewood
   The Territory and Municipal Services Directorate has had preliminary discussions with the local market regarding the use of urban tree management operations by-product as firewood. Indications are that the local firewood market has specific requirements and that there may be little or no interest in accessing by-product generated by urban tree management operations for sale locally as firewood. A procurement process that will seek offers from the local market for the disposal of solid wood by-product is currently being developed. Fire wood cannot be on-sold unless it is 90% cured, so strict conditions relating to the sale of this by-product will be imposed in the procurement process.

   Bio-energy
   Discussions are continuing with the Environment and Sustainable Development Directorate regarding the long term viability of utilising by product from urban tree management operations for the generation of bio-energy. No timeframes for trials of bio-energy technology have been set at this stage.

Bio-char
Bio-char can be produced as a by-product of some bio-energy production processes, so bio-char is currently being considered as part of discussions with ESDD about bio-energy technology.

Mulch
The majority of by-product from urban tree management operations is currently mulched and used in the urban landscape. Mulch provides a number of benefits including: soil water retention, collection and storage of water runoff, weed control, soil improvement and a reduction in areas that need to be mown.

Seed
Collection of seed from urban trees is not currently being considered as a commercial option, due to unreliability of parent seed mostly associated with hybridisation.

Ecological and habitat restoration
Suitable trees (mostly larger remnant Eucalypts) are cut over and retained in areas where it is considered safe to do so, as habitat trees. This approach has been used in Canberra for more than 25 years. In recent years, more than 2000 tonnes of logs were provided for use in Canberra's parks and reserves.

3. The answer to Question 3 has been provided above.

Parking—disabled spaces (Question No 1977)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) In relation to the 2008 ACT Disabled Parking Study, has the schedule of works appearing on the Territory and Municipal Services Directorate website as an outcome of this study been implemented; if not, what works remain to be done and what is the timeframe for their completion.

(2) How many disabled parking spaces now meet all the requirements of the three standards on which this study was based.

(3) Do these three standards still apply in the ACT.

(4) How do these three standards interact with the new Australian standard AS/NZ 2890.6:2009.

(5) Was the study's recommendation that the ratio of disabled spaces to standard spaces be increased to 3% implemented.

Mr Barr: The answer to the member's question is as follows:

1. Scheduled works have been implemented on the vast majority of 90 degree parking spaces. Works on parallel parking spaces, angled parking spaces other than 90 degree spaces and some 90 degree spaces are yet to be undertaken.

These remaining works will be completed before the end of the 2011-12 financial year.

2. The majority of spaces in Town and Group Centres now meet all standards. The exact figure is not available at this time; this will be available at the end of February.

3. Yes.

4. AS2890.6:2009 is a reference standard in the Building Code of Australia and is a lawful document.

   AS2890.1: 2004 sets out the minimum requirements for the design and layout of off-street parking facilities in general and AS2890.6:2009 specifies minimum requirements for the provision of off-street parking facilities for people with disabilities within these carparks.

   AS1428 is a reference standard in AS2890.6 and provides details for the provision of kerb ramps.

5. The study's recommendation that the ratio of spaces for people with disabilities be increased to 3% has now been adopted and included in the Environment and Sustainable Development Directorate December 2011 version of the 'Parking and Vehicular Access – General Code'. This recommendation is being gradually implemented.

Fitters Workshop
(Question No 1983)

Ms Le Couteur asked the Minister for the Arts, upon notice, on 8 December 2011:

(1) In relation to the Fitters' Workshop and given that page 160 of Budget Paper No.3 states that "This project will adapt the 98 year old Fitters' Workshop to a community print and lithographic studio. Together with the Canberra Glassworks, it contributes to developing the Kingston Arts and Cultural Precinct", is the $3.9 million appropriated for this budget output attached specifically to the Fitters' workshop, the Megalo relocation, or only to a specific combination of both.

(2) If Megalo is not relocated to the Fitters' Workshop, will the $3.9 million be redirected to the (a) provision of other premises for Megalo and/or (b) refurbishment of the Fitters' Workshop for other uses.

Ms Burch: The answer to the member's question is as follows:

(1) The $3.9M appropriation to adapt the Fitters' Workshop is for the purpose of re-locating Megalo Print Workshop to the Fitters' Workshop.

(2) The Government remains committed to the decision and budget appropriation to relocate Megalo Print Workshop to the Fitters' Workshop in the Kingston Cultural Precinct.

Parking—disabled spaces (Question No 1984)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 8 December 2011 *(redirected to the Acting Minister for Territory and Municipal Services)*:

(1) What proportion of disabled parking spaces in town and group centres have been upgraded to comply with the new Australian Standard AS/NZS 2890.6:2009, *Off-street parking for people with disabilities*.

(2) If some disabled parking spaces remain to be upgraded, where are they located and what is the timing schedule for upgrade.

(3) Has there been any overall loss in the number of disabled parking spaces as a result of this upgrade.

(4) What is the total number of disabled parking spaces across all town and group centres.

(5) What is the overall proportion of disabled parking spaces relative to standard parking places across all town and group centres.

Mr Barr: The answer to the member's question is as follows:

1. Scheduled works have been implemented on the vast majority of 90 degree parking spaces. Works on parallel parking spaces, angled parking spaces other than 90 degree spaces and some 90 degree spaces are yet to be undertaken. The exact figure will be available when the report from the Territory and Municipal Services Directorate is provided at the end of February.

2. As per 1 above. These remaining works will be completed before the end of this financial year.

3. No

4 &5.The total numbers will be available by the end of February 2012.

Fitters Workshop (Question No 1985)

Ms Le Couteur asked the Minister for the Arts, upon notice, on 8 December 2011:

(1) Given that on 28 September 2011, I received a briefing on the Fitters' Workshop organised by the Minister's office, during which I referred to document 000316 of the Fitters' Workshop Freedom of Information released to Mrs Dunne earlier this year and that the document refers to a 2007 public consultation process wherein expressions of interest for the community/cultural use of the Fitters' Workshop were invited and I asked the officers present to elaborate on this consultation process, however they were unable to do so and took the question on notice and despite subsequently reiterating my request to the Minister's office, I have still not heard back

regarding this matter, (a) how were the expressions of community interest referred to in document 000316 sought from the public and in which publications was this process made public, (b) from whom were expressions of interest sought, (c) which community/cultural groups provided expressions of interest, (d) how were the expressions of interest assessed, and by whom, (e) how and when were unsuccessful expressions of interest notified of the result, (f) how and when was the successful expression of interest notified, (g) were any expressions of interest given an opportunity to refine their applications, (h) did Megalo submit an expression of interest during this process and (i) which expressions of interest were short-listed for further consideration.

(2) Can the Minister provide documentary evidence of the answers to parts (1)(a) to (1)(i).

Ms Burch: The answer to the member's question is as follows:

(1) In 2010, the then Department of Land and Property Services (LAPS) was funded and directed to develop a design to relocate Megalo Print Workshop to the Fitters' Workshop. This followed 22 months of public discussion about the value of the building as a venue for musical performances.

The LAPS design study involved consultation and in April 2010 included approximately 30 people, principally from ACT Heritage (Council and officials), artsACT, Land Development Authority (LDA) officials, ACT Planning and Land Authority (ACTPLA officials), Ministerial staff, and private architects.

Further consultation continued throughout the year as the architectural team undertook their design work. A further meeting is documented,
15 September 2010, with officials and Members from the ACT Heritage Council; LDA heritage architect consultant Phillip Leeson; artsACT; Procurement Solutions; and LAPS. This consultation meeting concerned heritage issues for the Fitters' Workshop and the Kingston Heritage precinct.

LAPS had been directed to undertake the design documentation and, as such, did not undertake consultation on any use for Fitters' Workshop other than the relocation of Megalo Print Workshop.

(2) Documentation for the consultations referred to in question one are answered within the material provided in response to the Fitters' Workshop Freedom of Information request.

Questions without notice taken on notice

Roads—resurfacing

Ms Gallagher *(in reply to a question by Mr Coe on Thursday, 8 December 2011)*: I have asked Roads ACT to conduct a detailed traffic investigation on Kerrigan Street near the intersection of Winder Place and Lhotsky Street. The investigation will be completed before the end of April 2012.

I am advised that in the last five year period the intersection of McDougall Street / Tillyard Drive had no reported crashes. I have now asked Roads ACT to conduct a speed survey on McDougall Street and to take further action if warranted.

Facilities that are provided at St Thomas Aquinas Primary School in Lhotsky Street include a 40km/h school zone, pedestrian warning signs and a children crossing. I am advised by Roads ACT that there have been no recent reports of excessive speeding in the vicinity of the school. I have asked Roads ACT to conduct a speed survey at this location and to take further action if warranted.

Youth justice—blueprint

Ms Burch *(in reply to a question and a supplementary question by Mrs Dunne on Wednesday, 7 December 2011)*: Dr Helen Watchirs and Mr Alasdair Roy from the Human Rights Commission wrote to the Director-General of Community Services Directorate on 26 October 2011 requesting funding from the Directorate for the employment of a Senior Officer Grade C ($90,372) for a 12 month period to enable the Commission to assist the Taskforce and Directorate during the implementation process.

The Director-General has advised Dr Watchirs and Mr Roy he is not in a position to offer funding.

Environment—climate change impact assessment

Ms Gallagher *(in reply to a question by Ms Hunter on Thursday, 8 December 2011)*: I refer to the question raised by you in the ACT Legislative Assembly on 8 December 2011 regarding whether environmental assessments within the TBL framework also include sustainability assessment, not just climate change impact assessment. I have enclosed an extract of the Hansard record for that date.

The Triple Bottom Line (TBL) Assessment Framework provides a basis for assessment of social, economic and environmental impacts. The Assessment Framework embeds sustainability considerations in decision-making around these three core areas.

Civic—graffiti

Mr Corbell *(in reply to a question and a supplementary question by Ms Hunter on Wednesday, 7 December 2011)*: The licensing and regulatory framework for private

security firms using dogs for patrolling public places is set out in the *Security Industry Act 2003*.

This Act states that it is an offence to carry out a security activity without a licence to do so. Licences are issued by the Commissioner for Fair Trading in accordance with the eligibility criteria set out in the legislation.

Pursuant to section 7 of the Act, guarding premises with dogs, and the monitoring of security devices such as thermal imaging and covert mobile video surveillance units, fall within the definition of a 'security activity' provided it is done as part of a business or a person's employment as a guard or security officer. Those seeking to carry out such activities must hold a licence as required by the Act.

In addition, those installing, maintaining, repairing or servicing security equipment of the sort mentioned above will be considered to be conducting a security activity for the purposes of the Act, and be required to hold a licence to carry out these activities.

To carry out these security measures, an individual would be required to hold an "employee licence", while their employer would be required to hold a "master licence".

The *Security Industry Regulation 2003* sets the qualification requirements for the guard using dogs being a Certificate II in Security Operations, with electives about—

- control and accesses to and exit from premises; and
- operating basic security equipment; and
- patrolling premises; and
- managing dogs for security functions; and
- handling dogs for security patrol.

Those who held an employee licence under the previous statutory regime are able to apply to vary their licence to permit them to guard with a dog, without formal training. If, within two years of the commencement of the current statutory framework, an individual with an employee licence under the previous statutory framework, who used this licence to guard with a dog, applies to have their licence under the current framework varied to allow them to guard with a dog, they will be taken to have obtained experience that is equivalent to satisfactory completion of a training course prescribed by regulation.

Like all other animals, dogs are protected by the *Animal Welfare Act 1992*. This includes preventing people from causing the dogs unnecessary pain, committing an act of cruelty against them or using them for a purpose for which they are unfit.

If the dog has been trained as a guard dog, the Registrar for Domestic Animals must declare that a dog is a "dangerous animal" under the *Domestic Animals Act 2000*. In view of the risk to the community posed by dangerous animals, it is a requirement under the Act that individuals who own these animals must have a licence to do so.

Private firms using virtual security devices may also be subject to the application of *Privacy Act 1988* and the National Privacy Principles under the Act. The Principles will apply to the firm if:

1. the firm is not a small business as defined by the Act, in other words, it has an annual turnover equal to or greater than $3,000,000; or
2. the business poses a higher than normal risk to privacy.

The Privacy Act and National Privacy Principles may, in some circumstances, require notice to be given to people under surveillance, and they restrict the use of information collected. However, the restriction placed upon the collector will be removed in instances where the collector of the information holds a reasonable belief that the use or disclosure is reasonably necessary for the prevention, detection, investigation or remedying crimes or other improper conduct.

Industrial relations—security industry

Dr Bourke *(in reply to supplementary questions by Ms Bresnan, Ms Hunter and Ms Le Couteur on Thursday, 20 October 2011)*: As the newly appointed Minister for Industrial Relations, I am responding on Ms Gallagher's behalf. I apologise for the delay in my response.

Relating to Ms Bresnan's question around reviewing security clearance requirements on security contractors, I am still seeking advice around this matter and will answer the question shortly.

In relation to both Ms Hunter's and Ms Le Couteur's supplementary questions above:

This information is sourced from the Australian Security Industry Association Ltd (ASIAL)

Under the new modern award system, there is now one award for each industry, security included. With the security industry modern award all workers covered under other pre modern award awards are now transitioning onto the modern award rate. So for the last 2 July's the security workers have received a pay rise and will continue to do so for the next 3 Julys up until 2014 when all jurisdictions, including the ACT will be on the same base rate of pay. The transitional arrangement under the modern award, cover 3 areas, rate of pay, penalty rates and casual loading.

By way of example, the current weekly base rate under the modern award for a Level 1 Security Guard is $662.20, hourly $17.43. In the ACT it is currently $643.34 or $16.93. This however is transitioning to the new modern award base rate. Casual loading is transitioning from 15% to 23% over the same period. While Part time workers are losing their loading over the same period. NSW was used as the benchmark for the award process. Victoria is currently $652.46 and $17.17 per hour

ASIAL have also informed me that the all the majors in the ACT pay at least 8% above award. All ACT security firms were audited by ASIAL 3 years ago as a condition of membership and any that were found wanting had to improve their performance or be expelled from ASIAL.

For information, the Fair Work Ombudsman has just completed a security industry focused audit that included the ACT and its report is due out in February 2012.

Further to the modern awards, all industries are now covered by modern awards and will therefore be transitioning to the same base rates of pay and loading. As a consequence all jurisdictions over all industries will have parity base rates of pay by the end of their transition period.