Debates

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Thursday, 29 March 2012

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Thursday, 29 March 2012

The Assembly met at 10 am.

(Quorum formed.)

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

Election Commitments Costing Bill 2011 Exposure Draft—Select Committee
Reporting date

MR SMYTH (Brindabella) (10.02), by leave: I move:

> That the resolution of the Assembly of 17 November 2011 relating to the referral of the exposure draft of the Election Commitments Costing Bill 2011 to a select committee be amended by omitting the words "last sitting day in March 2012" and substituting "last sitting day in May 2012".

Mr Speaker, you would be well aware of this committee and this bill. We just need a little more time to consult further with some federal public servants as to how it works in the federal context and would report in May.

Question resolved in the affirmative.

Duties Amendment Bill 2012

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.03): I move:

> That this bill be agreed to in principle.

The Duties Amendment Bill 2012 amends the Duties Act 1999. In 2008 the government introduced the land rent scheme to help Canberrans achieve the dream of homeownership.

Mr Hanson: Shame!

MR BARR: Fame?

Mr Hanson interjecting—

MR SPEAKER: Thank you, members. Let us hear the minister. Mr Barr, you have the floor.

MR BARR: I am a bit flabbergasted that Mr Hanson called "shame" when we are seeking to help people achieve the dream of homeownership.

Mr Hanson interjecting—

MR SPEAKER: Thank you, Mr Hanson; the point has been made.

MR BARR: This scheme is part of the affordable housing action plan that provides people with the opportunity to build and own a house sooner than would otherwise be possible by renting the block from the ACT government rather than purchasing it. The land rent scheme allows people to access homeownership by reducing up-front costs of financing, the purchase of land and construction of a home on that land. The scheme allows households to purchase the land at any time by applying to the Planning and Land Authority for a variation of the lease to reduce the land rent payable to a nominal rent.

Under section 22(3) of the Duties Act, the granting of a land rent lease by the ACT Planning and Land Authority attracts a duty on its value as determined by the authority. Its value is the amount that would have been paid for the crown lease had the person opted to purchase the crown lease outright. As is the case with a normal crown lease, when a land rent lease is subsequently transferred from one lessee to another, its value for duty purposes is the greater of the consideration paid or its unencumbered value.

At the inception of the scheme, it was intended and expected that the unencumbered value of a land rent lease for duty purposes would be no different to that of a normal crown lease. The ACT Revenue Office has assessed the dutiable value of a transfer of a land rent lease based on the unencumbered value in the same manner as for a normal crown lease. This approach is supported by advice received from the Australian Valuation Office that the dutiable value is not reduced by virtue of the lessees taking a land rent option.

However, confusion about the value of a land rent lease has resulted from some valuers providing valuations indicating that in their view the land rent lease has only a nominal value. It would be inconsistent and inequitable to treat the transfer of a land rent lease as having a lower value than a standard crown lease for duty purposes. This is particularly so when the land rent lease can be converted to a standard residential lease immediately after the transfer. No duty would then be charged on the conversion of a land rent lease to a standard crown lease. These amendments will clarify the dutiable value of a land rent lease for the purposes of assessing duty. Under the Duties Act 1999, the dutiable value of a land rent lease will have the same unencumbered value as a normal crown lease.

For the benefit of Mr Hanson, who appears incapable of understanding this, this bill does not increase taxation, nor does it represent a change in policy. Its sole aim is to

make the legislation explicit as to how land rent leases are to be valued when transferred. This will ensure that these leases are treated in the same manner as other crown leases and attract the appropriate duty as intended. I commend the Duties Amendment Bill 2012 to the Assembly.

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

Duties Amendment Bill 2012 (No 2)

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.07): I move:

> That this bill be agreed to in principle.

The Duties Amendment Bill 2012 (No 2) amends the Duties Act 1999. Under the intergovernmental agreement on the reform of commonwealth-state financial relations, the government has progressively abolished the duty payable on a number of different transactions. The duty on the transfer of non-real core business assets was abolished on 1 July 2006. The duty on the creation of short-term subleases of less than 30 years was abolished on 1 July 2009.

Ad valorem duty on transfers of subleases was retained. It was retained to stop subleases being used as a mechanism to transfer effective control and ownership of a commercial property without transferring the legal title and thereby avoiding the payment of conveyance duty. It is a common practice, when a business is sold, for an existing sublease to be transferred to the new owner. This allows the new owner to continue operating the business from the same premises under the existing terms and conditions of the lease. The value of the short-term sublease is nominal and therefore is only subject to a minimum duty of $20.

However, an anomaly exists under current legislation whereby business goods transferred with other dutiable property, such as a sublease, attract an ad valorem duty. For example, if a person transfers goods such as coffee machines, fridges or ovens in conjunction with a sublease, the sublease would attract only a $20 duty while duty would be charged on the total value of the goods transferred. If the goods were transferred separately, no duty would apply. This creates an anomalous situation.

In practice, the Commissioner for ACT Revenue has, in the past, generally exercised his discretion under the act to exclude such goods when determining a taxpayer's duty liability. To provide certainty to taxpayers it is preferable to amend the legislation to remove this anomaly.

By abolishing duty on short-term subleases, this bill removes a small nuisance tax on the ACT business community. This will assist businesses in the ACT by reducing

compliance burdens and streamlining the asset transfer process. As a consequence, it also removes the anomalous duty on goods transferred within these short-term subleases. This change only affects goods transferred with short-term subleases. Transfers of long-term subleases with a term greater than 30 years, and associated goods, will remain liable to duty. I commend the Duties Amendment Bill 2012 (No 2) to the Assembly.

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

Rates and Land Tax Legislation Amendment Bill 2012

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.11): I move:

> That this bill be agreed to in principle.

The Rates and Land Tax Legislation Amendment Bill 2012 amends the Rates Act 2004 and the Land Tax Act 2004. The Rates Act imposes rates on all land in the ACT except for land that is specifically exempted. Different fixed and variable charges are applied to residential, commercial and rural land leases, based on the uses allowed under their purpose clauses. Land that does not have a residential or rural purpose is, by default, charged at the rate applying to commercial land.

In 2001, the concept of a community title scheme was introduced. It provides for a new form of title which allows for the grouping of separate crown leases together, with a shared interest in a common area. A community title scheme applies when two or more separately owned lots share at least one communal space. This communal space is jointly maintained by the owners through a body corporate. Under the Rates Act, each common area lease is valued and rated independently of the separately owned parcels of land. The common area lease generally has a purpose clause other than residential or rural, such as community use, outdoor recreation facilities or road infrastructure. As a result, the common area lease, by default, is charged commercial rates and land tax. This occurs even when the purpose clause does not specifically allow commercial activities on the common area.

The government recognises that this is an anomaly in the rates legislation and that it should be changed. Under the proposed amendment, the level of rates charged on a common area under a community title scheme will reflect the purposes for which it can be used. Where the separate crown leases that have a shared interest in the common area have a residential purpose and the purpose clause of the common area lease is not commercial, residential rates will be charged. Where there are any leases within a community title scheme permitting commercial activities, then rates and land tax at commercial rates will continue to be imposed on the common area.

This amendment will align the levying of rates on common areas in accordance with their purpose and permitted uses. This will result in greater equity for owners of the common area under a community title scheme.

It should also be noted that the proposed amendments would only change the treatment of a common area within a community title scheme, not the individual blocks associated with it. I commend the Rates and Land Tax Legislation Amendment Bill 2012 to the Assembly.

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

Land Rent Amendment Bill 2012

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

Title read by Clerk.

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation) (10.15): I move:

> That this bill be agreed to in principle.

This bill will improve the operation of the current land rent scheme. The land rent scheme commenced on 1 July 2008. Its purpose was to assist households, who might otherwise have been unable to enter the housing market in the territory, to purchase their own home. Besides reducing a significant barrier to entry, by enabling residents to rent a block of land from the government rather than purchasing it, the scheme also reduces the ongoing costs for the participating households. The scheme was the first of its kind in Australia and was one of the many actions contained in the ACT government's innovative affordable housing action plan.

I am very pleased to report that, overall, the land rent scheme has been very successful. There have been 346 land rent contracts settled, with a crown lease registered. A further 753 land rent contracts have been exchanged. The scheme is now being supported by another financial institution, bankmecu, in addition to the CPS credit union.

Members would be aware that the government provides information sessions on the land rent scheme run by the Canberra Institute of Technology. These sessions provide those interested in the scheme with information about how the scheme works and the possible financial implications and costs associated with the scheme. Since the beginning of the scheme in July 2008, these sessions have attracted over 2,800 people.

The scheme has now been in place for around three years. The government has undertaken a post-implementation review of the land rent scheme to determine whether the policy has met its original objectives. The post-implementation review

included an evaluation of the administrative protocols and processes between ACT government directorates and an assessment of whether any of the legislative provisions need adjustment.

The Land Rent Amendment Bill 2012 contains a number of legislative amendments that will improve the operation and effectiveness of the scheme. The proposed amendments will maintain the principles of the scheme by keeping a focus on the desired end result, which is to provide greater access to affordable housing in the territory.

The key amendment is to widen the role of Community Housing Canberra in the scheme. Under the current legislation, CHC are only able to participate in the scheme at the standard or four per cent rate. CHC are recognised as an affordable housing provider in the territory and it makes sense that they are able to access the scheme at the discount or two per cent rate, usually available to lower income applicants, to achieve their broader objectives. Allowing CHC to access the scheme at the discount rate will allow them to offer a homeownership product to their tenants, with a target of transition from tenancy to full ownership.

The bill proposes that Housing ACT be excluded from accessing the scheme. For a government-owned agency, the government has more direct and transparent means available to provide finance and support for Housing ACT through the annual budget process.

A key principle of the scheme is to maintain flexibility and allow for changes in the individual circumstances of Canberra households. Under current legislation, households will only have the discount rate applied immediately if they can demonstrate hardship. The bill proposes that any delay in having the discount rate applied is removed. This would mean that all households who apply for the discount rate are able to access it from the date of application, should their circumstances change and they are assessed to be eligible.

The bill also contains other minor amendments in relation to the discount rate that will streamline processes and reduce the administrative burden on the ACT Revenue Office. The proposed amendments to the Land Rent Act 2008 are aimed at improving the operation of the scheme and will allow it to continue to provide a way for Canberrans to own their own home. I commend the bill to the Assembly.

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

Human Rights 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) (10.20): I move:

That this bill be agreed to in principle.

Today I am honoured to introduce groundbreaking human rights legislation into the Assembly. This bill, the Human Rights Amendment Bill 2012, introduces the right to education into the Human Rights Act—a right that we know is highly valued in our community.

This bill reflects the government's responses to the five-year review of the Human Rights Act and the *Australian Capital Territory economic, social and cultural rights research project report*. It also gives effect to the government's support for many of the carefully considered recommendations in both documents.

Before I speak to the bill, I would again like to express my thanks to all of those involved in preparing the high quality reports that inform these amendments.

The five-year review was positive about the first five years of operation of the Human Rights Act, noting that the act "has operated in subtle ways to enhance the standing of human rights in the ACT". The review made 30 recommendations, intended to "assist the process of strengthening the operation of the Human Rights Act to enhance the operation of the Human Rights Act as a dialogue model". The government fully supports three of those recommendations and supports in part or in principle another 13.

The majority of the agreed recommendations are of a general, administrative nature. These recommendations will inform and shape the policies and operations of public authorities, but it was not considered necessary or appropriate to legislate for these in this bill, given their administrative nature.

The major substantive change to the Human Rights Act deriving from recommendation 4 of the five-year review is that the act will be amended to omit the word "Territory" from section 28(1). Section 28(1) will now read: "Human rights may be subject only to reasonable limits set by laws that can be demonstrably justified in a free and democratic society."

This means that the human rights in the act may potentially be limited by the operation of not only laws passed by the Assembly but also any relevant common law and federal and international laws applicable to the territory, if that limitation can be justified after an analysis of all the relevant factors. As a result, this provision will be more analogous to and consistent with similar limitation provisions in the Victorian Charter of Rights and Responsibilities Act 2006.

The second major amendment in the Human Rights Amendment Bill 2012 arises out of the government's response to the *ACT economic, social and cultural rights research project report*. This amendment is the inclusion of the right to education, limited to the two immediately realisable aspects we have identified in the bill.

In making this amendment, the ACT will again lead the way on human rights in Australia, being the first and only Australian jurisdiction to recognise an economic,

social or cultural right. The government is committed to a step-by-step approach in realising this right, an approach that will ensure that the ACT continues to benefit from a coherent and principled human rights framework.

The right to education is found within article 13 of the international covenant on economic, social and cultural rights. The right to education is fundamental to the full enjoyment of many other rights which we have already recognised in the Human Rights Act, such as the right to vote and the right to participate in public life.

Education is essential to gaining and sustaining meaningful employment which is crucial not only to ensure that individuals can fulfil their individual right to housing, food and health, but also in the development of the community as a whole. As the United Nations general comment 13 states:

> Education is both a human right in itself and an indispensable means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy, protecting the environment, and controlling population growth. Increasingly, education is recognized as one of the best financial investments States can make. But the importance of education is not just practical: a well-educated, enlightened and active mind, able to wander freely and widely, is one of the joys and rewards of human existence.

The scope of the right is well defined within international law and, when included in the Human Rights Act, will require the government to continue to provide free, high quality, primary school education to all children living in the territory.

Recognition of the right to education also means that the government must continue to provide education options for all people living in the territory and maintain the high quality of education currently provided.

Education must be provided in a way that does not discriminate, facilitating greater access to the opportunities education provides for people from all backgrounds.

Inclusion of the right to education does not mean the government has to provide free education to every person in the ACT or to provide free books, uniforms and excursions for every student in public schools. Recognition of the right to education instead ensures access to education without any discrimination that prevents that access.

This means all children can attend primary school and others in our community can access further education and vocational training or continuing training, the key to opportunities for any individual to improve his or her quality of life. It also affirms the right of parents or guardians to choose schooling for their children which is consistent with their religious or moral convictions, provided this schooling is of an appropriate standard.

The government currently fulfils these obligations through the Education Act 2004. The Education Act provides that every child has the right to receive a high quality education and that education in government schools is free. In this respect, the ACT exceeds the requirements agreed on by the international community within the international covenant, as it provides free education for children at both the primary and high school levels.

These amendments will reinforce the provision of quality education provision in the territory which has resulted in the ACT achieving the highest levels of adult literacy in Australia.

This proud history and the significance of our efforts in the human rights arena will be acknowledged as the ACT becomes the first Australian jurisdiction to formally recognise the importance of education in a human rights context. In the words of the self-made American President James A Garfield, "Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be … maintained."

As is the case with existing rights under the act, once these amendments are enacted, the government will ensure that ACT legislation is consistent with this right.

Section 28 of the Human Rights Act will provide the framework for determining whether any limitations on rights can be demonstrably justified in a free and democratic society. Any law that may limit the right to education must be a reasonable limitation that can be "demonstrably justified in a free and democratic society", and the least restrictive means available to achieve the purpose of the limitation.

The immediate obligations of the right to education will require that I consider the right to education in meeting my obligations under section 37 of the Human Rights Act to present a written statement about a bill's compatibility with the act. In addition, the right to education will need to be taken into account by the Standing Committee on Justice and Community Safety when it is performing the duties of a scrutiny of bills and subordinate legislation committee, when considering the human rights compatibility of any bill tabled by the executive.

To assist agencies to understand the scope of this additional right, the human rights unit is developing a fact sheet which will be publicly available and promoted across government. Education for public authorities on the Human Rights Act will, of course, also include information on the right to education. This is in addition to the human rights unit's practice of early engagement with all relevant government agencies to ensure that human rights issues are identified and considered as part of the policy development and law-making process.

Section 30 of the Human Rights Act, the general interpretation provision, will also extend to the operation of the right to education, ensuring that, to the extent possible, territory law is interpreted in a way that is consistent with this additional right.

Part 5A, which imposes obligations on public authorities to act consistently with human rights and provides a power to take action, will not apply to the right to education at this point in time. This means that individuals will be not be entitled to start legal proceedings in the Supreme Court if they believe that a public authority has acted inconsistently with their rights.

The rationale for this distinction and the absence of obligations on public authorities has been arrived at after much deliberation and broad consultation across the community. The government's view is that to impose obligations on public authorities at this stage would not allow adequate opportunity for public authorities to fully understand the scope of the right and its implications, or plan for any policy or budgetary changes which may be required.

ACT government agencies work hard to stay abreast of developments in best practice, improve service delivery and meet the needs of the Canberra community. However, in the interests of consistency in service delivery and coherent policy development, it is sometimes the case, as it is here, that to rush the imposition of significant new obligations for public authorities could compromise current operations and long-term resource allocation plans of those authorities. It also reduces the prospects of non-compliance with the reform by allowing more time for officials to become familiar with the right.

For this same reason, in relation to significantly affecting current operations and long-term resource allocation, the international law doctrine of progressive realisation will not apply to the right to education at this time. In order to establish and foster the right to education within the ACT, all relevant public officials at every level and in every directorate must be appropriately informed and trained about the implications of the new right.

The human rights unit is in the process of developing an updated plain English toolkit for public authorities aimed at providing information about the Human Rights Act across the territory government. This toolkit will be a publicly available document, so all ACT residents can access information about their rights.

A review of the operation of the right to education and other reforms will be conducted after two years of its operation. The review will assess the operational impact of the reforms and determine the next steps forward to continue to foster the human rights culture within the territory. This review will consider not only the operation of the right to education, but also whether it would be appropriate to include further rights.

Given our progress since the Human Rights Act was first introduced in 2004, we can be confident that the hard work of the territory's officials, the passion of our community sector and academics and the values of Canberrans will further protect our inherent human rights.

There were people who criticised the government's decision to introduce the first Human Rights Act in 2004 and predicted the sky would fall in. Some of our

colleagues went so far as to say that they would repeal the act given the chance. Eight years later, we would surely all agree that the Human Rights Act is a vital part of our processes which makes a significant contribution towards developing and strengthening the rule of law and democracy in the territory.

The reality is that while Australia is a great country, most of the time, human rights protections in Australia are ad hoc and incomplete. We owe it to the most vulnerable to stand up and say, "You will not be forgotten; your future is important to the future of the territory." We owe it to ourselves to stand up and publicly declare that there are some basic principles which must be recognised as fundamentally inherent in the lives of all of our citizens.

These principles, like the right to education, are central pillars of our society. As is recognised in the Vienna declaration, rights do not operate in isolation, and we cannot protect them in isolation. Since enacting the Human Rights Act in 2004, we have seen a shift across government and across our community towards incorporating human rights into our everyday activities. This bill the government is introducing today will continue that process of promotion and further grow the human rights culture in the ACT.

I commend the bill to the Assembly.

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

Statute Law 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) (10.34): I move:

> That this bill be agreed to in principle.

The Statute Law Amendment Bill 2012 makes statute law revision amendments to ACT legislation under guidelines for the technical amendments program approved by the government. The program provides for amendments that are minor or technical, and non-controversial. They are generally insufficiently important to justify the presentation of separate legislation in each case and may be inappropriate to make as editorial amendments in the process of republishing legislation under the Legislation Act 2001. The program is implemented by presenting a statute law amendment bill such as this in each sitting of the Assembly and including further technical amendments in other amending legislation where appropriate. This year, given the election, there is likely to be only one statute law amendment bill.

Statute law amendment bills serve the important purpose of improving the overall quality of the ACT statute book so that our laws are kept up-to-date and are easier to find, read and understand. A well-maintained statute book greatly enhances access to ACT legislation and is a very practical measure to give effect to the principle that members of the community have a right to know the laws that affect them.

Statute law amendment bills also provide an important and useful mode for continually modernising the statute book. For example, laws need to be kept up-to-date to reflect ongoing technological and societal change. Also, as the ACT statute book has been created from various jurisdictional sources over a long period, it reflects the various drafting practices, language usage, printing formats and styles throughout the years. It is important to maintain a minimum, consistent standard in presentation and cohesion between legislation coming from different sources at different times so that better access to, and understanding of, the law is achieved.

This statute law amendment bill deals with three kinds of matters. Schedule 1 provides for minor, non-controversial amendments proposed by a government agency that require approval from the Chief Minister.

Schedule 2 contains amendments of the Legislation Act 2001 proposed by the parliamentary counsel to ensure that the overall structure of the statute book is cohesive and consistent and is developed to reflect best practice.

Schedule 3 contains technical amendments proposed by the parliamentary counsel to correct minor typographical or clerical errors, improve language, omit redundant provisions, include explanatory notes or otherwise update or improve the form of legislation.

Statute law amendments bills may include a fourth schedule that repeals redundant legislation. No fourth schedule is included in this bill.

The bill contains a large number of minor amendments with detailed explanatory notes, so it is not useful for me to go through them all now. However, I will take the opportunity to briefly mention several matters.

Schedule 1 of the bill amends the Cultural Facilities Corporation Act 1997, section 6, to remove the function of the Cultural Facilities Corporation to manage and develop Civic Square precinct as a cultural focus of the ACT. As members may recall, this amendment is the government's response to a recommendation of the Loxton report of a review of the arts in the ACT. The responsibility for the Civic Square precinct will be transferred to the ACT Property Group in the Territory and Municipal Services Directorate.

Schedule 1 also amends the Training and Tertiary Education Act 2003, section 108, to change the designated authority for the purposes of the Education Services for Overseas Students Act 2000 of the commonwealth from the Accreditation and Registration Council—or the ARC—chairperson to the Minister for Education and

Training. The designated authority is responsible for approving providers of courses to overseas students. The amendment also limits the provision to course providers for overseas students at schools.

The amendment is necessary because the role of the ARC in relation to vocational education and training and higher education providers is being substantially diminished due to developments under commonwealth legislation. The National Vocational Education and Training Regulator Act 2011 of the commonwealth and the Tertiary Education Quality and Standards Agency Act 2011 of the commonwealth establish entities that will be the designated authorities in the territory in relation to vocational education training and higher education providers.

As the minister is already responsible under the Education Act 2004 for establishing schools and approving the registration of non-government schools for domestic students, it is considered appropriate for the minister to approve providers of courses for overseas students at the same schools.

The Working with Vulnerable People (Background Checking) Act 2011 is amended in schedule 1 to replace existing table 3, which provides that the act applies to regulated activities mentioned in an item in the table in the year mentioned in relation to the item. The revised table changes the years in which the act applies to the regulated activities of services for migrants, refugees and asylum seekers, housing and accommodation, prevention of crime and emergency services personnel and mental health because of the review that will occur in its fourth year of operation, as provided for in section 70 of the act.

Schedule 2 provides for non-controversial structural amendments of the Legislation Act initiated by the Parliamentary Counsel's Office.

Structural issues are particularly concerned with making the statute book more coherent and concise and, therefore, more accessible. Strategies to achieve these objectives include avoiding unnecessary duplication and achieving the maximum degree of standardisation of legislative provisions consistent with policy requirements and operational needs.

The schedule amends the Legislation Act to include new definitions in the dictionary, part 1, of "Australian citizen" and "fire and rescue" for ease of reference across the statute book. Amendments have also been made to the definitions of "chief officer (fire brigade)," "emergency service" and "fire brigade" to reflect the recent change of name of the ACT Fire Brigade to ACT Fire and Rescue.

Schedule 3 includes amendments of acts and regulations that have been reviewed as part of the ongoing program of updating and improving the language and form of legislation. These amendments are explained in the explanatory notes and are routine, technical matters, such as the correction of minor errors, improving syntax and omitting redundant provisions.

In particular, amendments have been made to a range of acts and regulations as a consequence of the inclusion of new definitions of "Australian citizen" and "fire and

rescue" and the amendment of definitions of "chief officer (fire brigade)," "emergency service" and "fire brigade" in the Legislation Act, dictionary, part 1. Members will be aware that the primary legislative amendments of the Emergencies Act 2004 are being made in the Justice and Community Safety Legislation Amendment Bill 2012 to reflect the change of name from the ACT Fire Brigade to ACT Fire and Rescue. The Statute Law Amendment Bill 2012 completes the process by making consequential amendments to other legislation.

In addition to the explanatory notes in the bill, as always, the parliamentary counsel is also available to provide any further explanation or information that members seek about any of the amendments made by this bill.

The bill, while minor and technical in nature, is another important building block in the development of a modern and accessible ACT statute book that is at the leading edge in Australia.

I commend the bill to the Assembly.

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

Classification (Publications, Films and Computer Games) (Enforcement) 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) (10.44): I move:

> That this bill be agreed to in principle.

I am pleased to present the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012.

The bill has been prepared in response to the decision made at the July 2011 meeting of the Standing Committee of Attorneys-General—now the Standing Council on Law and Justice—to introduce an R18+ classification category for computer games in Australia.

The commonwealth government has now introduced a bill, the Classification (Publications, Films and Computer Games) Amendment (R18+ Computer Games) Bill 2012, which is due to commence on 1 January 2013.

I am pleased to report that that bill was passed unamended by the House of Representatives on 19 March this year. It is now progressing to the Senate for its consideration. The commonwealth bill is the mechanism by which the R18+ category is activated for all other jurisdictions.

The classification of computer games in Australia, as well as films and publications, is governed by the commonwealth Classification (Publications, Films and Computer Games) Act 1995.

Section 51(v) of the Australian constitution confers power on the commonwealth to classify material—computer games, films and publications. Computer games are currently categorised into the G, PG, M, MA15+ or RC categories.

States and territories are responsible for the censorship of materials—that is, determining the specific content of materials within each category. Under the scheme states and territories are also responsible for the enforcement of classification decisions.

The Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012 introduces an R18+ classification category for computer games in the ACT, placing it within the current framework which already contains the G, PG, M, MA15+ and RC categories.

The new category will be enforced by the Office of Regulatory Services. Currently in the ACT, the Commissioner for Fair Trading regulates X18+ films by licensing sellers of such films and ensuring X18+ films are sold only in the designated industrial areas of Fyshwick, Mitchell and Hume.

ORS inspectors also have powers, including the power to enter and search premises without a warrant, to ensure that businesses are complying with their obligations in regard to X18+ films under the ACT classification act.

Unlike X18+ films, R18+ computer games will be available to the public from a wide range of retail outlets, such as department stores and specialist computer games stores. There is no licensing regime, unlike that for X18+ films.

To enable ORS inspectors to enforce the R18+ computer game category, the ACT classification amendment bill replicates the enforcement framework that is currently in place for X18+ films, other than the requirement for licences.

Another notable feature of the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2012 is that it engages section 11(2) of the Human Rights Act 2004 which provides that every child has the right to the protection needed by the child, because of being a child, without distinction or discrimination of any kind.

The introduction of the R18+ classification category engages this right in a positive sense, as it will provide more protection to children and vulnerable adults than the present scheme under which any person can purchase material, other than refused classification material, from overseas and have no guidance as to its content.

The ACT has long supported the introduction of an R18+ category for computer games in Australia, because it will provide governments with a greater ability to

control the distribution of these games. It will provide adult purchasers with greater information to allow them to determine whether this is something they truly want to view or use.

Contrary to the arguments put forward by opponents of the introduction of the category, an R18+ classification will not suddenly introduce prohibited and offensive games to Australia. The refused classification category still remains, and the Attorney-General of any jurisdiction may request the reconsideration of a classification if they are concerned about the content of a particular game.

I am pleased to say that the ACT is the first jurisdiction to introduce a bill giving effect at a local level to the commonwealth's decision to implement the category in Australia.

The R18+ debate has been going on for far too long now and I am relieved that all jurisdictions have agreed to the current approach with the overwhelming support of the Australian public.

I commend this bill to the Assembly.

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

Road Transport (General) 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) (10.50): I move:

> That this bill be agreed to in principle.

Each year in the ACT more than 200,000 infringement notices are issued for offences against the road transport legislation. Road transport offences are possibly the most prevalent, and certainly the most frequently detected, category of offences in the ACT.

The purpose of the infringement notice scheme is to expedite the process for dealing with these offences so that they do not need to be dealt with by the courts, unless the defendant so chooses. The use of the infringement notice process has advantages for the defendant, who is able to expiate the offence through the payment of a fixed penalty without having a conviction recorded and without having to attend court. It also has advantages for the territory as the pressure on court and prosecution resources is reduced.

At present, infringement notices for road transport matters are dealt with under the scheme for infringement notices established by part 3 of the Road Transport (General)

Act 1999. That scheme substantially replicated the infringement notice scheme under the Motor Traffic Act 1936, which was repealed when the road transport legislation came into effect in 2000.

Infringement notice schemes are not unique to the territory or unique to road transport matters. There are elements of the infringement notice scheme for the road transport legislation that are specifically designed to take account of the different types of technology that may be used for that purpose, such as speed cameras or red light cameras. The infringement notice scheme for the road transport legislation also operates in conjunction with the demerit points system for driver licensing.

The demerit points scheme established under the Road Transport (Driver Licensing) Act 1999 is part of the national scheme for graduated driver licensing. Drivers in the various licence classes have different demerit points limits. They may incur demerit points for particular driving offences up to their demerit points limit during the three-year accrual period. The demerit points for various offences are set out in the schedule to the Road Transport (Offences) Regulation 2005. The advantage of demerit points is that they can be an effective deterrent for people who have a high capacity to pay and would not be effectively deterred from committing certain types of traffic offences by infringement notice penalties alone.

There is a national schedule of demerit points, although jurisdictions are also permitted to allocate demerit points for certain jurisdiction-specific offences as well if they wish. Points incurred by drivers travelling interstate can be recorded against their licence in their home jurisdiction under interstate recognition arrangements. Once a driver has incurred enough demerit points to reach or exceed that driver's demerit points limit during the accrual period, the driver faces a period of licence suspension, cancellation or ineligibility. Essentially, this is a period of "time out" from driving as a consequence of poor driving behaviour over the three-year accrual period, although full driver licence holders may have the option of electing to be of good driving behaviour for 12 months instead of serving a period of licence suspension.

The interaction between the demerit points scheme and the infringement notice scheme is complex. Demerit points for an infringement notice offence are recorded against a person's driver licence when the person pays the infringement notice penalty or requests additional time to pay, or when they are convicted or found guilty of the relevant offence. Demerit points are also recorded if the person fails to do anything and the time for responding to the notice ends. Demerit points are not recorded against the person's drivers licence if the person makes an infringement notice declaration that nominates someone else as the driver of the vehicle at the time of the offence or if the notice is withdrawn or successfully contested in court.

It is the interaction between the demerit points system and the infringement notice scheme that has given rise to concerns that some people may be making false or misleading infringement notice declarations primarily to evade, or assist another person to evade, the demerit points associated with an infringement notice offence.

The Office of Regulatory Services has not infrequently received telephone inquiries from people wanting to know how many points they have left, and how many points

other family members have left, so they can decide who to nominate as the driver for a traffic offence. I am advised it is also not uncommon for the office to receive declarations from young provisional drivers nominating one of their parents as the person who was driving their child's vehicle—complete with P-plates—at speed through a red light at 4 am on a Saturday or Sunday morning near a popular venue for young people, despite the fact that the parent has several other cars registered in their name and a blemish-free driving history stretching over 30 years. Some parents may even consider that "taking the points" for their offspring is a loving thing to do, not realising that by doing so they are condoning unsafe driving habits that could result in an accident that causes permanent harm or death to their child or someone else.

There is also a concern that some corporations are failing to identify the driver involved in demerit points offences and are paying the infringement notice penalty in the name of the corporation, thereby enabling those drivers to evade the demerit points associated with the offence. On at least 1,500 occasions last year, corporations in the ACT failed to identify the drivers involved in demerit points offences.

This problem is not isolated to the ACT. In the *Herald Sun* newspaper of 23 December 2011 it was reported that in Victoria up to 50,000 drivers a year exploit the corporate-penalty loophole to avoid demerit points. New South Wales has also identified the failure of corporations to nominate the driver of vehicles involved in camera-detected offences as a problem. It has recently introduced amendments to its legislation to increase the penalties for corporations that fail to do so and has imposed more stringent requirements for corporations to provide information to authorities to assist them to identify and locate the driver involved in an offence.

This bill amends the scheme in the road transport legislation and, in particular, provisions in part 3 of the Road Transport (General) Act 1999 for issuing, serving and enforcing infringement notices in relation to offences under the road transport legislation. In particular, the bill will include new powers in relation to statutory declarations about offences for which an infringement notice has been issued. These powers are intended to reduce the scope for making incomplete or false statutory declarations.

Under the new scheme, if the responsible person for a registrable vehicle was not in possession or control of that vehicle when the offence was committed the bill imposes an obligation on the responsible person to take all reasonable steps to assist the administering authority to identify and locate the person who was in possession or control of the vehicle at that time. The concept of all reasonable steps is defined in the bill and includes the completion of an infringement notice declaration in the prescribed form, as well as the provision of other information or assistance that may be required by the administering authority.

The obligation to take all reasonable steps is intended to encourage the responsible person for the vehicle to be honest, timely and accurate in completing the infringement notice declarations in relation to infringement notices. The obligation to take all reasonable steps is designed to discourage people from making false declarations either to avoid incurring demerit points against their licence or failing to make a declaration and thereby incurring points that should have been allocated to another person to enable that other person to avoid incurring those demerit points.

The bill also contains new provisions—new division 3.3A—to encourage corporations to identify the drivers of vehicles involved in offences that carry demerit points, to enable the demerit points for those offences to be recorded against the driver licence record for the person who actually committed the offence. Corporations that fail, on two or more occasions, to take all reasonable steps to assist the administering authority to identify the driver of a vehicle registered to the corporation that is involved in an offence will be advised that registration sanctions will be applied to the corporation's vehicle, or another vehicle owned by the corporation if the corporation has disposed of its interest in the vehicle involved in the relevant offences.

The sanction will apply whether or not the corporation pays the infringement penalty. This is an important point. The government's objective is not to secure payment of the penalty but the identification of the driver involved in the offence so that the demerit points for the offence can be allocated. The government has previously tried to encourage corporations to nominate drivers for camera-detected offences by setting the corporate penalty rate at five times the rate that applies to individual drivers, but a substantial number of corporations are failing to do so. It appears that for some corporations financial incentives are not enough of a deterrent.

The vehicle registration sanction will remain in place for the earlier of six months or until the corporation takes the "reasonable steps". That period of six months has been chosen because it is the vehicle-based equivalent of the maximum period of a demerit point licence suspension. The intention is to discourage the practice whereby a director or other staff member of a corporation is able to hide behind the corporate identity to avoid having demerit points recorded against his or her licence.

The amendments in the bill also ensure that the infringement notice scheme provisions and the demerit point scheme provisions are aligned and that any associated demerit points for an offence are recorded in the register of demerit points at the appropriate time after the infringement notice for the offence has been served under the act.

The bill omits a provision in the existing act that purported to impose criminal liability on the responsible person for a vehicle, even where the responsible person did not actually commit the offence. This provision is considered to be inconsistent with human rights and with criminal law principles. Instead, the bill inserts new section 53AA which provides that in a prosecution for an infringement notice offence involving a registrable vehicle there is a rebuttable presumption that the responsible person for the vehicle was in possession or control of that vehicle when the offence was committed. This approach is more consistent with human rights and principles of criminal law and procedure.

The bill removes the current provisions that state that service on one of the responsible persons for a vehicle is deemed to be service on all the other responsible persons for a vehicle to also make it more consistent with our human rights jurisdiction. Section 22(2)(a) of the Human Rights Act 2004 states that everyone charged with a criminal offence has the right to be told promptly and in detail, in a language that he or she understands, about the nature and reason for the charge.

Related amendments to the Road Transport (Vehicle Registration) Regulation 2000 provide that if there are two or more registered operators for a vehicle, these operators must agree which of them is to be the contact person for receiving notices, including infringement notices, in relation to the vehicle. That person will be the responsible person for the vehicle. These amendments reflect the current administrative practice within the Office of Regulatory Services.

The amendments I have outlined are directed at the integrity of the infringement notice and demerit point scheme and, in particular, ensuring that where a person commits a traffic offence that person bears the consequences of their offending. The opportunity has also been taken in this legislation to include an amendment—removing restrictions on the time available for a person to ask for extra time to pay an infringement notice penalty.

Late last year the Chief Minister established an expert panel to develop a strategy to assist Canberrans struggling with day-to-day expenses. One of the issues that have been raised in this context is the need for greater flexibility in payment arrangements for people who owe infringement notice penalties.

The government is considering a range of possible options to provide greater flexibility for those under financial stress who have outstanding fines and penalties. It needs to be recognised that some options which may have merit would nonetheless require significant changes to information technology systems or additional administrative resources to be effectively implemented.

However, the removal of the current cut-off time for a person to seek additional time to pay an infringement penalty has been identified as being capable of immediate implementation. This new measure will enable people to make a late application for additional time to take certain action, including disputing the infringement notice, paying it or making a statutory declaration to nominate someone else as the person who committed the offence.

Decisions to approve or reject out-of-time applications for additional time will be subject to guidelines made by the minister, which will be a disallowable instrument. In addition, decisions to refuse applications for extra time will be reviewable. The inclusion of review rights for applications for additional time is a new feature of the legislation and is intended to make the act more compatible with human rights.

The bill also amends the road transport legislation and, in particular, part 3 of the Road Transport (General) Act 1999 and the Road Transport (Offences) Regulation 2005 to update and simplify the process for issuing and serving infringement notices. Much of the detail relating to the service and content of notices is moved from the act to the regulation, consistent with modern drafting practice. The changes made by the bill include clarification of the concept of responsible person for a vehicle. These changes also make it clear that "vehicle" in this context only means vehicles that can be registered.

Related and consequential amendments are made to provisions elsewhere in the act and to provisions in the Road Transport (Driver Licensing) Act 1999, the Road Transport (General) Regulation 2000, the Road Transport (Mass, Dimensions and Loading) Act 2009, the Road Transport (Offences) Regulation 2005 and the Road Transport (Vehicle Registration) Regulation 2000.

The primary purpose of this bill is to ensure that liability for infringement notice offences and the associated demerit points are properly attributed to the person who committed the offence. I want to make it clear that this bill is not about revenue. In fact, the provisions relating to corporations' obligations may end up by reducing overall government revenue as the corporations begin to comply with their obligation to identify the driver involved in an offence and cease paying infringement penalties at the corporate rate of five times the individual penalty amount. The road safety benefits to the community in having a more effective demerit points scheme are the clear objective here.

I commend the bill to the Assembly.

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

Planning, Building and Environment Legislation 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) (11.08): I move:

> That this bill be agreed to in principle.

This is the third bill created under the government's omnibus planning and building legislation amendment bill process. The first two bills were known as the planning and building legislation amendment bill or PABLAB. However, this third bill has a new name to reflect ministerial responsibilities within the Environment and Sustainable Development portfolio that commenced in July last year. The omnibus bill is now called the Planning, Building and Environment Legislation Amendment Bill. I will leave the acronym to others.

In this way the omnibus bill process will manage all minor policy or technical amendments to legislation within the portfolio. The bill will continue to provide an efficient avenue for consideration of minor matters in a consolidated single bill. I also note that this process assists the wider community in accessing and understanding changes being made to legislation within the portfolio.

The bill I present today proposes editorial, technical, consequential and minor policy amendments to the Building Act 2004, the Planning and Development Act 2007 and the Unit Titles Act 2001. The bill not only responds to needs identified by the Environment and Sustainable Development Directorate and parliamentary counsel but also makes minor amendments because of amendments made by other bills.

I will now turn to some of the amendments made in the bill. The bill makes a number of technical and editorial amendments. Clause 4 amends the Building Act to make it clear that the building code can include additional external documents prescribed by the regulation.

Clause 7 amends the Planning and Development Act to make it clear that an estate development plan which forms part of a development application is an associated document. An associated document is a document that forms part of the development application and the act lists those documents at section 30. Because an associated document is part of the development application it is also required to be available on the public register. In this way the public has the complete development application available for inspection.

Clause 31 amends the Unit Titles Regulation 2001 to correct a numbering error.

This bill also includes some minor policy amendments. Clause 13 inserts a new type of technical amendment to vary the territory plan at section 87 of the Planning and Development Act 2007. The proposed new type of technical amendment is in keeping with existing types of technical amendments and includes an error variation, a code variation or a variation to bring the territory plan into line with the national capital plan. There is, however, presently no form of technical variation that would allow an amendment that relocates a provision in the territory plan to elsewhere within the territory plan when there is no change in substance to the plan. This type of technical variation is necessary, for instance, as it would allow site specific provisions to be moved to the relevant suburb precinct code. The proposed amendment allows this.

This type of minor policy amendment requires that consideration is given to how the proposed amendment sits within the framework of the act. The act already provides that certain technical amendments require limited consultation while others require none. Limited consultation means that a notice will be placed in a daily newspaper that will describe the proposed technical amendment, state where relevant documents can be inspected and the time frame within which written comments can be made. Section 88 of the act provides that code variations, a variation in relation to future urban area and a variation that clarifies language are types of technical amendments that should have limited consultation. It is appropriate therefore that this new technical variation also is subject to limited consultation with the community and at clause 14 this is required by the bill. In this way the community will be aware of the proposed technical amendment and will have opportunity to make comment on the amendment.

Another type of minor policy amendment is at clause 5. Clause 5 amends the Building (General) Regulation 2008 to provide that a plan is required to be submitted

electronically. This means that hard copy paper copies are not required unless the building certifier specifically asks for one. This is a straightforward amendment but one that also helps to reduce the use of paper and supports, albeit in a modest way, more sustainable practices.

The bill also includes amendments that reflect operational experience. For example, currently the act requires that written comments be available the day after the consultation period closes. This is impracticable as it does not allow any time for the necessary administrative mechanics to be completed, such as consideration of privacy protocols and formatting comments, so that they can be published. Clause 10 and clause 15 thus amend the Planning and Development Act to extend the time allowed for the necessary protocols and administrative mechanics to be completed before written comments are made available for public information.

The bill changes this time frame to 10 working days after the consultation period closes. The amendment does not impact on the time that comments are available to the public. This remains at 15 or more working days.

This bill includes amendments that are technical, non-controversial and deliver minor policy changes, as an omnibus bill should. The bill demonstrates this government's commitment to using the omnibus bill process in a responsible way. The worth of the omnibus bill process has been noted by members of the community who have expressed appreciation for being able to access one bill to monitor the minor changes that are happening to the legislation in the planning, building and environment sphere.

The bill presents an opportunity for the Assembly to ensure that the territory's laws operate effectively and that changes to those laws are easily accessible to all Canberrans. I commend the bill to the Assembly.

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

Long Service Leave (Portable Schemes) (Security Industry) 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) (11.16): I move:

> That this bill be agreed to in principle.

I rise to commend the Long Service Leave (Portable Schemes) (Security Industry) Amendment Bill to the Assembly. The bill represents just one further step in this government's resolve to bring fairness to all workers in the territory.

As the Assembly is aware, the long service leave portable schemes provide access to long service leave to workers who may work in an industry for considerable periods of time, but who, because of the nature of the industry, change employer on a frequent basis.

The present legislation includes portable long service leave schemes for the building and construction industry, the contract cleaning industry and the community sector. All of these industries have dedicated long-term employees but, largely due to the contract nature of the work, employees often move from employer to employer.

The security industry is no different. Often a security officer will work at one location for a long period of time but will change employer as the security contract for that location changes. This is not unusual, and I am sure we will see it all happen again.

The security industry is an important industry in the territory performing a range of vital public safety services. Within the industry there are around 240 master licensees who engage over 2,500 workers. There is a high level of mobility within the security industry. As I said, in some instances a security worker can be performing the same function in the same location over a period of time but be engaged by more than one employer. These factors mean that security workers are less able to access long service leave due to difficulties in accruing enough service with one employer.

United Voice, a key security employee representative, points to a quarter of its membership that has worked in the industry between five and 10 years. It also highlights that more than three per cent of members have worked in the industry for more than 20 years. It is only fair for these workers to have access to a portable long service leave scheme for their service to the industry.

Long service leave under the general law is additional leave that the majority of workers are entitled to after a defined period of service, usually seven to 10 years. However, the general law requires the worker to stay with the same employer for the entire eligibility period. It is not a portable scheme.

It is only fair that workers who stay in the same industry and who are not entitled to employer-provided long service leave because of circumstances outside their control are able to access this type of leave as most other workers in Australia are entitled to do.

Portable long service leave allows a worker to accumulate their long service leave while employed or engaged to work within an industry sector rather than limiting their accrual to a single employer. The government is keen to support security workers by extending available leave entitlements to support their employment in this important service sector. This is about rewarding long-term employees with their entitlements. This is about being fair.

Members will recall that only recently we agreed to amend the Long Service Leave (Portable Schemes) Act. The amendments introduced a range of improvements to the administration of portable long service leave in the act. The government

foreshadowed on several occasions its intention to extend the portable long service leave scheme to the security industry. This bill now finalises that commitment.

The Long Service Leave (Portable Schemes) (Security Industry) Amendment Bill amends the act by firstly identifying the security industry as a covered industry, and then providing a schedule specific to the security industry. It establishes a mandatory portable long service leave scheme for security workers and employers. These amendments will recognise the importance of the security workforce and will also go towards improving the attraction and retention of workers in the industry. Not only is it a win for workers; it will contribute toward stability within the industry.

The bill will cover "front-line" security workers including guards, patrol workers, cash in transit, crowd marshals and bodyguards. It excludes workers that hold licences relating to the sale, installation and maintenance of security systems, devices and locksmiths. These workers are generally covered under the current building and construction industry scheme and a double-up would create unnecessary complexity and confusion.

The government recognises the increasing demand placed on security industry services and the impact this has on its workforce. The scheme will support security industry workers in a number of ways. It will protect the basic entitlement to long service leave for all security industry workers, even where this is accrued by service to multiple employers. This is similar to some government worker entitlements to long service leave that can be accrued through service with multiple government agencies, or even multiple governments.

The scheme acknowledges loyalty to the sector rather than just one employer, thus enhancing mobility and facilitating the creation of a sustainable career path. The schedule created by the bill sets long service leave entitlements for eligible employees at a fixed rate of leave for employment in the sector.

The scheme offers 8.67 weeks of long service leave after 10 years of service. It also provides for a pro-rata entitlement after seven years of service. In instances such as incapacity or retirement, pro-rata long service leave entitlements may be cashed in after five years of service. The portable scheme does not allow for payment instead of leave. The employee must take their leave.

The scheme is flexible and allows for a four-year break in employment in the industry. Employees with a break in service longer than four years and less than five or seven years service are deregistered without an entitlement. Employees with longer than a four-year break and five or more years of service are deregistered with an entitlement.

Where an employee entitlement relates to a combination of long service leave, for example, leave accrued prior to the commencement of the scheme and leave accrued after the commencement of the scheme, the Long Service Leave Authority will reimburse employers for that portion of the payment that relates to leave accrued after the commencement of the scheme.

The scheme will be administered by the Long Service Leave Authority and associated board, which consists of representatives of employer groups, employee associations

and members independent of either. Thus far, the Long Service Leave Authority has successfully run the scheme for the construction and building industry, the cleaning industry and the community sector industry.

Its success is demonstrated in the large increase in the number of workers in the scheme over the last three years. This growth in workers under the scheme reflects the effectiveness of the operation of the authority and the portable long service leave schemes. As an independent ACT statutory authority, the Long Service Leave Authority is self-funded and does not rely on the ACT budget for support.

Under a portable long service leave model, employers pay the money they would normally set aside for long service leave into a fund which is managed by the Long Service Leave Authority board. Employees then draw on this fund when they are eligible for and wish to access their long service leave.

The scheme is strongly supported by unions and employees as an appropriate strengthening of workers' entitlements in the sector and as a means of addressing mobility issues within the industry.

The general nature of the security industry—in terms of contracts, transient workforce and workforce profiles—is consistent with the cleaning industry that has had a successful scheme in operation. In addition, many organisations engage cleaners and security workers on similar contract arrangements, and the addition of a new scheme for the security industry would have minimal impact.

The government has undertaken extensive consultation on this bill and the exposure draft that preceded it. Indeed, the bill was released as an exposure draft at the end of 2011 until March 2012, with an accompanying discussion paper to assist the development of submissions on the bill.

I invited everybody to make a submission in any form, including formally in writing, informally over the phone, or by meeting with officers from the Office of Industrial Relations in person. I also personally wrote to all major unions and industry associations encouraging them to participate in consultations.

I understand a number of phone calls were received from industry associations and unions, and officers assisted in providing information at an industry breakfast briefing earlier in the year. Four formal submissions were received from the industry that helped to shape the bill presented today, and, in particular, the proposed commencement date for the legislation.

Employer groups have questioned the value of the scheme, and the Office of Industrial Relations will continue to work with all interested parties until the bill comes into effect to ensure that, where possible, their concerns are addressed. This will include assisting security contractors in seeking any necessary contract price variations to accommodate any impact of the levy under the scheme. I have asked ACT government agencies to look favourably on any contract variations in this regard.

The government will also be writing to the commonwealth government to ask that favourable consideration to price variations be given in relation to commonwealth security contracts in the ACT.

The ACT government is committed to implementing this scheme in the best interests of the security sector and its employees. The ACT leads in terms of legislative progressiveness for workers' portable long service leave entitlements, and a scheme for the security industry would serve as a precedent for other jurisdictions to follow.

We were the first jurisdiction to introduce a scheme for cleaning workers and have since been followed by Queensland and very recently New South Wales. We are the only jurisdiction to have introduced a scheme for community sector workers and, now, security industry workers.

A primary focus for the introduction of this scheme is to promote loyalty of employees to this sector, which I anticipate will in turn lead to a more stable and sustainable sector. I expect that the scheme will also assist in the development of more career options for security industry workers and, by helping to facilitate movement between employers, potentially provide more variety in work and greater prospects of promotion.

The scheme will assist workers to optimise their work-life balance by enabling them to take breaks between positions while retaining their attachment to the sector. The scheme will also prove to be beneficial for security industry employers by encouraging the attraction and retention of workers. The scheme is likely to have a further stabilising effect upon the industry, and long-term career security officers are deserving of a portable scheme. The portable scheme also has the potential to reduce long-term administrative burden and costs for some businesses, particularly those that retain or employ long-term security workers.

In these many varied ways, I expect that this scheme will support the security industry in retaining a skilled workforce that fosters a fairer and sustainable security industry in the ACT.

If passed, I intend that the scheme will commence before 1 July 2013. However, I will undertake further work with the industry to assist in settling an appropriate commencement date.

Currently, more work is being undertaken on assessing the nature of the workforce and retention rates using available licensing data to determine the proposed levy that will apply to the scheme. This includes working with the actuary and industry in order to set an appropriate levy. The final levy determination will reflect the nature of the workforce to ensure appropriate funds are raised. The levy and scheme funds will be continually reviewed and assessed to ensure it is sufficient to meet future liabilities.

In closing, I would like to express my appreciation to the Office of Industrial Relations for the work they have done to present this bill to the Assembly and to unions and industry for taking part in the ongoing consultation on this bill.

I commend the Long Service Leave (Portable Schemes) (Security Industry) Amendment Bill 2012 to the Assembly.

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

Sub judice rule
Statement by Deputy Speaker

MADAM DEPUTY SPEAKER: Members, before we go on to Assembly business, I wish to make a brief statement in relation to a matter raised earlier this week. Mr Seselja sought the Speaker's ruling in relation to the Speaker's comments in the debate on the motion of grave concern on Tuesday, 27 March. The Speaker asked me to consider this matter, as for him to do it would involve a conflict of interest. I sought advice from the Clerk in relation to the matter. After considering the Clerk's advice, I consider that continuing resolution No 10 in relation to sub judice has been adhered to.

ACT Supermarket Competition Policy—Select Committee

MS LE COUTEUR (Molonglo) (11.30): I move:

> That the resolution of the Assembly of 22 September 2011 relating to the referral of the ACT Supermarket Competition Policy to a select committee be amended by omitting the words "last sitting week in April 2012" and substituting "last sitting day in June 2012".

I really have nothing more to say than what is in the motion—that the resolution of the Assembly of 22 September 2011 relating to the referral of the ACT supermarket competition policy to a select committee be amended by omitting the "last sitting week in April 2012" and substituting "last sitting day in June 2012". We will not get it finished in April, I am afraid, so this is necessary.

Question resolved in the affirmative.

Estimates 2012-2013—Select Committee
Establishment

MR SMYTH (Brindabella) (11.31): I move:

> That:
>
> (1) a Select Committee on Estimates 2012-2013 be appointed to examine the expenditure proposals contained in the Appropriation Bill 2012-2013 and any revenue estimates proposed by the Government in the 2012-2013 Budget and prepare a report to the Parliament;
>
> (2) the committee be composed of:
>
> (a) one Member to be nominated by the Government;

(b) two Members to be nominated by the Opposition; and

(c) two Members to be nominated by the Greens;

to be notified in writing to the Speaker by 4 pm today;

(3) an Opposition Member shall be elected chair of the committee by the committee;

(4) funds be provided by the Parliament to permit the engagement of external expertise to work with the committee to facilitate the analysis of the Budget and the preparation of the report of the committee;

(5) the committee is to report by Tuesday, 14 August 2012;

(6) if the Assembly is not sitting when the committee has completed its inquiry, the committee may send its report to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its printing, publishing and circulation; and

(7) the foregoing provisions of this resolution, so far as they are inconsistent with the standing orders, have effect notwithstanding anything contained in the

It is that time of the year again, members. Yes, another estimates committee is rolling towards us with great certainty. This is the standing motion that I would normally move to set it up. I draw members' attention particularly to part (4), which says that if the Assembly is not sitting the report can be sent to the Speaker for distribution, given that the budget will not be tabled until the first week in June. Therefore, the next opportunity to report is about 14 August, which is the reporting date mentioned in the motion.

Should the committee be expeditious in getting its work together, they could perhaps get it out a bit early for some lovely winter fireside reading. That said, it is the standard motion and I look forward to another round of estimates.

MS BRESNAN (Brindabella) (11.33): I move:

Omit paragraph (3), substitute:

"(3) a non-government Member shall be elected chair of the committee by the committee;".

There is a bit of deja vu here. My amendment amends paragraph (3) of Mr Smyth's motion. It removes the proposal that an opposition member shall be elected chair of the committee and replaces it with one that states a non-government member should be elected chair of the committee.

As I said, there is a bit of deja vu. Mr Smyth did the same thing last year. I think it is right that a non-government member be elected chair of the committee. But I am sure that the committee members themselves will have the ability and the skill to be able to

decide who is elected chair of the committee. I am sure that whoever is elected by the committee to be chair will have the full support of the committee behind them.

MR HARGREAVES (Brindabella) (11.34): The government will be supporting Ms Bresnan's amendment because of two things. One is that we should not be prescriptive about saying a particular segment of the chamber should or should not be the chair. This is a repeat of the same conversation we had last year. This, in my view, is an attempt by the opposition to acquire the chair. I am surprised that they do not see the numbers themselves and know that they have not got a prayer. I do not know why he bothered.

I also think, and I need to put on the record again this year as I did last year, that it is an insult to all members to try to prescribe in the resolution who shall be the chair. Once people are elected to this place they can normally perform an unbiased service to a committee. However, we have seen in the past that that has not been possible for those opposite. They have sought to politicise every committee that I have been a member of when it comes to estimates and those sorts of things.

We are seeing it again being played out here by them trying to politicise the whole thing by saying, "We want to be the chair." Madam Deputy Speaker, there will be five members of the estimates committee. There will be a government member, there will be two from the opposition and two from the crossbench. Blind Freddy can count on his fingers that three will beat two any day of the week. But I have to say that while three on two is a nice number, 11 on six is an even better number.

In principle, those people are wrong. They know they are wrong and that there is no way in the wide world this government or the crossbench will allow these folk to hijack this place yet again. We saw in the past that—was it last time? I am not sure; I think it might have been last time—they did not like the way things were going. They packed their bags and took off because they did not like the process.

Now they have come back this time and said: "We want to play again now. This time we want to be the captain of the team." Guess what, Madam Deputy Speaker? That ain't going to happen. That just plain ain't going to happen.

Madam Deputy Speaker, I conclude with these two remarks: we wholeheartedly support Ms Bresnan's amendment and I look forward to joining Mr Smyth on the estimates this year.

MRS DUNNE (Ginninderra) (11.37): It has consistently been the Canberra Liberals' policy for as long as I have been in this chamber that we believe the opposition should chair the estimates committee. There has not been the same consistency from the government who, from time to time, have chopped and changed. They exercised between 2004 and 2008 the privilege of majority government, from time to time imposing a government chair on the estimates committee, and it was done by motion in this place.

So when Mr Hargreaves says that it is an insult to this chamber to have a motion that states the party from which the chair of the committee should come, he should

remember that the first person to do that was his colleague Mr Corbell when he moved motions—

Mr Corbell: I wonder what Campbell Newman will do in Queensland.

MRS DUNNE: Look, I do not think you can take any example from parliamentary practice in Queensland—the committee practice in particular—under the Labor Party—

Mr Corbell: I wonder what Campbell Newman will do in Queensland.

MRS DUNNE: Campbell Newman has this really big problem. You could fit the members of the opposition into a Tarago. You can fit the members of the opposition into a Tarago—

Members interjecting—

MADAM DEPUTY SPEAKER: Order, members!

MRS DUNNE: and they will be so riven by conflict that they could not organise their way out of a wet paper bag, let alone an estimates committee. But in this place it has been the consistent policy of the Canberra Liberals, and it will be the consistent policy when we occupy the treasury bench next time there is a budget, that the members of the opposition should provide the chairmanship of the estimates committee.

Mr Hargreaves: Be careful what you wish for.

MRS DUNNE: There is one thing that we know for sure, Madam Deputy Speaker. It is that Mr Hargreaves will never again have the opportunity to be the chairman of an estimates committee. Heaven help any organisation that would have Mr Hargreaves as the chairman of an estimates committee.

Mr Hargreaves: Point of order, Madam Deputy Speaker. I am mortified. That was a reflection upon my good character and I would ask Mrs Dunne to withdraw that last comment.

MADAM DEPUTY SPEAKER: Mrs Dunne, I invite you to withdraw.

MRS DUNNE: Sorry; is "heaven help" an unparliamentary term?

MADAM DEPUTY SPEAKER: No, it is—

Mr Hargreaves: Madam Deputy Speaker, she is trying to do it again under the guise of a standing order. Point of order—

MADAM DEPUTY SPEAKER: Please sit down, Mr Hargreaves. No, it is what followed. It is what followed the statement.

MRS DUNNE: So what am I withdrawing, Madam Deputy Speaker? What are you asking me to withdraw?

MADAM DEPUTY SPEAKER: Heaven help any committee that has Mr Hargreaves as chair.

MRS DUNNE: If you think I should withdraw that, I withdraw that, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Thank you very much.

Mr Smyth interjecting—

MADAM DEPUTY SPEAKER: Mr Smyth! Are we going to continue or—

Mr Smyth interjecting—

MADAM DEPUTY SPEAKER: Mr Smyth, if you are not careful I am going to warn you.

Amendment agreed to.

Motion, as amended, agreed to.

Standing and temporary orders—amendment

MS BRESNAN (Brindabella) (11.41): I move:

That the following standing orders be adopted:

Must be lodged by a Member

95 Petitions for presentation to the Assembly can be lodged with the Clerk only by Members, but Members cannot lodge petitions from themselves. Petitions shall be free from any indication that a Member may have initiated the petition.

Electronic petitions ("e-petitions")

100A (a) An e-petition is a petition:

(i) in the correct form, stating a grievance and containing a request for action by the Assembly;

(ii) sponsored by a Member and lodged with the Clerk for publication on the Assembly's website for a nominated period ("posted period"); and

(iii) in which persons elect to indicate their support ("join the petition") by electronically providing their name, address (including postcode), email address and signifying their intention to join the petition.

(b) The posted period for an e-petition is to be a minimum of one week and a maximum of six months from the date of publication on the Assembly's website.

(c) A Member sponsoring an e-petition must provide the Clerk with the details of the petition in the correct form, the posted period and a signed acknowledgment that they are prepared to sponsor the e-petition.

(d) Once published on the Assembly's website an e-petition cannot be altered.

(e) Only one e-petition dealing with substantially the same grievance and requesting substantially the same action by the Assembly shall be published on the Assembly's website at the same time.

(f) Once the posted period for an e-petition has elapsed, a paper copy of the petition shall be printed by the Clerk in full (including the details of the persons who joined the petition) and presented to the Assembly.

(g) An e-petition published on the Assembly's website, but not presented to the Assembly prior to the expiration of an Assembly, may be presented to the subsequent Assembly to become a petition of the subsequent Assembly.

(h) An e-petition cannot be sponsored after the expiration of an Assembly and until the new Assembly has met and Members sworn.

(i) Persons must join an e-petition by filling out their correct details and personally agreeing to join the e-petition, and by no-one else, except in case of incapacity from sickness.

(j) A person cannot sign or join the same e-petition more than once.

Duties and powers of the Clerk and Speaker regarding e-petitions

100B (a) The Clerk may decline to publish an e-petition on the Assembly's website not in conformity with these standing orders and advise the sponsoring Member accordingly.

(b) The Clerk or a Member may seek a ruling from the Speaker about the conformity of any petition with these standing orders.

(c) The Clerk is authorised to create and maintain an appropriate website on which to publish electronic petitions, responses to petitions and explanatory information and do all things necessary in order to give effect to these standing orders.

(d) The Clerk must dispose of all electronic personal data related to the posting and joining of an e-petition within six months after an electronic petition is printed and presented to the Assembly.

Application of standing orders to e-petitions

100C The standing orders relating to petitions apply to e-petitions insofar as they can be applied.

I will speak very briefly to this motion. As members can see from the notice that is on the notice paper, this is about establishing a process for e-petitions for the Legislative Assembly, which I think is an excellent innovation for the Assembly to take on. This is a matter that has been discussed in some detail in the administration and procedure committee.

It is something that the Greens are very supportive of. I think it is good that we now will have this available to the Assembly but I also think that it is a good innovation in terms of enhancing our connection with the community and allowing greater community involvement with the Assembly. I commend the motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (11.41): The government will support this motion today. This is a useful innovation that should at least be trialled in this place. I note that other parliaments in Australia have adopted a similar approach. I understand that the approach being proposed today by Ms Bresnan on behalf of the Standing Committee on Administration and Procedure is drawn from the experience of the Queensland parliament.

I think it is certainly desirable to attempt to bring the petition process, which is one of the most fundamental forms of engagement between a parliament and the broader community, into the electronic age. The provision of an e-petition process certainly has the potential to provide for improvements in the way that the parliament, through the petition process, connects with the community.

That said, we need to see what the experience of the e-petition process will be here in the ACT. In particular, we will need to watch carefully so that it operates as intended and does not have any unforeseen or detrimental impacts. Having said that, I think it is appropriate that we make provision for this process in the standing orders.

The government gives its conditional support but on the basis that we monitor its application and remain satisfied that it operates in a manner which is consistent with the intent of the new standing order.

Question resolved in the affirmative.

Administration and Procedure—Standing Committee
Report 4

MR RATTENBURY (Molonglo): I present the following report:

> Administration and Procedure—Standing Committee—Report 4—*Officers of the Parliament*, dated March 2012, together with a copy of the extracts of the relevant minutes of proceedings.

MS BRESNAN (Brindabella) (11.44): I move:

> That the report be noted.

I will just speak briefly to this report. As members will see when the report is circulated, the recommendations of this report are that the Legislative Assembly establish officers of parliament with the recommendation that the Auditor-General be established as an officer of the parliament. The standing committee did consider whether other statutory office holders should be made officers of the parliament. It was the decision of the committee that at this time the Auditor-General should be considered but that we establish processes for the future—that if we have other officers of the parliament established, there is a process that can allow that to occur.

That is all I wish to say. I commend the report to the Assembly—and the recommendations from the committee in that report.

MR RATTENBURY (Molonglo) (11.45): As the chair of the committee, I wish to make a few remarks additional to those just offered by Ms Bresnan.

This committee was formed following the recommendation of the Standing Committee on Public Accounts. This committee resolved on 15 April to undertake an inquiry on the feasibility of establishing the position of officer of the parliament, as it relates to the Auditor-General, the Ombudsman, the Electoral Commissioner and other statutory office holders. So the PAC specifically raised this question in one of its earlier reports and suggested that the administration and procedure committee take it on. We thought that that was a wise reference, and the committee set about to do that.

We went through the usual process of calling for public submissions, and we received 14 submissions in the end. There was a good range of submissions from the ACT government, Elections ACT, the ACT Auditor-General, the ACT Human Rights Commission, the ACT Ombudsman, Professor Roger Wettenhall, the Australian Information Commissioner, the House of Representatives, the New South Wales Legislative Assembly, the New South Wales Legislative Council, the South Australian House of Assembly, the Western Australian Legislative Council, the Western Australian Standing Committee on Estimates and Financial Operations, and Dr John Wood, who is the director of Baljurda Comprehensive Consulting. The committee held public hearings. They were quite informative. They were a good opportunity for the committee to explore the issue in some detail.

I will go straight to the recommendations the committee concluded upon. I am very pleased to observe that this is a unanimous report from the committee. We had some very good conversations. I will come back to the community members later, but the fact that the committee has come out with a common view on this is a welcome outcome in giving guidance back to the Assembly as a whole on our views on these matters.

Let me focus on the recommendations. The first is this:

> The committee recommends that statutory office holders who meet an established criteria be made Officers of the Parliament.

So there is a recognition that the model of having officers of the parliament is one that is warranted. In the report, we explore in some detail the background of this—both the academic background, I guess the theoretical background, and also the practical experience where these positions have been established in other jurisdictions. The report in some ways has framed the pros and cons of having these positions, and I think that is a useful delineation of the issues. The committee concluded that it was appropriate to have officers of parliament.

Recommendation 2 is this:

> The committee recommends that a two tiered test be established for determining whether a statutory office is appropriate to be considered for Officer of the Parliament status …

It also recommended that that test be as outlined on page 40 of the report, where it is done in a graphical form. In some ways, it tries to provide a step-through approach. The essence of the criteria, and it is dealt with in the first question here in the diagram, is this:

> Does the Office discharge the functions that the Parliament might in terms of scrutinising the executive?

This question seeks to identify the situation where, for example, the Auditor-General performs a duty that the parliament might perform but perhaps does not have the requisite resources to undertake. So in some senses, the Auditor-General, or any other office holder, could be seen to be acting for the parliament or on its behalf, or perhaps fulfilling a duty.

The test goes through and identifies a number of other questions to help refine the approach and ensure that only a limited number of officers might qualify. I think the sense in the committee was that this was not a whole vast range of officers that would be included.

The second key question in the test is this:

> If the Office discharges functions that the Parliament might, would the functions of Parliament and the Office be enhanced if they had an Officer of the Parliament relationship?

This is the second key test: what is the advantage of moving to that place and having that specific designation? Again, there is a series of questions put there and the report elaborates on those points. I will not go into that in great detail now; the committee has come up with its findings, and it is best that we let the report speak for itself.

I return to the recommendations. Recommendation No 3 says:

> The committee recommends that the Auditor-General become an Officer of the Parliament.

Again, the reasons for that are spelt out in the report. That follows on specifically from the issues raised by the public accounts committee.

The fourth recommendation is this:

> … that the position of Ombudsman be made an Officer of the Parliament, but that this not take effect until the ACT establishes its own Ombudsman or similar changes are made to the Commonwealth Ombudsman.

This recognises the current situation, where the ACT in a sense shares the ombudsman role with the commonwealth; we perhaps subcontract the capability. In light of that very practical situation, it would be fairly difficult, and perhaps unclear, if we were to create that position for the ACT segment of the ombudsman. So the committee identifies that it is an appropriate office, but thinks that, given the ACT's current administrative arrangements, that is the best way to go.

The committee then goes to recommendation 5:

> … in the event that Officers of the Parliament are established, the Assembly should, from time to time, review the appropriateness of each officer of parliament's status as an Officer of the Parliament and whether new offices of parliament should be established.

The committee explored a number of other positions in the ACT, including the Electoral Commissioner, the Commissioner for Sustainability and the Environment and the human rights commissioners. The committee drew the conclusion that at this time those officers should not be included but that it may be appropriate in the future.

The report then goes on to discuss some of the important details about how this status might be created. It explores the establishing legislation and important issues of governance and administration. Particularly, the committee formed a view that there should be an oversight committee in the Assembly for officers of parliament, and it concluded that the administration and procedure committee would be the most appropriate for the Assembly, given its overall view of the Assembly. However, in light of the current arrangements, the committee recognises that the PAC currently oversights the Auditor-General. In light of the fact that at this point we are recommending that the Auditor-General be the only officer of parliament, the committee formed the view that that relationship is best left intact at this time. When there is more than one, that would be the appropriate time to move across for the administration and procedure committee to take that overall oversight role.

The other substantive issue or particular issue I would point to is that of budget. Clearly, one of the key pointers for an officer's ability to maintain independence is that it is adequately resourced. The committee formed the view that a separate budget appropriation be identified for officers of the parliament. This would be perhaps most appropriately done by a proposal before the Assembly at the moment that the Legislative Assembly be given a separate appropriation bill. The committee's view was that that should occur and that the separate designation for officers of the parliament should occur in that same appropriation bill. Clearly, I cannot pre-empt the

passage of the Assembly bill at this stage but, should that pass, that would provide the mechanism for officers to be separately appropriated.

Let me conclude by thanking my fellow members of the committee. There have been a few, given recent changes in the membership of the committee. Ms Bresnan, Mrs Dunne, Mr Hanson, Mr Hargreaves and Ms Porter have all contributed to the development of this report. In some ways, I think it is very beneficial that we have had so many members of the committee, because it has enabled us to come up with a good report, one that all parts of the chamber feel is an appropriate way forward. I found some of the discussions very interesting and there were some very thoughtful contributions.

I would also like to thank the staff of the secretariat who supported this inquiry: the Clerk; Janice Rafferty; Celeste Italiano; and, particularly, Ms Robyn Unger, who was the inquiry secretary and who is here on the work in the Assembly program. I will just speak briefly about this. Ms Unger brought a particular perspective from previously working in the executive. Her particular expertise and enthusiasm for the topic assisted the committee a great deal. It points to the value of the work in the Assembly program whereby a member of the ACT public service was able to come to the Assembly. I think she learned a great deal from being here, and she was also able to add skills to the Assembly's processes. I particularly acknowledge the value of the work in the Assembly project and I commend the report to the Assembly.

MR HARGREAVES (Brindabella) (11.55): It is a rather important step that we, as a parliament, are embarking upon here. We certainly are picking up some leads from other parliaments, but as a small parliament we are taking a rather large step.

This report is an absolute must-read for all members of this chamber. I would also put out a call to people who believe themselves to be leading members of academia in political science in this city to obtain a copy of this report and read it closely. It provides a very good discussion of why there should be an officer of the parliament. It provides a very good discussion of how such an officer would be created or at least determined. It also provides a series of challenges to a legislature, and I will go into two of those in a minute.

I wish to specifically refer members to page 40, on which is the flow chart which is the checklist as to how a position becomes an office of parliament. I want to offer my congratulations to the Clerk and his officers on the compilation of that and the development of that—for providing it to the committee, which picked it up. It is an excellent addition to the actual words that are contained in this document. It hinges around a statutory officer whose prime raison d'etre is service to the parliament. It is not service to the bureaucracy, not service to the people, not service to the executive; it is service to the parliament. This checklist shows you how that can be determined.

That happens when you look at this and tick all the boxes. The Auditor-General's office actually does tick those boxes. In my view, none of the others do, for varying reasons. The Ombudsman may very well have done if it was not for the fact that we have a commonwealth ombudsman in a dual role. Obviously the opportunity to re-examine that will occur when the ACT has its own ombudsman, and I wish everybody the best of luck when that time comes.

I want to indicate the reasons for a position that I advanced. I was always opposed to the Electoral Commissioner being an officer of the parliament. It is for a very simple reason: whilst the Electoral Commission has a number of members on it, and while that commission is concerned with things to do with the parliament—the distribution of seats, for example; the conduct of elections; and the determination of who has been elected or not—it actually is not a servant of the parliament. In fact, it is a statutory officer whose main job is to look at the structure of the parliament. It does not report to the parliament. There is a conflict of interest sitting up here: that commission would be doing its work and then providing its work to the very members who will benefit or receive a detriment as the result of that work. I did not support that view and I am pleased to see that in this report the Electoral Commission is not included in a recommendation to do that.

This report continues the amount of reform that has been present as a feature of this particular Assembly. It is important that at some point between now and October we acknowledge that, whilst the First Assembly was a very significant experiment which was at one point the laughing-stock of the town, at another point it was actually the foundation stone upon which this whole Assembly sits. So you have got a bit of a conflict here. But this continues the advance in the maturity of this parliament, in my view.

The creation of an officer of the parliament is not something we should do lightly. I am very pleased to see that in the report it says that we should do it only rarely. I think that is great.

I commend this report to members. I reiterate my plea to people out there in academia to get hold of this report and start digesting it, because this is a very big step forward that we take.

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

Independent workplace audit

MR HARGREAVES (Brindabella) (12.01), by leave: I move:

> That the resolution of the Assembly of 14 February 2012 relating to the referral of staffing matters in the Leader of the Opposition's office to an Independent Auditor be amended by adding a new paragraph (7):
>
> "(7) if the Assembly is not sitting when the report is completed the Speaker or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its printing, publication and circulation."

Members, this is largely an administrative matter. We heard the Speaker advise the chamber not that long ago that it is quite probable that the independent auditor will conclude his considerations around this matter and that it is possible that the report will be concluded before Easter. We do not know—nobody will know—when that actual date will be; nor should anybody at this point know when that will be. However, it will be a while before we next sit. We will not sit until May. In the interests of

ensuring that the subject of that inquiry has an opportunity to see the final product within plenty of time for that report to be digested, it is important that we allow the Speaker to authorise that report for publication and circulation.

Whilst the subject of any audit gets a look at it and gets an opportunity to make comment on it, that is usually a comment on the draft, not the actual final. I believe that the phrase "justice delayed is—

Mr Corbell: Justice denied.

MR HARGREAVES: justice denied. Thank you, Attorney. I would get that from the first law officer of the territory, wouldn't I? I believe that phrase is true. What we do not want to have is any sort of sword of Damocles hanging over anybody. I do believe that the final product ought to be available, in particular, to the subject of that particular investigation. So I move this motion merely as an administrative way of achieving that and I recommend this motion to the chamber.

Question resolved in the affirmative.

Executive business—precedence

Ordered that executive business be called on.

Water—Lake Burley Griffin

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.04), by leave:

> That the resolution of the Assembly of 30 March 2011, as amended by the Assembly on 28 August 2011, which required the Commissioner for the Environment and Sustainability to investigate the state of water courses and catchments for Lake Burley Griffin and to report to the Assembly by 30 March 2012, be amended by omitting the words "30 March 2012" and substituting the words "last sitting day in May 2012".

On 30 March last year the Assembly agreed to investigate the state of the water courses and catchments for Lake Burley Griffin.

The investigation was to be conducted by the Commissioner for Sustainability and the Environment and was designed to scope a wide range of parameters. These included possible improvements for managing water quality and the appropriateness of the current protocols for lake closures; identifying the causes of lower water quality, including possible resource implications of addressing them; jurisdictional implications for water quality management of the lake; and the implications of these findings for the ACT's other major recreational waterways such as Lake Ginninderra and Lake Tuggeranong.

The resolution stipulated that the report be completed and provided to the Assembly by the end of September last year. Following a request by the commissioner for an extension of time, the Assembly agreed to a new reporting date of the end of March this year. I have recently received correspondence from the commissioner seeking agreement to further extend the date by which the report will be provided to the Assembly. I propose this date to be the last sitting day of May this year. The commissioner advises me that he has obtained community input and engaged reference and advisory groups for their analysis and input on the recreational and environmental values of the lake. He is seeking an extension of time to enable his report to be reviewed and finalised for quality and correctness, and for printing purposes.

The Commissioner for Sustainability and the Environment has actively pursued this investigation and has sought to apply appropriate rigour to the analysis and the resulting recommendations. This brief extension will enhance the quality and strength of the report and the confidence in its outcomes. I ask the Assembly to support this motion.

Question resolved in the affirmative.

Gender pay equity
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), by leave: I seek to provide the Assembly with a statement on the progress towards improving women's economic and financial independence. This statement arises from the resolution of the Assembly on 24 February 2010 moved by Ms Hunter.

The ACT is a community where women have made significant gains in achieving gender equity. Overall, women in the ACT are well educated and well paid. This is reflected in the strong female labour force participation rate in the ACT, which is at 65.1 per cent, which is the highest nationally. The ACT also has the highest female average full-time weekly earnings of any jurisdiction, at $1,435 per week, an increase of 4.9 per cent on the previous year.

Paid work gives women the opportunity to ensure their own financial security, contribute to the family budget and secure their economic future into retirement. However, the gender pay gap is still a persistent problem and has serious financial implications for women, particularly in relation to their retirement savings. From the beginning of their careers until retirement, women shoulder a heavier burden in relation to caring responsibilities and women are 2½ times more likely to be living in poverty in their old age than men. In the quarter ending November 2011, the national gender pay gap stood at 17.6 per cent. However, in the ACT, we continue to have a relatively low gender pay gap, with women earning 11.8 per cent less than men.

I am proud to report that the recently released ACT public service workforce profile 2010-2011 shows that the gender pay gap in the ACT public service has decreased

from 3.3 per cent at June 2010 to three per cent at June 2011. This result compares favourably to the 12.8 per cent gender pay gap for the public sector nationally. While these statistics paint a positive view of the economic status of many women in the ACT, this is not the case for all ACT women. Women continue to be over-represented in low income households, in low pay sectors and in workforces where there is a high level of casual employment.

The historic Fair Work Australia decision on the equal remuneration case, handed down in February this year, will benefit some of the most vulnerable and disadvantaged workers in our community, the overwhelming majority of whom are women. It is a landmark decision that acknowledges the long-term inequity faced by workers in community services. These are services that engage with some of the most disadvantaged and vulnerable people in our community, and I am proud to say that the ACT government has made a clear commitment to support community services in the ACT to implement a new wage structure. Many community sector workers will receive significant wage increases without their employers having to compromise on service delivery to fund the outcomes of the case.

There are many other ways that the government is further improving women's economic and financial independence. Access to childcare is a critical factor for mothers who are entering or re-entering the workforce. In 2010-11, an additional 999 licensed childcare places became available across the ACT. An additional funding of $400,000 per annum was made available for after-school and vacation care programs for children and young people with a disability. These services are particularly important to enable women, who generally undertake the role of primary carer, to enter and to maintain full-paid employment.

Recently I launched the new early childhood scholarships program which will boost the skills and qualifications of educators in the early childhood education and care sector, the majority of whom are female. The scholarships will assist the early childhood workforce to meet the new qualification standards under the national quality framework that are due to begin in 2014.

I would like to highlight some of the actual recipients of the ACT government's assistance, women whose lives we have helped to change. One of the avenues for this has been the return to work grants program, launched in February 2008. Each grant is valued at $1,000 and is designed to assist women on low incomes to overcome barriers they face when returning to work after an extended period of being out of the paid workforce. To date, over 480 women have received practical financial assistance through this program.

One such person is a 22-year-old mother of two who was able to secure employment at a child and family centre as a direct result of the return to work grant and she is now working towards her ultimate goal of becoming a social worker. Another is an older woman who applied for a grant after separating from her partner of 21 years. The woman had experienced domestic violence and had raised a family and, after the separation, had few financial options or resources available to start a new life. The grant enabled her to retrain in her career path of earlier years as a tourism consultant and she now plans to establish her own business.

There have been further good news stories achieved through the ACT women's micro credit program, brilliant ideas, which, since it began in 2010, has supported over 33 women on low incomes to either establish or further develop a business through no-interest loans. Lighthouse Business Innovation Centre administers the program and provides participants with access to mentoring, training and networking opportunities. Participants are encouraged to participate in peer support group sessions and the Canberra BusinessPoint programs of workshops, clinics and master classes covering topics including marketing, financial management, employment, law, government tendering and insurance. Through this program, women entrepreneurs have developed innovative business ideas in areas such as allied health, cleaning, cosmetics, education, food, recreation, professional services, waste management, fashion, accessories and arts and cultural products.

A small, no-interest loan can make an enormous difference to women struggling to turn a great idea into a successful business. In fact, two of the women's micro credit program participants have recently won Canberra BusinessPoint awards, including a clean and green business award and a creative and design business award. Both the micro credit loans program and the return to work grants program continue to provide to women who are disadvantaged assistance to commence their journey towards independence.

Another facet of this assistance is that given to women from multicultural backgrounds. Last year, the Multicultural Women's Advisory Group received funding to address a service gap identified by women from culturally and linguistically diverse backgrounds. The Multicultural Women's Advocacy employability partnership program assisted women who have been in Australia for less than three years to seek, obtain and sustain employment. In December last year I was privileged to present the 17 graduates of this program with certificates. Their stories were deeply moving and their success quite inspiring. And this is just one of the initiatives funded through the ACT women's grants. The program provides $100,000 and is available to groups and organisations to develop activities to improve the status of women and girls in the ACT.

Some of the recipients of the 2011-12 women's grants program include the know before you go project, which will support women with disabilities to access mainstream services, and respect communicate choose, which is a YWCA of Canberra initiative, which will see the development of educational resources to better equip primary school girls and boys with the skills to develop and maintain safe and respectful relationships.

The Audrey Fagan young women's enrichment grants program is a component of the Audrey Fagan scholarships program and honours Ms Fagan's support and mentoring of young women. These grants provide for funding of up to $2,000 for young women aged between 13 and 18 years to develop their skills and enhance their knowledge in their chosen career path. In 2011 the enrichment grants helped eight young ACT women pursue their areas of interest, including a young zoological architect.

The value of the range of these programs cannot be underestimated. They provide grassroots, practical support for women with limited financial means so that they can participate across all aspects of our community. We are currently experiencing one of

the best times in our history for women to make the most of employment and economic opportunities, with the skill shortage across trades and professions creating a new wave of prospects for women, and nowhere is this new age more explicit than in the trades, historically the area of male workers.

In May last year, 150 college and high school girls participated in the annual girls "try a trade day" hosted by CIT. This event is marked by an increasing popularity and the increasing numbers of women who can act as role models to the students, including Sam Sheppard, the licensed builder behind Queensland's buildmore women into building housing showcase. This initiative, the first of its kind in Australia, brought together a team of women, ranging from architects to engineers, to tradespeople, to design and construct an environmentally friendly showcase house.

The ACT Building and Construction Industry Training Fund Authority continues to encourage the entry of women into the industry through the tradeswomen in building and construction campaign and associated events and activities and financial incentives to employers with female apprentices in non-traditional vocations. The tradeswomen in building and construction campaign was developed to increase the awareness and participation rates of females in apprenticeships in the building and construction industry.

We are beginning to see more young women like Michelle Tifan being acknowledged for their significant achievements in the building and construction industry. In August last year Michelle became the first electrical apprentice and second female to be named construction industry outstanding apprentice of the year at the 2011 ACT Regional Building and Construction Industry Training Council annual awards. Michelle also received an outstanding woman in a non-traditional trade award and an outstanding systems apprentice electrician award. Michelle's outstanding achievements are a reminder that the so-called traditional trades are no longer the exclusive domain of men.

An integral component of delivering financial and economic independence to women is to create a society that promotes and safeguards freedoms and rights. For some women in our community, these freedoms and rights are significantly curtailed because of their experience of domestic and sexual violence. This type of violence is a breach of human rights and is absolutely unacceptable.

Last August, I launched the ACT prevention of violence against women and children strategy which was deliberately called "our responsibility". It builds on our commitment to nurturing a culture that respects the rights of women and children to live free from fear and experience of violence. Our responsibility emphasises the need to work collaboratively and across disciplines to address the causes and consequences of violence against women and children because women and children subjected to violence need to be supported to continue to contribute to society so that they can reach their potential.

This government has delivered practical initiatives that support women's economic and financial independence and target the needs of women on low incomes in the ACT. Access to meaningful employment opportunities is essential to ensuring women's economic empowerment. As a community, we must continue to work

together to ensure that women are equal partners with men in all aspects of economic, political and social life and that women are able to work and have a family and, importantly, that women are free to live their lives without discrimination, harassment and violence.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens), by leave: I would like to thank the minister for making this statement today responding to my motion from 2010 which called on her to provide an annual statement to the Assembly that outlines efforts in improving the economic and financial independence for women.

The minister notes that the ACT is doing well in the statistics for female labour force participation and average full-time weekly earnings in comparison to the rest of the country. I am pleased that this is the case but I, like the minister, note that there is still a way to go to close the pay equity gap between men and women. The recent Fair Work decision will go some way to addressing pay equity for the largely female community sector workforce in the ACT. I am glad that the minister has restated her commitment to support the sector to implement this decision in the ACT and I will be watching with interest the government's work on this to ensure the sector gains the benefits intended by that decision.

I would like to pass on my congratulations to the women mentioned in the statement. There is no doubt that the grants and programs run by both the government and the community engage and encourage women and girls to achieve their goals. The linkages between the government and the community organisations and the private sector which facilitate and assist in these programs are key to providing networks and support that will see these women and their endeavours continue into the long term.

I also would like to note that the education programs being run through our education providers, ACT schools, CIT and our universities, are all offering programs to assist women, particularly young women, into fulfilling careers and into areas they may not have usually considered, such as building and construction. I am pleased and proud that the women of the ACT are doing what they love and doing it well.

Though this will be the last statement in this Assembly by the minister on my motion, I urge the government to continue this focus on pay equity and women's economic participation and to continue to work to increase inclusion, engagement and equity in all areas for ACT women.

English as a second language in schools
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), by leave: On 7 December 2011 the Assembly passed a resolution that the government undertake a review of ESL services and report back to the Assembly by April. As there are no April sittings, I would like to advise the Assembly that I intend to circulate the report to members out of session during April 2012 and to table the report during the first sitting period in May 2012.

Water—secondary uses

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (12.23): On behalf of the Treasurer and pursuant to a motion that was passed by the Assembly on 4 May last year, I move the motion standing in his name on the notice paper relating to secondary water use in the ACT:

> That the motion of the Assembly of 4 May 2011 relating to the tabling of the Independent Competition and Regulatory Commission's final report on its inquiry into secondary water use be amended by omitting the words "last sitting day in March 2012" and substituting "first sitting day in August 2012".

The reporting date outside that originally specified in the Assembly's motion recognises the workload faced by the commission due to complex matters raised by the Legislative Assembly resolution as well as its requirement to undertake other inquiries with similar time frames. This motion to amend reflects the reporting date under the terms of reference for the commission's inquiry into secondary water use being the end of June 2012. The government will table the commission's report in the Assembly at the earliest time possible after receiving the commission's report. I commend the amendment to members.

Question resolved in the affirmative.

Sitting suspended from 12.25 to 2 pm.

Questions without notice

Schools—Taylor primary school

MR SESELJA: My question is to the minister for education. In the hazardous material survey and management plan for Taylor primary dated August 2008 it recommends:

> External wall sheeting is damaged … These sheets need remediation as soon as practicable.

After the weather event earlier this year, the Taylor primary school principal, on the school's website, said:

> The structural damage at the school has the potential to expose asbestos at the site. The external walls of the school have been assessed by an asbestos assessor who found that if the panels were to become damaged by high winds asbestos fibres may be released.

Minister, if the government knew there was damaged asbestos wall sheeting in need of remediation in 2008, why was the work not done?

DR BOURKE: I thank the member for the question. I presume that in 2008, as a result of that notification of damaged wall cladding, that particular piece of damaged wall cladding would have been remediated and made safe.

Opposition members interjecting—

MR SPEAKER: Order! The minister is answering the question.

DR BOURKE: I will seek clarification from the directorate as to the nature of that remediation and the time it was done.

MR SPEAKER: Supplementary, Mr Seselja.

MR SESELJA: Minister, how can parents trust you on this matter when the government was warned four years ago and failed to fix the identified problem?

DR BOURKE: I thank the member for his question. I dispute the allegation that the problem has not been fixed. As I have said before, there are very many buildings in Canberra built before 1988 which contain asbestos, including government and non-government schools, thousands of homes, offices and shops. The asbestos management plans in ACT government schools are there to provide a working document which is available to parents, available to any member of the public who wants to have a look at them, to see what is there in the school. I am sure that the directorate would have remediated the particular issue that you are pointing to back in 2008. But, as I said—

Mr Hanson: If they haven't, you're gone, mate.

DR BOURKE: I will—

Mr Hanson: If they haven't, you've been misleading us.

DR BOURKE: seek advice from the directorate and report back.

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: Yes.

Mr Hargreaves: Mr Hanson said he had been misleading us. He has to withdraw.

MR SPEAKER: The point of order is upheld. Mr Hanson, can you withdraw, thank you. You accused Dr Bourke of misleading the Assembly. You know it is unparliamentary.

Mr Hanson: Mr Speaker, what I said was that, if it is proven that the material was not remediated, he would have misled the Assembly, and I think I stand by that statement.

Members interjecting—

MR SPEAKER: Order, members! Mr Hanson, I heard something different. I am inviting you to withdraw, thank you.

Mr Hanson: I did not say anything different, Mr Speaker. I would ask that you refer to the *Hansard* and confirm what I said. If it is shown that I did say that, then I will withdraw. But in my recollection I said quite clearly that if it is shown that this was not remediated, as you were saying, then you would have misled the Assembly. I have not alleged that you misled the Assembly.

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: I heard it crystally clearly, as did you, and it was for that reason that I rose to my feet and asked that the member withdraw it.

MR SPEAKER: Members, I think I am left with no choice—

Opposition members interjecting—

Mr Smyth: Mr Speaker—

MR SPEAKER: Order! Please sit down. Just sit down and be quiet. Mr Smyth, I am left with no choice other than to review the tape.

Mr Smyth: I was just going to say that I am sitting next to him and I heard him say it.

MR SPEAKER: Thank you; I am going to review the tape. Mr Doszpot, you have a supplementary question.

MR DOSZPOT: My question is obviously to the minister for education. Minister, will all external walls and all other asbestos materials at the Taylor primary school site be removed during this current school closure?

DR BOURKE: I thank the member for his question. The exact nature of the remediation work required at Taylor primary school has not been advised to me as yet by the directorate. I am looking forward to that advice shortly.

MS HUNTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, has the inspection of the timber frame in the school been completed? Can you tell us what the outcome of that inspection has been?

DR BOURKE: I thank the member for her question. Engineers reports have been received which indicate that the timber framing within the school is damaged and that work needs to be done. The exact nature of the work that needs to be done to make this school safe for children has not been advised to me by the directorate.

Schools—Taylor primary school

MR DOSZPOT: Minister, what assurances can you provide to parents that all necessary repairs will be done?

DR BOURKE: I thank the member for his question. Let me say, yes, I do reassure parents that this school will be safe; it will be made safe for children.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, when will you be able to assure the Assembly and the community that there are no further risks that remain unaddressed in any ACT school?

DR BOURKE: I thank the member for his question. He has not exactly quantified the nature of the risks that he is talking about. It is a fairly open-ended, open season sort of question. Let me say that I think I addressed this matter particularly well within the tabling of the documents that were required of me by the Assembly the other day. If the member would trouble himself to have a look through them, perhaps he would be able to acquaint himself with the nature of these management plans for hazardous materials which exist within the ACT Directorate of Education and Training.

MR SESELJA: Supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, besides Taylor primary, how many schools are in the situation where risks related to hazardous materials have been identified but not fixed?

DR BOURKE: I am advised by the directorate that 68 schools have hazardous management plans for materials.

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: How many schools have had hazardous materials identified where they have not been fixed?

DR BOURKE: I thank the member for his question. I am not aware of any schools which have hazardous materials which have not been fixed; that is, fixed in the sense that made it safe for children to attend that school.

Education—excellence and enterprise framework

MS HUNTER: My question is to the Minister for Education and Training and relates to the excellence and enterprise framework. Minister, the excellence and enterprise quarterly action report for March 2012 contains updates on the many activities undertaken towards the 11 key directions of the framework. Minister, what professional development opportunities have been offered to and undertaken by teachers involved with the virtual learning academy pilot programs for students with high academic ability?

DR BOURKE: I thank the member for her question. This is a particularly detailed question which I will take on notice and report back in due course.

MR SPEAKER: Supplementary, Ms Hunter.

MS HUNTER: Thank you, Mr Speaker. Minister, are you aware of any community education providers whose applications to join the Re-Engaging Youth Network Board were rejected? If so, who and on what grounds?

DR BOURKE: I thank the member for her question. This is a particularly specific question which I will need to take on notice.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, how many fewer students were suspended in the Melba, Copeland and Kingsford Smith clusters as a result of the successful and well-regarded suspension support teams operations in 2011?

DR BOURKE: I thank the member for her question. I want to get the number out right, so I shall take it on notice.

MS LE COUTEUR: Supplementary.

MR SPEAKER: Ms Le Couteur.

MS LE COUTEUR: Minister, in key direction 4, what is meant by the term "full service schools"?

DR BOURKE: I thank the member for her question, which I will take on notice.

Art—public

MR HARGREAVES: My question is to the Minister for the Arts and relates to public art. Can the minister inform the Assembly of recent installations of public art in the ACT, including the statue of Sir Robert Menzies—

Opposition members interjecting—

MR SPEAKER: Order! Mr Hargreaves has the floor.

MR HARGREAVES: What did you say?

MR SPEAKER: Order! Mr Hargreaves, let us continue with the question, thank you.

Opposition members interjecting—

MR HARGREAVES: Have you finished yet? Have you finished making a fool of yourself?

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

MR HARGREAVES: Keep it up, sunshine. Mr Speaker, I have been interrupted, so if I may, I will go back and start the question all over again.

MR SPEAKER: Thank you, Mr Hargreaves.

Mr Seselja: You cover your party in glory.

MR SPEAKER: Members, enough!

MR HARGREAVES: Better than you do, sunshine.

MR SPEAKER: Mr Hargreaves.

MR HARGREAVES: Mr Speaker, my question is to the Minister for the Arts.

Mrs Dunne: A point of order, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

Mrs Dunne: Twice Mr Hargreaves referred to Mr Seselja as "sunshine". It is unparliamentary. We have been backwards and forwards about this over the last few days. People should be referred to by their title and their surname.

MR HARGREAVES: Mr Speaker—

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

MR HARGREAVES: I quite willingly withdraw any appellation of the Leader of the Opposition which may regard him as any part of "sunshine" at all.

Mr Seselja: I am very pleased with that withdrawal.

MR HARGREAVES: I thought you might be. Mr Speaker, my question is to the Minister for the Arts and relates to public art. Can the minister inform the Assembly of recent installations of public art in the ACT, including the statue of the late Sir Robert Menzies?

MS BURCH: I thank Mr Hargreaves for his question and his ingoing interest in the arts. I was pleased to attend the launch on Friday morning of the *Sir Robert Menzies* statue, part of the ACT government's public artwork program. The government commissioned *Sir Robert Menzies* and *Prime Minister John Curtin and Treasurer Ben Chifley* by the acclaimed sculptor Peter Corlett to celebrate and acknowledge former prime ministers who have significantly supported the development of Canberra as the national capital.

Sir Robert Menzies is located across the lake from *Curtin and Chifley*, which was launched by Prime Minister Julia Gillard and Chief Minister Katy Gallagher in September last year. The artworks have created a tangible link from the historic era of

federal administration in Canberra to the contemporary regime of territory government. I was pleased that Peter Corlett was able to join us on Friday. Members would be familiar with Mr Corlett's sculptures of *Simpson and his Donkey* and *Weary Dunlop*, which are at the War Memorial here in Canberra.

We heard from Minister Barr at the unveiling a bit about Mr Corlett's creative process. He begins his activities by studying photographic and moving images of his subjects. He uses a life model dressed in period costume as well.

We were also fortunate to be joined at the unveiling by Heather Henderson, the daughter of Sir Robert Menzies, her husband Peter and members of the Menzies family, who provided valuable advice and feedback during the development of the project. Ms Henderson spoke very well about her father's love of walking around our national capital and expressed great pride on behalf of her father about the wonderful paths that we now have in Canberra, particularly around Lake Burley Griffin.

Indeed it was under Menzies' second term as Prime Minister that Canberra's community grew from 28,000 in 1954 to 93,000 in 1966. A number of significant cultural institutions, including the National Library and the Canberra Theatre Centre, were founded during that period, and Lake Burley Griffin in 1964.

On Monday evening the government unveiled another instalment of public art, the *Droplet* in Woden, by sculptor Stuart Green. Actew Corporation Chairman John Mackay unveiled that. The artist was invited along with others to create something specific to the area. The building owners, Mirvac, were delighted that the work is adjacent to their building and senior executives travelled from Sydney to attend the launch last night. In fact last night as I was driving home from the ACT cricket awards, which was a very good night, you could see that installation, *Droplet*, in full form and under lights, and it really is quite a spectacular installation.

It has been a busy week for the arts team. We have unveiled some works of art. I look forward to the remaining works in the public art program in the coming months.

MR SPEAKER: Mr Hargreaves, a supplementary question.

MR HARGREAVES: Minister, in relation to the statue of Sir Robert Menzies, what action did you take to ensure the involvement of all parties at the *Menzies* launch and what response did you get?

MS BURCH: I do thank Mr Hargreaves for the question. It is custom, for many ACT government functions, to invite all members of the Assembly and, if relevant, the federal members as well. However, the launch of *Sir Robert Menzies* was one that the ACT government was particularly interested to have bipartisan support for, because we know that Menzies holds a particular significance for the Liberal Party, and we expected a strong interest from the Canberra Liberals.

I am advised that all MLAs and local federal members were invited and an invitation was also extended to the federal opposition leader, Tony Abbott, and Prime Minister Julia Gillard, but both declined due to prior commitments. Ms Henderson suggested

that we invite the federal member for Kooyong, Josh Frydenberg, who holds the seat once held by Menzies. So we did just that. I am pleased to say that Mr Frydenberg attended the launch and said a few words about walking in Menzies's shadow and about Menzies's contribution to international diplomacy. ACT Senator Gary Humphries also spoke at the unveiling. I think it was very important for Heather Henderson to see that some members of the Liberal Party still value the contribution.

For the record, we did invite the Canberra Liberals but not one of the Canberra Liberals saw fit to attend the unveiling of *Menzies*. They have such concern that they thought that *Menzies*—

Mr Hanson: We are very consistent. Ban all public art.

MS BURCH: That is it. So *Menzies* is considered to be dismissed because it is part of public art. That is just shameful.

MR SPEAKER: A supplementary, Ms Porter.

MS PORTER: Minister, does the government remain committed to public art in the ACT?

MS BURCH: I thank Ms Porter for her question. The government does remain committed to public art because we believe public art has a place in our community, unlike the Canberra Liberals, who think there is no place for art in the community. There are four more works to be installed as part of the public art program funded by the percent for art scheme. I am confident that they, too, will be embraced by our community.

Since the start of the program we have seen substantial investment in public art from the private sector as well. I believe this co-investment is an important component in having a vibrant community, In New Acton, for example, we have seen developments that incorporate public art into every facet of those developments. The ACT government remains committed to public art, and I continue to receive positive feedback about the number of works that we have put in, including, for example the wild dogs in City Walk or *Poets' Corner*.

The ACT Labor government supports arts and arts organisations. I have been very diligent in reminding arts stakeholders in our community when I see them at community events that I support them. I think that is in stark contrast to the Canberra Liberals, who see fit to bag public art at every opportunity, do not turn up to the unveiling of Robert Menzies and, indeed, come into this place and try and upset secured funding for arts organisations such as Megalo.

A government led by Mr Seselja is seen by the community as being a government that would bring in—

Mrs Dunne: On a point of order, Mr Speaker, this is argumentative and it is contrary to the standing orders. Minister Burch has a question to answer, and if Minister Burch wants to make a ministerial statement about public art, she can, and then people can respond to it.

MR SPEAKER: Yes, minister, I think a running commentary on the Canberra Liberals is unnecessary for the purposes of the question.

Mr Hargreaves: Nothing to talk about!

MS BURCH: Well, that is exactly right. *(Time expired.)*

MR SPEAKER: A supplementary, Mr Seselja.

MR SESELJA: Yes. Minister, will you now take the advice of former Chief Minister Jon Stanhope and not be so bashful about promoting public art in the community?

MS BURCH: I do not think I am being bashful in supporting public art.

Opposition members interjecting—

MR SPEAKER: Members, thank you.

MS BURCH: In fact, at every opportunity when I am out and about in the community supporting art, whether it is public art, whether it is performing arts, whether it is visual arts, this government—

Opposition members interjecting—

MR SPEAKER: Order!

Ms Gallagher: Mr Speaker, on a point of order, the Liberal Party consistently ignore your ruling and requests—persistently and consistently. Mr Hanson is the worst offender. I think the minister should be allowed to answer the question that Mr Seselja has just asked her.

MR SPEAKER: Yes, members, it is particularly rowdy in here today. Let us hear from the minister in silence, thank you.

MS BURCH: I will say again that this government has not shied away from supporting the arts community in all its shape and glory, unlike others who have come into this place and sought to undermine its initiatives and security.

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

MR SPEAKER: Minister Burch, one moment, thank you. There is a point of order. Stop the clock, thank you.

Mrs Dunne: You ruled in relation to almost exactly the same sentence that Minister Burch uttered in the last answer to the question that it was out of order. Could you call her to order and get her to answer the question?

MR SPEAKER: On the point of order, Mrs Dunne, the observation I did make to the minister was her running commentary on the Liberal Party. There is probably a

distinction between that throwaway line and a whole narrative. Minister, let us focus on the question you were asked, though, on your position on public art, thank you.

MS BURCH: Thank you, Mr Speaker. I have made my point clear. I just refer to an article that was in the *Canberra Times* in "Opinion" on 27 March where the author makes it very clear that public art's benefits are extensive. In different contexts it assists society in many ways. Public art can build a sense of place and ownership, stimulate thought and dialogue, humanise urban spaces, educate in healthcare settings, increase property values and stimulate tourism and local economic development.

State of the environment report

MS LE COUTEUR: My question is to the Minister for the Environment and Sustainable Development and is in relation to the state of the environment report. The state of the environment report is an important report on a large spectrum of the ACT's physical environment, and is released every five years. The ACT community relies on information within it to better judge which areas and behaviours need improvement in the ACT. Minister, I understand that the commissioner for the environment has finalised this report and that you have had it since December last year, and yet you have not yet decided to release it for public consumption. Minister, why have you not yet released the report, and when will you release it?

MR CORBELL: I can confirm that, yes, I have received the commissioner's state of the environment report. Under the relevant legislation, I have a statutory time frame in which to table that report. I am currently within time for the tabling of that report, and I will table that report consistent with the statutory time frame set out in the act.

MS LE COUTEUR: A supplementary.

MR SPEAKER: A supplementary, Ms Le Couteur.

MS LE COUTEUR: Thank you, Mr Speaker. Minister, how has the information gathered for the report on household and commercial greenpower usage in the ACT been used to formulate the *Weathering the change—draft action plan 2*?

MR CORBELL: The government has regard to a broad range of inputs in terms of the development of its policy settings on matter such as climate change policy and the state of the environment report is one of those inputs.

MS HUNTER: Supplementary.

MR SPEAKER: Ms Hunter.

MS HUNTER: Minister, how was the waste data in the report used to help formulate the ACT waste strategy?

MR CORBELL: I thank Ms Hunter for the question and in relation to her question it is the same approach that I outlined in my answer to Ms Le Couteur's question.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, how was the information in the report on transport usage and patterns used to help formulate the transport strategy?

MR CORBELL: I thank Ms Bresnan for the question and I refer her to my two previous answers.

Kambah shopping centre

MR SMYTH: My question is to the Chief Minister and Minister for Territory and Municipal Services. Chief Minister, I refer to the small shopping centre located at the corner of Boddington Circuit and Castley Circuit in Kambah. Constituents have raised a number of concerns about the quality and appearance of this shopping centre and I understand that concerns have been raised with your department. Minister, are you aware of these concerns? When do you propose to install lighting to provide adequate illumination of and safety for the shopping centre building, the car park and the adjoining streets?

MS GALLAGHER: I thank Mr Smyth for the question. Indeed, I am aware of a number of shopping centres where there are requests for upgrades. There is a process, as Mr Smyth would know, around some of the shopping centre revitalisations—

Mr Smyth: No, this is not that. This is just basic services.

MS GALLAGHER: Mr Smyth, I do have three minutes and 40 seconds to answer your question and I am going to get to answering it within that time, unless you have a number of other questions you are going to interject with. There is a set shopping centre revitalisation program that is underway.

Where we get concerns raised from constituents about safety, they are dealt with swiftly by a very professional outfit at Territory and Municipal Services who deal with these matters as they arise across the city—in a sense based on the urgency that they are required to be done. I have no doubt that the constituents' concerns are being addressed professionally through Territory and Municipal Services.

MR SPEAKER: Supplementary, Mr Smyth.

MR SMYTH: Minister, in regard to the basic services like direction signs and direction markings for the safe and effective movement of vehicles, when will they be installed in the car park at the shopping centre?

MS GALLAGHER: I do not have that level of detail before me but I am more than happy to follow that up and provide a response. As I said, I have not been briefed specifically about the need for that work at that shopping centre. But I am sure, if it is required—TAMS have standards around this, assessing what needs to be done and

how urgent that work is. I will provide that advice to Mr Smyth or indeed to the Assembly.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, what action will you take to repair the surface of the car park and to replace faded parking line markings?

MS GALLAGHER: I personally will not be able to do that; I am not qualified or skilled to do that work.

Mr Hanson interjecting—

MS GALLAGHER: Thank you, Mr Hanson—as gracious as always. You have really been in top form today, haven't you, interjecting with—

Mr Hanson interjecting—

MR SPEAKER: All right, members. Order!

MS GALLAGHER: Interjecting with your nasty asides in front of a relatively full public gallery. It does surprise me.

Members interjecting—

MR SPEAKER: Thank you, members.

MS GALLAGHER: Normally when the public gallery is full, Mr Hanson tends to behave himself, but not today.

Members interjecting—

MR SPEAKER: Order! Let us return to the question, thank you.

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, thank you.

MS GALLAGHER: As I said, if that work is required—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson! One moment, Chief Minister. Mr Hanson, I have to keep asking you, and every time I use your name and ask you to tone it down you have always got one more interjection. You are now on a warning for repeated interjection. Chief Minister, you have the floor.

MS GALLAGHER: If those improvements are required at the shopping centre, in accordance with a whole range of other priorities that Territory and Municipal Services manage every day, that work will be done.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, will the ACT government fix the paving and furniture around this shopping centre and take responsibility for maintaining the quality of the public property around this shopping centre? If not, why not?

MS GALLAGHER: Territory and Municipal Services, as Mr Seselja would know, manage and maintain a number of public facilities across the city. In fact, I am constantly impressed at the workload before them and the way they manage to deal with that workload. It is prioritised on a list of most urgent to least urgent, and they work systematically through that. I think in terms of footpath improvements, over 3,500 kilometres of footpaths are maintained across the city. There are significant demands on this directorate.

These decisions about when improvements are managed have to be the responsibility of those operational experts in Territory and Municipal Services. It is not a matter of picking out one particular area and saying that needs a whole load of work done at the expense of what could otherwise be, around the city, other competing priorities.

I am very happy to take the advice of the experts on this. If there are some extraordinary circumstances in Kambah in that shopping centre where work is required, I have no doubt that they are on Territory and Municipal Services' work list. But I am not going to stand here and give you a date, Mr Seselja. I am not in a position to do that. I do not think politicians should play that role.

ACT Policing—Belconnen police station

MR HANSON: My question is to the Attorney-General. On 28 March 2012, the *Canberra Times* included an advertising feature on the Belconnen police station opening. What was the cost to ACT taxpayers of this brochure?

MR CORBELL: The full costs of that brochure were met by ACT Policing. The cost was $11,267, which was paid for by the Australian Federal Police. I can also advise the member that the *Canberra Times*, as part of an agreement in relation to the printing of the lift-out, was responsible for the design and contributed additional sponsorship, along with eight paid advertisements, to enable the supplement to expand to 24 pages.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: Yes. Does the brochure state that the project is $5 million over budget and, if not, why not?

MR CORBELL: This is an excellent project for the Belconnen community—a new Belconnen police station that will replace an outdated facility. It does not make reference to the matters Mr Hanson raises because, as Mr Hanson knows, his claims in relation to those matters ignore a number of significant facts about why those circumstances came about.

We are very proud, as a government, to be delivering a new Belconnen police station to serve the people of the district of Belconnen. It is a new state-of-the-art facility that will meet ACT Policing's needs in terms of housing its police services in the Belconnen district for many decades into the future. It replaces a rundown and dilapidated facility which was well past its use-by date.

Whilst there has been much sentiment expressed about the history of the old Belconnen police station, the fact is it needed to be replaced. It has been this Labor government that has made the investment needed to deliver a new, contemporary, state-of-the-art and sustainable police building to meet the needs of the people of Belconnen for well into the future.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, does the brochure state that the project is 18 months behind schedule, and, if not, why not?

MR CORBELL: I have already answered that question, Mr Speaker.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, for the information of the Assembly, can you enumerate any of the projects you have brought in on time or on budget?

MR CORBELL: I have done so, Mr Speaker, on repeated occasions in response to previous questions from those opposite.

Visitors

MR SPEAKER: Ms Bresnan, before I come to you, members I would just make note of the fact that we are joined in the public gallery today by guests from the University of the Third Age. I once again welcome you to the Assembly and hope that you enjoy your visit.

Questions without notice

ACTION bus services—routes

MS BRESNAN: My question is to the Minister for Territory and Municipal Services and concerns ACTION bus routes and timetabling. Minister, what are you doing to address the constant overcrowding problems on peak hour ACTION routes, meaning people are left waiting? For example, will you purchase and use more articulated buses on these routes?

MS GALLAGHER: I thank Ms Bresnan for the question. A lot of work is being done, greatly assisted by the MyWay data that we are now able to collect, around patronage and use. A lot of work is being done. We know that there are some areas where we are getting a number of complaints. I think the most I would have is on the Gungahlin route, and we are looking at where those routes start.

There have been some concerns, again, from the Gungahlin area, around where people get on the bus at the marketplace and it getting too full before heading down towards Mitchell. So we are looking at some alternatives around there. The new articulated buses start arriving this year, and the expectation is that they would be utilised to deal with some of those areas of pressure, and we have rolled out some of the initiatives in network 12.

The team at ACTION are looking at this very closely, because it is actually great to see that more people are wanting to get on the buses, particularly on those rapid routes. So we want to be able to ensure that we can carry them in a comfortable way through the city. Yes, quite a lot of work is being done. It has certainly not gone unnoticed, and we have had some concerns raised with us by bus commuters.

MR SPEAKER: Ms Bresnan, a supplementary question.

MS BRESNAN: Minister, will ACTION make it a requirement for ACTION drivers to document and report on any stops where overcrowding prevents passengers from being picked up, to gather data on the full extent of the overcrowding issue?

MS GALLAGHER: I think some of that data is already collected. But I will take some further advice on that. If it is not, it is a good suggestion. From the briefings I have had I think ACTION are aware of where the pressure areas are. As I say, it is mainly on the rapid routes during peak hour times. If there are better ways or further ways to capture that data, we are happy to do that. I think it is probably more important to make the changes that actually resolve some of those issues.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, were the new articulated buses that you mentioned earlier and that have been recently purchased by ACTION an increase to the overall number of articulated buses or are they simply replacing the old articulated buses?

MS GALLAGHER: They are replacing the articulated buses. I believe there are 20 of them coming.

MS LE COUTEUR: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, can you guarantee that all new buses purchased by the ACT government will be able to accept bike racks?

MS GALLAGHER: Again, this is something we are very conscious of. We are on target to have 80 per cent of our fleet with bike racks on, I think by July this year. I think we are at about 70 per cent now. There is an issue with a couple of the buses, the steer-tag bus in particular, which is too long, essentially, to put them on; it creates problems when turning corners. But there are benefits from the steer-tag buses as well; they carry more people. I think that 80 per cent is more than any other jurisdiction is near achieving, so we should also recognise that we have done pretty well.

The other area is looking at where steer-tag buses operate so that we can maximise the bike racks on the routes where we know that they are needed. Again we are in discussions with, I think, a couple of ACTION commuters at the moment about how that could work. And of course we have got the fantastic new bike-and-ride facilities operating across the city, with more coming on line as well. That is part of the solution. The bike racks can only take a couple of bikes anyway.

I think that some commuters would like us to reassess our position on bikes on the buses, but that is probably a bit more of a challenging discussion to have with the drivers, the unions and other commuters.

In partnership, with 80 per cent of the fleet with bike racks and more bike-and-rides being put in place around the network, we are going a long way to addressing the needs of cyclists who are wanting to use the buses. But transport for Canberra shows that there is much more to be done.

Domestic Animal Services—sale of dogs

MRS DUNNE: My question is to the Minister for Territory and Municipal Services. Minister, the TAMS website, in the area headed "Purchasing a dog from the DAS shelter", outlines the procedures involved when a citizen wants to purchase a dog. It invites the purchaser to visit the shelter and view the dogs being housed there. It says the purchaser can get to know a dog by playing with it in the exercise yard. Minister, is it usual practice for staff at the shelter to quiz prospective purchasers about their financial capacity to look after a dog? If so, why, and why is this not outlined on the DAS shelter webpage?

MS GALLAGHER: I thank Mrs Dunne for the question. My understanding is that there are a range of questions that are asked of potential dog owners. Indeed these are similar questions to the ones that are asked at the RSPCA if you purchase a dog from there. It is around the capacity to care for an animal and pointing out to people that caring for animals comes with additional costs.

I think that DAS and the RSPCA do an extraordinary job in re-homing dogs across the city—again, the highest re-homing rate in the country. Part of that has to be down to making sure that the matching up of the animal with the new owner is a thorough process whereby all of the challenges and benefits of owning an animal are drawn to people's attention prior to that transaction occurring.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, I have received representations from a constituent who received a rather substantial grilling at the shelter and has raised these concerns with me. Will you investigate them, review the shelter's procedures and report back to the Assembly in May?

MS GALLAGHER: If anybody provides me with information where they want a matter investigated across the government, I always pursue that. So I am very happy to take your individual constituent's concerns. I can also have a look at DAS's procedures, but I think they are largely in line with other animal welfare organisations that request information from people to make sure that the re-homing of those animals is sustainable and has the best opportunity to succeed.

In relation to the individual matter, I am not sure that warrants coming back to the Assembly. Is that what you were asking, Mrs Dunne?

Mrs Dunne: Yes.

MS GALLAGHER: But I am certainly happy to discuss that with you. Any information you can provide me will be followed up.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, how many dogs have been sold in the past 12 months and how many dogs have been destroyed?

MS GALLAGHER: I will take that on notice. But again I would remind members that the ACT, through partnerships with ARF, the ACT Rescue and Foster organisation, RSPCA and DAS, does an extraordinary job in re-homing animals across this city. We have a very low euthanasia rate for dogs, which is something I am sure we will all agree is a fantastic outcome. On the detail, I will take that on notice.

Productive infrastructure—investment

MS PORTER: My question is directed to the Treasurer. Minister, can you outline how the government is investing in world-class infrastructure to support our high quality health and education services?

MR BARR: I thank Ms Porter for the question and for her interest in infrastructure investment. At a macroeconomic level, investment in productive infrastructure is very important to keep up with population growth in the territory. This investment removes barriers to economic growth in other sectors of the economy and, in fact, acts as a generator of economic activity in and of itself.

The government recognises that investment in productive infrastructure is important to support high quality service provision to the ACT community. Since 2002-03 the government has invested almost $2.8 billion in infrastructure improvements across the territory. An additional $1.7 billion is provided for investment in the territory's infrastructure across the budget and forward estimates. Investment in health and education infrastructure has always been a focus for this government. We have invested in state-of-the-art schools and world-class health infrastructure that meets our needs for the next decade.

More than $1 billion has been committed to redevelop the territory's health facilities and infrastructure. The government's health infrastructure program is responding directly to growing service demand, including over the coming decade and beyond. Importantly, health infrastructure investment supports front-line health staff in delivering world-class and cutting-edge services to the Canberra community.

Technology and improved care models such as community post-hospital support and other step-up and step-down facilities are key features of this infrastructure investment. To meet the needs of our growing population, we have committed to building a new northside hospital. The government is also investing in a new women's and children's hospital, an acute mental health inpatient unit, community health centres in Gungahlin, Tuggeranong and Belconnen and a walk-in centre at the Canberra Hospital.

Innovative approaches to delivering services are also being funded by the government, with over $90 million committed for e-health initiatives. These investments aim to improve chronic disease management and, amongst other things, improve preventative health care, because prevention provides better overall quality of life for Canberrans and places downward pressure on health expenditure growth. I am sure that every member in the Assembly would agree with the benefits of preventative health care initiatives on a person's quality of life. This also has the virtue of being a more fiscally sustainable approach for the community overall.

On the education front, over the past seven years $650 million has been invested in ACT public education infrastructure. We have invested in a modern, flexible and adaptable learning environment for our students. These high quality facilities also assist our teachers in providing innovative learning experiences for our children.

Over the past seven years, we have funded new state-of-the-art schools, including Harrison primary and secondary schools, Kingsford Smith school, the Gungahlin college and the Namadgi school. Over the past five years around $162 million has been invested in refurbishing and upgrading our school facilities. This protects our assets into the future and provides further support for high quality public education services.

To assist with skills training, we have invested around $10 million in new purpose built electro-technology training facilities at the CIT's Fyshwick trades skills centre. This facility provides up-to-date training accommodation and equipment in the fast developing trade sectors.

We are investing in CIT campuses around the territory. I note that the members for Brindabella are very keen on new CIT facilities in Tuggeranong. We are also focusing our investments on improving the quality of service provision and critically the capacity of our economy. The government is investing to make Canberra even stronger.

MS PORTER: Supplementary.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Can the minister indicate how productive investment in this infrastructure supports economic activity across the territory?

MR BARR: In 2002-03 the ACT government investment as a share of the total territory economy was 0.6 per cent. By the end of 2010-11 this share had increased to 2.2 per cent.

As I outlined in response to a question yesterday, the ACT has benefited from strong investment growth in 2010-11. This was due to the ACT government's record investment in capital works, strong commonwealth government investment, as well as dwelling investment in the territory. These were all important contributors to state final demand growth during the fiscal year.

Quality investment in productive infrastructure both encourages and supports population growth, another important economic driver. We saw population growth above the national average at 1.9 per cent in the 2010-11 fiscal year.

The government, as I indicated earlier, has embarked on an investment program of around $1.7 billion over the next four years. Critically this investment will support jobs, it will support the local economy and, importantly, increase the productive capacity of the territory.

The latest commonwealth state of the states report released earlier this year reminded members, and indeed reminded the community, of the importance of this infrastructure investment. It noted that the ACT recorded the highest over-performance against decade average growth in population, in housing finance and in dwelling starts and the second highest over-performance growth in construction work.

Our investments are indeed paying dividends, particularly in education, which I have no doubt provides good learning environments to support successful learning. A well-educated population is critical to ongoing economic growth. Good health infrastructure supports better health care. Investments in health infrastructure are investments in community wellbeing and greater productivity. They are beneficial to the whole community.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Treasurer, are there any alternative approaches the government could take with investments in infrastructure?

MR BARR: Yes, there are alternatives; there are always alternatives when it comes to investment policies and decisions that governments make from budget to budget. We could have, for example, listened to some who are professing that investment in public education, for example, is throwing good money after bad. We could have listened to those who suggested that it would be much more preferable to invest in non-productive infrastructure, to invest in projects like painting grass green or invest in projects like futsal slabs, or invest in projects that have demonstrated long-term economic benefit for the territory. I cite, for example, futsal slabs in Commonwealth Park as an example of long-term infrastructure investment.

Perhaps another example of an alternative approach to infrastructure investment would be to shovel bucket loads of cash into things like V8 supercar races and then have the Auditor-General come back and say that it was the biggest, most monumental failure in terms of investment policy—overstated the benefits, understated the costs. An appalling record of infrastructure investment.

We could contrast that with the approach of, say, building a new hospital with the alternative, which is blowing hospitals up, which is exactly what we have seen from those opposite. That is their approach to infrastructure investment, Mr Speaker. It is a series of poor choices, and we have seen the track record. This government invests in health and education; those opposite blow up hospitals and invest in useless V8 supercar races that cost the territory economy significantly, and have an appalling track record at trying to pick winners. Those are the choices that we face—investment in productive infrastructure that supports education and the health of the community or investment in frivolous vanity projects like we saw from those opposite.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, if the government is so good at delivering infrastructure spend, why is there $246 million in this year's capital works, 30 per cent of the budget, being re-profiled?

MR BARR: Because the government is delivering the largest ever infrastructure program in the history of the territory. You guys were flat out delivering $60 million a year—flat out delivering $60 million a year. And let us not forget that even within a $60 million program there were consistently rollovers from those opposite when they were in government. So their infrastructure record is paltry compared to the ACT Labor government's record. We have been delivering $600 million worth of new capital programs—consistently record levels of infrastructure investment for the territory.

Opposition members interjecting—

MR SPEAKER: Thank you, the minister is answering the question now. Let us hear him in silence.

MR BARR: Our record of infrastructure delivery is 10 times in a fiscal year what those opposite could deliver. We focus our infrastructure programs on things that matter to the community—health and education; record levels of investment, making up for many years of neglect from those opposite. The single largest investment in public education in the history of the territory, the best record of delivery of the building the education revolution program of any jurisdiction in Australia, the best record, all better than the state Liberal governments—

Opposition members interjecting—

MR SPEAKER: Order members! Mr Barr, I think we will wrap it up here.

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

Supplementary answer to question without notice

Construction industry—work safety

MR CORBELL: Yesterday in question time Ms Le Couteur asked me how many sites in Canberra the government currently contracts to Kenoss Contractors and whether all of these sites have been recently inspected, I assume, by WorkSafe ACT.

I can advise Ms Le Couteur that Kenoss are involved in work on only two government contract sites—Barry Drive and Molonglo stage 1B. WorkSafe ACT has visited both sites since the accident on Barry Drive occurred and prohibition notices are in place on both sites.

I am advised that Kenoss is also involved in work on a site in Queanbeyan. WorkSafe ACT will be advising WorkCover New South Wales of the action it has taken to date in relation to Kenoss.

Personal explanation

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation): Mr Speaker, I seek leave to make a statement under standing order 46. I have been misrepresented by the Leader of the Opposition in a press release.

MR SPEAKER: Yes, Minister Barr.

MR BARR: The Leader of the Opposition issued a press release—

Members interjecting—

MR SPEAKER: Thank you, members. Let us just hear from the minister. Let him get more than three words out.

MR BARR: Thank you. The Leader of the Opposition issued a press release in relation to a report on electricity pricing from Carbon Market Economics—CME. That press release indicated that I had made an incorrect statement. I have checked the information and have sought clarification from Carbon Market Economics themselves in relation to their report.

Mr Speaker, I am advised that they have made an error in one section of their report where they transposed the ACT and the Northern Territory's rankings. They have apologised to the ACT government for this error and confirmed that the figures in 3.3 on page 11 of the report are, indeed, correct.

Mr Seselja: So what the report says was wrong? So you are going to ignore that bit?

MR BARR: No, the report is right. You did not read the detail. You issued a press release—

Members interjecting—

MR SPEAKER: Order, members! Mr Barr has the floor, and he is making a clarification.

MR BARR: Mr Seselja—maybe not himself, but his office—did not read the entire report and went on a sentence in there that contained a typo. We read the entire report and checked with the organisation that released it. They have apologised for the error and acknowledged that, yes, the ACT is the cheapest of all states and territories. I call on the Leader of the Opposition to apologise and withdraw his misleading press release.

University of Canberra and Canberra Institute of Technology
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), by leave: I thank members of the Assembly for giving me leave to speak on this. Mr Speaker, yesterday during the debate on Ms Hunter's motion on UC and CIT I said that Professor Bradley's report advised that the status quo was not an option for CIT and UC as both will need to change and develop to reflect reforms in tertiary education nationally and in the globally competitive market.

When I reread Professor Bradley's report this morning, I noticed that what she said was:

> The status quo is always an option … However, this is not a preferred option. While UC may be able to manage if no structural changes occur, CIT will suffer without structural changes.

Sub judice rule
Statement by Speaker

MR SPEAKER: Members, you will recall that on Tuesday this week the Leader of the Opposition requested that I make a ruling on comments made by the Chief Minister and whether they offended the principles of sub judice. I have sought advice from the Clerk, and I will now table that advice for the benefit of members:

> Sub judice convention and Continuing Resolution 10—Advice from the Clerk to the Speaker, dated 29 March 2012.

As members will be able to read for themselves, the advice makes two clear points: firstly, the advice explains that the practice of the Assembly has been to allow points of order to be raised within a reasonable time of proceedings. Generally, this has been at the time the comments are made or a reasonable period of time after, for example, to allow time for members to check *Hansard*. The advice notes that the comments from the Chief Minister were made 7½ months ago and the Clerk is not aware of a previous instance where a Speaker has been asked to rule on a matter that occurred a significant time ago.

Secondly, the advice also addresses the question of whether the comments offend the principles of sub judice. Based on the written advice I have received and tabled today, I am not prepared to set a new precedent where Speakers in future Assemblies will be asked to rule on comments made a significant amount of time ago. For that reason I have decided to follow the advice and decline to give a ruling.

Papers

Ms Gallagher presented the following papers:

> Breast cancer awareness—Statement in response to the resolution of the Assembly of 26 October 2011, dated March 2012.
>
> Management of food safety in the Australian Capital Territory—Progress report, dated March 2012.
>
> Unplanned Return to the Operating Theatre—Corrigendum—Covering the ACT Public Health Services quarterly performance report, the Health Directorate Annual Report, the Chief Health Officers Report and the Australian Council on Healthcare Standards—For the financial years 2009-2010 and 2010-2011, dated March 2012.
>
> ACT Public Service Workforce Profile 2010-2011.
>
> Calvary Agreements, including the Calvary Network Agreement, dated March 2012.

Reports on human rights—government responses
Papers and statement by minister

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

> Australian Capital Territory Economic, Social and Cultural Rights Research Project—Australian Research Council Linkage Project LP0989167—Report—Government response, dated March 2012.
>
> *Human Rights Act 2004*—The First Five Years of Operation—A report to the ACT Department of Justice and Community Safety, prepared by the ACT Human Rights Act Research Project, the Australian National University—Government response, dated March 2012.

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

Leave granted.

MR CORBELL: Today I am pleased to table the government's response to two significant reports on the ACT's Human Rights Act 2004, *The Human Rights Act 2004 (ACT): the first five years of operation* and the Australian Capital Territory economic, social and cultural rights research project report.

Under section 44 of the Human Rights Act I am required to undertake a five-year review of the operation of the Human Rights Act and report to the Assembly by July 2009. In accordance with that provision, on 18 August 2009 I tabled, as the review, the independent research paper *The Human Rights Act 2004 (ACT): the first five years of operation*, a report to the ACT Department of Justice and Community Safety prepared by the ACT human rights act research project at the Australian National University.

In that report, which was conducted over a five-year period, the research team assessed the implementation and impact of the Human Rights Act on governance in the ACT over its first five years of operation. In general, the report found that "one of the clearest effects of the Human Rights Act has been to improve the quality of law making in the territory, to ensure that human rights concerns are given due consideration in the framing of new legislation and policy".

The report also found that "there is little doubt that the implementation of the Human Rights Act so far has involved important advances in the endeavour to ensure the full enjoyment of human rights in the ACT".

In conducting their research the project team found that the Human Rights Act has, overall, succeeded in fostering a fledgling human rights culture in the ACT, including a shift in attitudes towards human rights and the way that agencies undertake their work. Many agencies, particularly those with a service delivery focus, are exploring opportunities to better serve the community. This has meant the development of human rights compliant policies, legislation and operational practices.

The report also found that the operation of the act has led to improvements in laws and policies.

By impacting on political debate and consideration of policy issues by government, the act is steadily changing the culture of the public service. This is particularly evident since 1 January 2009, when the direct obligations on public authorities commenced.

It is a credit to all who engage with the Human Rights Act that over the first five years of its operation the act has had a tangible and positive impact on the protection of human rights of people living in the ACT. However, as the report identifies, there are still further improvements to be made to the Human Rights Act. Both the government responses that I table today include measures to strengthen the ACT's human rights framework.

The five-year review made 30 recommendations across six areas: the duty to comply with human rights, the legislative process, the human rights commissioner, government culture, measuring human rights progress, and courts and tribunals. The government response I am tabling today fully or partially supports five of those recommendations and supports in principle another 11.

The government is already taking a number of initiatives to develop and promote a human rights culture in the ACT. In accordance with report recommendation 4, the government will be proposing legislation to amend section 28 of the Human Rights Act to expand the requirements to reasonable limits set under "law", as distinct from the current requirement of "under territory law". I expanded upon this in my tabling of the government bill in this regard this morning.

As I have reported previously to the Assembly, the Human Rights Unit of my directorate is currently developing a human rights toolkit to assist ACT public authorities to comply with their obligations under the act. The toolkit will serve as a first point of reference for policy and decision makers in ACT public authorities to assist them to recognise when a policy or decision may engage a protected right.

This work supports a number of the recommendations made in the report, including part of recommendation 5, that the guidelines for ACT departments be updated; recommendation 9, that measures be put in place to support community organisations subject to the public authorities' provision; and recommendation 20, that an accessible and up-to-date resource be created to assist public servants to understand human rights principles and developments.

Over the past couple of years the Human Rights Unit has adopted a policy of early engagement with public authorities to ensure that responsible agencies consider human rights issues at the beginning of the policy and legislation development process. The toolkit will provide a further valuable resource to underpin early engagement practices and enhance human rights competence across ACT public authorities.

The Human Rights Act has been a galvanising piece of legislation in enhancing our rights. The act has fostered the genuine culture of respect for human rights that we have in the ACT.

I commend public authorities on the steps they are taking to ensure human rights compatible legislation, policy and practices. The challenge over the next five years is to build on this strong groundwork through incremental improvements, taking into account community views, future policy developments and the prevailing legal landscape. By taking a step by step approach we can, over time, reap the benefits of a coherent and principled human rights framework for decision makers in which democracy and the rule of law are strengthened and in which human rights are actively debated and protected.

I look forward to continuing to implement a series of reforms arising out of the five-year review.

In considering the next steps forward for human rights protection in the territory, I am pleased today to also present the government's response to the Australian Capital Territory economic, social and cultural rights research project report. The research team responsible for this excellent report was led by professors Hilary Charlesworth and Andrew Byrnes, who also led the work on the five-year review. This report is the first in Australia to examine how best to introduce economic, social and cultural rights in statute law and the likely impacts on governance in the ACT.

The report considers the scope of economic, social and cultural rights, particularly the rights of education, housing, health, work and cultural life, and the practical implications of including these within the Human Rights Act. The report provided the government with the in-depth analysis it required to consider the range of options available to the territory regarding the possible inclusion of economic, social and cultural rights in the ACT.

The report derives its conclusions and recommendations from academic scholarship, United Nations commentary, and recent policy and legislative experiences of comparable overseas jurisdictions that have introduced economic, social and cultural rights in various forms.

The research team also participated in roundtable discussions between human rights experts, senior ACT government and community sector officers, and members of the Assembly. The Government Solicitor provided advice on the model bill drafted by Parliamentary Counsel's Office. Both the model bill and legal advice were released with the report.

When I tabled the report in December 2010 I committed to seek community feedback on the possibility of expanding the Human Rights Act. The consultation was held throughout last year and I am delighted to say we received considerable response demonstrating a continuing community engagement with the concept of human rights in our territory. The level of community feedback is itself a testament to the success of the Human Rights Act in fostering a dialogue about rights throughout our community.

The feedback was clear: Canberrans as a whole value human rights and feel that economic, social and cultural rights should be protected and included in the act. I would like to thank all the individuals and organisations that provided feedback through the consultation process.

As members would be aware, the government has, this morning, introduced a bill that supports the inclusion in the Human Rights Act of the right to education. The Greek sage Epictetus said, "Only the educated are free." I apologise if I got that wrong. Through this response the government is doing more than talking about freedom; it is taking action. It is acting decisively for our children, for our children's children and for the general betterment of the territory. It is acting not only to introduce a new right but is doing so in a way that strengthens our existing protections.

For example, the right to vote depends on a person being able to read the ballot and understand what their vote means. Education is behind much of what we often take for granted. This year is the national year of reading and it was interesting to learn that in the last data collected by the Australian Bureau of Statistics nearly half the adult population in Australia struggles without the literacy skills to meet the most basic demands of everyday life and work.

I would ask members of the Assembly to imagine for a moment the challenges that come from not having reading or writing skills necessary to carry out these everyday tasks: to read a newspaper, to follow a recipe, to make sense of bus timetables or to understand the instructions on a medicine bottle.

The ACT has worked consistently to ensure that we have the highest level of adult literacy in Australia. The right to education has been chosen for initial inclusion in the Human Rights Act in recognition that education is a fundamental building block for a civil and prosperous society. It is the key to enhancing future opportunities for individuals and our community. It is a basic right that we hold dear but which we often take for granted in our community.

The Hon Michael Kirby said in a speech on public education in 2009:

> What a debt Australia owes to the founders of public education. They had to face strong opposition at the time … Public education had to negotiate compromises … endure the scoffing of those who thought that education was properly a privilege only for the wealthy and that public schools were the dire results of "socialism". But in the late 19th century, a great movement swept Australia to establish the public education system. It was a movement that coincided with Australia's advance to federation. It was anchored in three great principles stated in the early *Public Education Acts*. It would be free, compulsory, and secular.

I am committed, and this government is committed, to upholding these three principles. The ACT already meets its international obligations for the right to education. By legislating for that right in our Human Rights Act, the ACT will reinforce it and ensure that every child will always have access to free primary education appropriate to their needs. Our children will reap the benefit of our courage in committing to fulfilling their inherent right to education.

The government response to this report is the latest step in the ACT's human rights journey. I say "journey" deliberately, as this is the first step in the future of economic, social and cultural rights in our territory. The government strongly support the continuing development of the territory's commitment to human rights. To ensure the journey continues, we are committed to reviewing, after two years, the operation of the right to education with the view to considering whether additional economic, social and cultural rights should be included in the Human Rights Act.

The government's responses to these reports again demonstrate our commitment to human rights, and, as members would know, I introduced a bill this morning to make these necessary legislative arrangements.

The ACT will be the first jurisdiction in Australia to legislate for any economic, social or cultural rights. I am proud to be part of a jurisdiction—and part of a Labor government—that is prepared to stand up and declare that our inherent rights should be enjoyed equally and that all people are entitled to have their rights protected.

Finally, I again extend my thanks to the members of the research teams for the quality work that they have done in preparing the two reports. In particular, I acknowledge the leadership of professors Hilary Charlesworth and Andrew Byrnes in both projects. I also acknowledge the considerable efforts of Ms Kate Harkins and Ms Pam Jenkins from the Justice and Community Safety Directorate in progressing this important initiative, particularly through the public consultation process.

I commend the government response to the Assembly.

Papers

Dr Bourke presented the following papers:

> Education Act, pursuant to section 118A—Non-Government Schools Education Council—Advice on ACT Budget Considerations for 2012-2013, dated 22 February 2012.
>
> Annual Reports (Government Agencies) Act, pursuant to subsection 14(7)—Extension of time for presenting annual report 2011—Statement of reasons—Canberra Institute of Technology.

ACT Corrective Services and Alexander Maconochie Centre reviews—progress report

Paper and statement by minister

DR BOURKE (Ginninderra—Minister for Education and Training, Minister for Aboriginal and Torres Strait Islander Affairs, Minister for Industrial Relations and Minister for Corrections) (3.13): For the information of members I present the following paper:

> ACT Corrective Services and Alexander Maconochie Centre—Reviews—Progress report, dated March 2012, on—
>
> > Independent Review of Operations at the Alexander Maconochie Centre—ACT Corrective Services, prepared by Knowledge Consulting—Report.
> >
> > Provision of Specific Consultancy Services to Review ACT Corrective Services Governance including in relation to Drug Testing at the Alexander Maconochie Centre.

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

Leave granted.

DR BOURKE: Today I am pleased to table in the Assembly a progress report on the work of the AMC task force since it was commissioned in April last year to address the 133 recommendations of the two Knowledge Consulting reports on the AMC.

Since I was appointed as the Minister for Corrections, I have been impressed with the diligence the task force has applied to addressing the Knowledge Consulting reports. I know, too, that significant work has been undertaken by the management and staff of ACT Corrective Services, not to forget the contribution of others, including from our ACT Health partners.

In his review, Keith Hamburger and his team from Knowledge Consulting comprehensively addressed a wide variety of topics, many of which have interconnections between them. The achievements to date in addressing the Knowledge Consulting reviews demonstrate this government's commitment to continually and diligently scrutinise our operations and to be open, accountable and responsive to the people of the territory.

The work of the task force has been methodical and at times challenging. At the outset I want to acknowledge the individual contributions to the task force, including from Simon Rosenberg, the CEO of Northside Community Service; Jeremy Boland, a former official visitor to the AMC now working in the ACT public service; Brendan Church, nominated by the Aboriginal and Torres Strait Islander Elected Body, who replaced Fred Monaghan on the task force in January this year; Don Taylor, the new superintendent of the AMC; and the task force chair, Ms Bernadette Mitcherson, the Executive Director of ACT Corrective Services.

This government acknowledges that there are many complex issues among the findings and recommendations, and some of these will take longer to work through than others. I can tell you that of the 133 recommendations, 73 are complete and the remaining 60 are being appropriately addressed, with 52 on track and classified as "green". Eight are not proceeding as quickly as the task force might have anticipated and so are classed as "amber". None are in the "red" zone.

The task force has been ever mindful of the need for strong relationships between ACT Corrective Services and those external to corrections, and the relationships

between directorates and especially the core relationship between Justice and Community Safety and our Health colleagues. Across the board I believe it is correct to say that these relationships are going from strength to strength. I am very committed to strengthening our intragovernmental relationships, and the work of the task force is reflecting this commitment. ACT Health has assisted in responding to the many health-specific recommendations that are talked about in the progress report that I table today, as well as those where there are shared responsibilities.

Complex issues around culture and organisational structure cannot be addressed at the push of a button. This government will, however, continue to take a rational, steady and sure approach to addressing such complex issues. Nor are some of the matters that have the potential to require capital works capable of a quick fix—for example, in connection with general accommodation and crisis support arrangements. But the government has already set in train processes to address such longer term issues.

For now, I want to talk about what has been achieved to date.

As I said earlier, 73 of the 133 recommendations have been completed already. I would like to highlight just some of those achievements in tabling the update report.

Extremely important in the life of a detainee is food. In fact, as a general rule, food and visits are said to be the two most important things to detainees. Twenty-two of the 133 recommendations were food related, and 21 of these are now complete. It is important to note that many of the food-related issues were dealt with as early as July last year. The task force considered such things as seasonal menus, the bulk service system, gathering feedback from detainees, low-calorie drinks, meat package sizes, varieties of bread, milk, yoghurt, fish, legumes, pulses, cooking oils, fruit, vegetables and produce generally, utilising a qualified dietician to assess our conformance with Australian food standards, teaching detainees cooking practices, cleaning agents, food safety and banned food. I expect the remaining food-related recommendation, relating to meal transport, to be completed shortly.

In response to a range of issues around accommodation, whether expressed in specific or general terms, the government is well into the process of conducting a feasibility study into future accommodation needs of the AMC. This study is well advanced, with consultant project managers and architects already engaged to develop concepts to allow the AMC to adapt to trends in detainee numbers.

In relation to the crisis support unit, possible works are being considered to further limit the risk of self-harm by detainees in the CSU cells and provide a safer working environment for custodial staff. The extent of works could include an upgrade to the 10 CSU cells and the guard station. I am advised that the work in the cells is not expected to require structural changes but will involve the replacement of fittings and furniture to reduce the potential for self-harm. This work is required, particularly considering the vulnerable state of the detainees that are moved to the CSU, and can be undertaken one cell at a time without seriously impacting on the operation of the CSU. The officers' station work could include replacing the open officers' desk with a combination of a secured office and an open desk.

Options of this type will inform the government's decision as to whether, when and what modifications or additions could or should be made to the AMC in future years and will be considered fully by the government shortly. As part of this process, specific needs such as for gymnasium facilities, a chapel and a quiet place are also being considered.

The government is also in the process of engaging a suitably experienced and qualified partner to examine corrections' need for improved data management services. This activity will continue well into the next financial year.

As we grow to learn more about the intricacies of operating a highly unique correctional facility such as is the AMC, we are becoming better able to analyse and instigate necessary changes that relate to specific areas of operations. For example, we have reviewed the position responsibilities of our case managers and we have made changes to better suit the rehabilitation and educational needs of detainees generally, and detainees exiting out of the crisis support unit and detainees going through the therapeutic program.

The urinalysis policy and procedure have been tightened up to ensure that detainee testing is being undertaken on admission, that the importance of admission, random and targeted drug testing is highlighted in training, and that processes are in place to ensure the proper recording and reporting of related data.

On health-related issues, the task force has assured that night-time medication is given at the optimum time in the centre's operational day, has reviewed matters around methadone dispensing administration and has confirmed that ACT Corrective Services officers are given sufficient training in appropriate supervision after medication is given. Other improvements have seen confirmation that the mental health consulting room is safe and that the CSU is being used for its intended purpose and not being used simply as a holding ward.

A number of equipment-related issues have been dealt with, including ensuring that medication trolleys are in serviceable condition, that temperature-controlled fridges are monitored for correct temperatures and that the supply and location of emergency medical packs, known as Parry packs, are adequate.

ACT Corrective Services staffing arrangements to facilitate detainee appointments at the Hume Health Centre have also been reviewed, and current arrangements have been confirmed as being adequate. Specific issues around access to medical services have been reviewed and addressed—such as the time taken to see a doctor after induction and the need to explain the purpose of blood tests for detainees on admission. ACT Health has confirmed that work in the arena of medical records has included supplementing staffing and providing training for records management staff.

As I mentioned earlier, the relationship between Corrective Services and Health is going from strength to strength and has been boosted by bilateral involvement in monthly meetings, fortnightly alcohol and other drugs meetings, meetings with emergency department staff at the Canberra Hospital and, as required, direct consultation with the Director-General of ACT Health.

I am pleased to advise that the alignment of ACT Mental Health with alcohol and drug services under one governance structure appears to be assisting in improving integration and coordination of care for people with co-morbidity in the AMC context.

A number of facilities and maintenance issues have been addressed. This has seen new children's play equipment installed; new, more vandal-proof TV boxes installed; secure fittings reviewed and replaced as necessary; and maintenance issues with drink and confectionery vending machines sorted out.

Positive action on specific detainee issues has also been addressed and includes obtaining a podiatrist's advice on shoes available for issue; detainees being able to purchase shoes in the buy-up scheme; and detainees being able to access their own shoes from their personal property.

Corrective Services has also reviewed detainee pay rates, which, although relatively high compared to other jurisdictions, are regarded as adequate in their current form.

Concerns from female detainees about items available on the buy-up scheme have been addressed. To date, no additional issues have been identified. Review of items available on buy-ups is a constant process in all correctional centres, but the use of detainee feedback forums is allowing any issues to be handled quickly and transparently for all concerned at the AMC.

Detainee concerns about heating and cooling have also been addressed; again, no further concerns have been expressed by detainees.

Detainee access to programs and education, including access by intellectually and cognitively disadvantaged detainees, has been considered across the board. This has been and will continue to be managed in light of detainees' specific rehabilitative and educational requirements. Data is now being collected in relation to rates of detainee enrolment, participation in programs and completion of programs.

Attention has also been given to the availability of specialist services such as an intensive support case manager role that is currently being trialled and the need for a dietician and a principal psychologist.

Maximising the use of the therapeutic cottage has been addressed by revising the program duration down to four months from six and ensuring that all participants are actively case managed through their term. It is pleasing to be able to report that the therapeutic cottage is operating at capacity, although this creates issues of its own—as a consequence of which options for this service are also being considered in the feasibility study into requirements for the AMC to meet potential future demand.

Attention has also been given to the involvement of external emergency management agencies in training drills, and this will continue to be an active ingredient in the risk management strategy for the AMC.

Many other issues have been addressed, including those in relation to community stakeholder engagement, lawful holding and release, parts availability for X-ray equipment, image-storing capability for X-ray scans and considering an additional microwave perimeter security capability.

I pause at this moment to note that in relation to lawful holding, the Knowledge Consulting report noted that two cases were drawn to their attention. Lest anyone should think that this was two of many instances, I wish to clarify that these are the only two instances there have ever been at the AMC. In one case one detainee was released one day early, and in one case one detainee was released one day late. Nevertheless, this is regarded as one of the most critical daily responsibilities of custodial administrators, and steps have been taken by ACT Corrective Services to ensure that this process is watertight.

I pause also to focus on the microwave perimeter security capability point. Mr Hamburger noted that in the 2010 year he reviewed there had been up to 30 to 50 nuisance alarms per day resulting from bird movements. His solution was to suggest that consideration be given to what would ultimately be a very expensive additional layer of perimeter sensors. That consideration has shown that more sensors will not stop bird movements, but in the meantime staff have become adept at ensuring that each trigger is quickly and effectively responded to without reducing their monitoring efficiency.

Finally, the vocational, education and training contract has been reviewed to ensure the best possible access to external funding, and general matters of administration have been addressed, including ensuring that staff are offered exit interviews when they leave the agency.

Whilst this summary has been a relatively brief precis of completed action items, I am confident that members will agree that even this summary represents a large volume of work and a concerted and genuine effort by the AMC task force and ACT Corrective Services to deliver good practice management in a world-class correctional facility at the AMC.

A full list of progress against every single item is detailed in the report I am tabling today. In terms of next steps, the AMC task force will continue its work in 2012 in addressing the remaining recommendations of both Knowledge Consulting reports.

In closing, I thank and congratulate the task force for their past and continuing dedicated and professional approach to meeting the challenges imposed on them, and for their thoughtful and considered input and advice throughout the course of this very important body of work. I commend to the Assembly the progress report on the Knowledge Consulting reviews of the AMC.

Mr Hanson: Madam Assistant Speaker, I ask that the minister move that the report be noted.

DR BOURKE: I move:

> That the Assembly takes note of the paper.

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

Personal explanation

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): I seek leave to make a statement under standing order 46 in relation to a matter where I have been misrepresented.

MADAM ASSISTANT SPEAKER (Mrs Dunne): You claim to be personally misrepresented?

MS BURCH: Yes, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Yes, Ms Burch.

MS BURCH: Yesterday in the debate on the Holder site for children's services, Mrs Dunne said:

> In 2010 when this proposal—

that was a reference to Flynn School—

> was first put forward, I specifically asked the minister whether this was part of their 2008 commitment, and she told me it was not.

After that, I checked the *Hansard* for 30 June 2010, and I cite the following:

> **MRS DUNNE**: Minister, is the $4 million allocation to the childcare centre at Flynn in addition to the 2008 election promise or instead of the ACT Labor Party's 2008 election promise?
>
> **MS BURCH**: It is part of the 2008 election commitments.

I invite Mrs Dunne to correct the record.

Planning—sustainability
Discussion of matter of public importance

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

The importance of sustainable planning in the ACT.

MS BRESNAN (Brindabella) (3.32): I am pleased to bring this matter of public importance to the Assembly today. Sustainable planning is an area of great interest to the Greens and an area to which we are very committed. Sustainable planning is an issue which many Canberrans care deeply about as they recognise that the way we plan our city now impacts not only on them but also on future residents of Canberra. Recently we have had discussions in this Assembly about Canberra's planning history. I have made the point, as I have many times before, that Canberra is a city that could and should have an excellent sustainable transport system. We have some challenges to overcome—for example, the low use of public transport that we currently have—but there is certainly no reason that we cannot excel with public transport.

We have heard the claim that Walter Burley Griffin apparently designed Canberra for the car. The Canberra of today is actually a significant departure from Griffin's design. The large arterial roads and spread-out nature of the city were mainly facilitated by NCDC activities during the 1950s, 1960s and 1970s. When Griffin designed Canberra, cars were a luxury for most people. His plan in fact allowed for a tramway to be built and a mainline railway terminating in north Canberra. He also designed a compact city where walking and public transport would feature. There are boulevards in the design, but this of course does not necessarily imply favouritism to cars. Boulevards can be developed in a way to have active street frontages and be pedestrian friendly.

The Walter Burley Griffin Society were kind enough to provide some commentary on this issue. They noted that the main thrust of Griffin's urban plan was medium to high density residential, a rail line through the city and tramways. The society added that it was elementary that it was the NCDC and Lord Holford, who was a consultant advising the NCDC, who focused the design of Canberra on car usage. It has been policy since the 1960s when successive governments started this focus.

The Greens have raised questions around this continued approach. There are many examples we can use from Australia and overseas about how a city can change its planning patterns. A good example is Ottawa in Canada. This city achieves one of the best sustainable transport results of any North American city. For journeys to work, 68 per cent drive, 21 per cent take public transport and 10 per cent cycle or walk. It achieves this with the lowest urban density of any of Canada's major cities, a density that is comparable to Canberra's. It has a population of approximately one million people.

It has achieved this by turning around its transport patterns. Since the 1970s, Ottawa has turned around its transport system with some key transport policy changes. It made public transport the priority for all new infrastructure and made building major new roads secondary to this. It expanded high quality transit services into lower density suburbs. It used suburban buses to feed into faster buses which run on prioritised busways. It provided on-street priority for buses on trunk routes, allowing them to bypass congestion.

A similar transport pattern can occur in Canberra. We can be a model of sustainable transport. This is extremely important for the future of our city and the wellbeing of Canberra's residents. It is important in terms of the environment, our economic prosperity, preventing rising costs of living, reducing congestion, improving social wellbeing and addressing preventative health problems.

I would like to make some comments on the draft planning strategy for the ACT released recently by the government. One of the concerns of the Greens is that it lacks a clear direction. One of the challenges is to ensure that there are concrete actions and time lines to ensure that the strategy actually contributes to Canberra being a more sustainable place.

The buildings and other infrastructure we are constructing now should still be used in 50 years time, and hopefully longer. The planning horizon should be at least 50 years. This makes it disappointing that the main environmental issue considered was a cursory consideration of climate change. For example, the strategy should also have considered the impact of peak oil on our transport system and the impacts of climate change on drought, flood and bushfire risk for Canberra. This is something we have talked about before and we have, of course, requested the government to create a peak oil strategy.

The key target in the plan is to have 50 per cent of new housing established within the established urban area of Canberra. This is substantially the same as the current government target which has not been achieved to date, despite it being an integral part of the 2004 spatial plan. In 2011, development was around 70 per cent greenfield and 30 per cent infill. It is important that the final planning strategy makes it clear how it will be achieved in the future. The strategy will need clearer short and medium-term actions and clear ways to achieve a reduction in greenfield site development.

It is disappointing that the draft strategy is not linked explicitly to the 40 per cent greenhouse gas reduction target for 2020. It raises the obvious question of whether the strategy is consistent with achieving these reductions. It is unclear how the planning strategy is consistent with the weathering the change action plans. Three of the pathways in weathering the change assume getting significant savings from transport and the built environment, but this is not really addressed in the planning strategy.

Importantly, the planning strategy also lacks new ways to implement the target of 50 per cent infill. The Greens believe that it is essential to implement the regulations for the change of use charge to allow for rebates for dwellings in strategic locations or for highly energy efficient buildings if the infill target is to be achieved and the infill is to meaningfully contribute to sustainability and greenhouse gas reduction. We also support increased density in appropriate locations such as town centres and group centres. We believe that this should also extend into local shopping centres, many of whom are struggling and would welcome adjacent medium density housing.

In looking at increased density within existing areas, it is important that it is not achieved solely by putting housing on areas of open space within existing areas. This

will just lead to local opposition. Spot redevelopment tends to lead to local opposition. The Brumbies development proposal in Griffith is a good example of this. There also needs to be more emphasis on good design and appropriately sized housing and adaptive reuse of the existing housing stock.

I also note another target in the planning strategy, which is to provide more affordable and sustainable living options by promoting more choice in housing location and types. It sets a target of a 25 per cent increase in the number and percentage of dwellings that are not detached houses in each district. This objective is commendable, but the target does not relate well to it. In Canberra, housing types other than detached houses do not seem to be much cheaper than detached houses.

Unfortunately, this strategy does not contain many new ideas for affordable housing. Also, some affordable and sustainable housing options, such as secondary dwellings, would increase density but would classify as detached. The strategy makes brief mention of social housing but does not commit the government to any measurable targets for achieving these goals. The strategy also fails to outline any commitment from the ACT government to increasing the total number of public housing dwellings in the ACT in line with population growth. The ACT government should have clear targets for improving the quality, location and growth in public housing stock and this should be included in the planning strategy.

One of the goals we were pleased to see in the planning strategy was the goal of managing growth responsibly and sustainably by taking a regional approach to urban settlement, with the outcome of achieving a regional settlement strategy. It is pleasing to see the need for a regional approach acknowledged in the planning strategy. Cross-border transport issues, for example, are something the Greens have raised consistently with the government, including the need to improve our rail links, for example, and the need to do everything we can to facilitate the development of high-speed rail linking Canberra to other cities.

I would remind the Assembly that the Greens introduced a motion on rail to the Assembly last year which called on the government to take action on light rail, high-speed rail, rail freight and regional rail. That motion asked the Assembly to recognise the importance of rail to a future of sustainable planning and sustainable travel in Canberra. The motion asked the government to consult with the Canberra public about the alternative high-speed rail routes in and out of Canberra and the potential locations for a Canberra high-speed rail station. It also asked the ACT government to make a case to the federal government for the prioritised construction of the Canberra stages of the route and to detail how the ACT government will facilitate the planning and staging of the routes and the high-speed rail station.

Unfortunately, neither the government nor the Canberra Liberals supported this motion. It made a number of other reasonable requests, such as prioritising sustainable rail freight, meeting with relevant federal ministers and requesting federal support for ACT rail projects and engaging with the New South Wales government and local New South Wales councils to coordinate improved cross-border rail services.

I would also like to make the point that the planning strategy still identifies Kowen Forest as a site for future development. The Greens would like to see this ruled out as a future urban area for Canberra. Given the key development targets in the plan and the need for urban infill, it is hard to see how the western edge broadacre study contributes to meeting the goal of increasing infill and reducing greenfield land release. Also, given the proximity to the river corridor, there would be a need for far greater sustainability requirements if this area were to be developed.

Lastly, in relation to the planning strategy, I would like to say that community engagement is critical. While it is commendable that the government is consulting on the broad high-level strategy for Canberra, most residents do not become fully engaged until there is change proposed in their neighbourhood. This strategy does not clearly commit to better consultation with neighbourhoods about on-the-ground changes. Until that is done there will continue to be public concerns with what seem to be arbitrary changes.

Planning for the long-term future of Canberra is crucial so that we keep pace with what other cities in Australia are doing around public transport—planning in particular—and aim to develop a world-class sustainable city. We are not, as is sometimes claimed, different to other cities. There are plenty of examples of cities with similar population densities that we can look to. We need to ensure that all directorates and areas responsible for the relevant areas of planning, including, obviously, planning and transport, are talking to each other and ensuring that all the issues are properly considered so that we have a liveable and sustainable city for current and future generations.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (3.43): The Labor government has always understood the importance of strategic planning in creating a more sustainable Canberra. Late last year the government released the new draft ACT planning strategy for public comment. In response to the considerable feedback received and the general support for the directions it contained, the government is now finalising this strategy and setting out a course of short and long-term actions to achieve the Canberra that the community has said they want to see in the year 2030. The preparation of the planning strategy is but one part of this government's comprehensive investment in and commitment to long-term sustainable planning for the territory.

In 2004 it was the Labor government that developed the first strategic plan to address sustainability—environmental, social and economic. Under the Canberra plan the spatial and sustainable transport plans set out land use and transport initiatives that would begin to make Canberra a more compact city and retain what all Canberrans value—good accessibility and its suburban character.

What is also important to take note of is that this Labor government is preparing strategic policies for Canberra's spatial structure and for transport, demonstrating it understands that land use and transport planning must be integrated. Only by integrating these can we build a city that will support more sustainable choices for our citizens.

Since the preparation of these strategic plans, the government has got on with the business of developing and implementing more targeted policies to improve our environmental sustainability, including ambitious policies around waste and energy. The government has legislated its greenhouse gas reduction targets with a 40 per cent reduction on 1990 levels by the year 2020, an 80 per cent reduction by 2050 and, of course, zero net emissions by the year 2060. To achieve these later targets we know that we must plan and manage change for our city. We know that we must ensure the layout of our city, and the buildings and infrastructure and its transport system will make it easier to support people to make sustainable choices in the way they live and travel.

We know we must support cultural and behavioural change to make deep cuts in our emissions, and we know that a sustainable city must also be a city that is liveable. It must be highly accessible for everyone—children and the elderly—and it must ensure that everyone can participate in this city's social and cultural life. It must be a city that is affordable to live in. People must be able to make effective choices about how they defray the cost of buying and running a house and the costs of commuting and of obtaining essential services.

These are issues that Canberra must address, but they are issues faced by all Australian cities. These questions we face include: where do we house a growing population? How do we effectively and efficiently service an expanding urban area? How can we reduce the cost and time spent in commuting? With rising energy costs, how do we assist with this issue? With an ageing population, how will we provide their housing and health needs? What will be the impact of climate change and how can we mitigate against the extremes of heat and storms? These are all issues that planning must directly address.

I believe this Labor government, working with its regional neighbours, is in an excellent position to address these issues and be an example to others. Our metropolitan structure with our town centres and good transport corridors means that we can introduce land use and transport measures to reduce the time and cost of people commuting. Some 72 per cent of Canberrans already live within six kilometres of their district town centre and even less of their neighbourhood centre. The draft planning strategy highlights the importance of Canberra's town and group centre structure, and the final planning strategy will reinforce the role these centres play. They are pivotal to providing good access to services and encouraging people to participate in the community.

Our transport infrastructure with its system of avenues and parkways allows us to build a more efficient transport system. We can make an efficient system for cars and we can reduce congestion through investment and better and more extensive public transport. Rapid public transport can be introduced on the avenues that connect our town centres. The Y plan that set out these roads was predicated on the introduction of rapid public transport, and the government is now building on this structure.

Introducing areas of higher density along these rapid transport corridors and in our town centres will also create many advantages. It means we can create a more

compact city, preserving the suburban character that Canberrans value but at the same time allowing more people to choose to live closer to public transport, thus reducing their commuting times. It means we can begin to continuously improve public transport as it becomes more attractive to commuters and more economically viable. What this also means is that we can reduce demand on our parkway systems so that these can remain very fast and effective roads serving the needs of cross-city traffic.

These are only some of Canberra's advantages, and there are many others. Our system of open spaces for one means we enjoy substantial active health benefits, clean air and the opportunity to protect our biodiversity. Another is Canberra's location at the heart of a very beautiful and diverse region offering opportunities for tourism, food production and renewable energy generation. The Canberra community know what advantages Canberra has. They have outlined this to the government through the time to talk process, and they have reinforced the message in the consultation on the draft planning strategy.

Canberrans understand and desire a more sustainable city. They understand urban intensification in strategic areas can protect the overall character of Canberra, add to our amenity and vibrancy, improve access and improve social participation. They understand strategic intensification can provide greater housing choice while protecting the existing suburban character and achieve better sustainability outcomes.

What is important is that areas of urban intensification are areas of exemplary urban design, not just in the buildings but in the public spaces and the amenities they provide. The ACT planning strategy will highlight this in the directions it sets out.

The government understands the importance of good strategic planning, and it also understands that planning policy is a process of continual improvement. The government has a proven track record in investing in and focusing on its strategic planning frameworks. To this end, the government has released draft variation 306, which refines existing residential policies. This variation better differentiates between the residential zones to more fully describe the desired character of each and recognises the importance of solar access and associated sustainability measures. The variation helps to simplify and clarify issues while encouraging greater housing diversity.

The variation has now been referred to the Assembly's standing committee on planning, and I look forward to the committee's report on this important piece of work which, in itself, is about improving the sustainability of development outcomes in our city.

The government is committed to its program for planning for a more sustainable Canberra. It commenced this in 2004 and is now revising the directions and actions based on our experience between then and now. The government understands the issues and is addressing the challenges, and it will continue to work with the Canberra community to ensure that its vision for a sustainable Canberra is achieved.

MR SESELJA (Molonglo—Leader of the Opposition) (3.51): I welcome the opportunity to speak on an important issue: the sustainable planning of the ACT. It is

worth reflecting on the record of this government, and it is worth reflecting on the views of their alliance partners when it comes to sustainable development and also the alternative policies we believe would make for a better Canberra, a Canberra that is planned in a more sustainable way.

Firstly, let us look at the government's record. The government has not planned for Canberra properly. We can point to any number of examples, but let us take a couple of signature examples of this government where planning has failed and, as a result, Canberrans have paid the price. There is the Gungahlin Drive extension. We know that, if it was up to the Greens, it never would have been built, so that is the Greens' view on planning for the growth of Gungahlin—they would not have that main arterial route coming into Gungahlin. If it was up to the Greens, people in Gungahlin and going to and from Gungahlin would be suffering even worse traffic chaos than they have suffered until now.

But the Labor Party's view was that they should only build a road that may have lasted for a few months, it seems. It was only a few months after they built the original extension that they made the decision in a panicked response to the Liberal Party to duplicate the Gungahlin Drive extension.

That failure to plan is not sustainable. That failure to plan has cost the people of Gungahlin dearly in terms of time with their loved ones, productivity, frustration and, of course, financial cost for all Canberrans with the massive blow-out. We know that that was at least $20 million, on the government's own numbers. It was just thrown away. Twenty million dollars that could have been spent on important community priorities was just thrown away through poor planning.

We see the Cotter Dam in the news again this week because this government keeps racking up a bigger and bigger bill. We can talk about the management failures there, but, in the context of this MPI, let us talk about the planning failures. The Labor Party's record on water infrastructure is this: for years—even after we had a very significant drought, even after we started to see the prospect of water shortages, even after water restrictions had come into place—we had a government saying to the community, "Well, we don't need a new dam." ACT Labor, this cabinet—so Katy Gallagher and Andrew Barr and Simon Corbell—were saying to the community as late as 2006, "We don't need a dam." In the height of the drought, with a growing population, they were saying, "We don't need it."

That is not sustainable planning. We always knew that as our city grew our water needs would grow. That would necessitate not just doing things more efficiently, which we all agree with, but also having more water. Over time, you need more water. The best way to do that is to store more water. We have seen that failure to plan which is now going to cost taxpayers hundreds of dollars a year on their water bills because ACT Labor did not plan.

They are two fundamental ways in which there has not been sustainable planning. But let us look more directly in the planning sector under Minister Corbell and ACT Labor. It has been Minister Corbell and ACT Labor who have imposed on Canberra families the biggest reduction in the standard of living of this generation through

making housing unaffordable for young people. Never have we seen in recent times the prospect of young people going backwards so quickly than they have by the actions of Simon Corbell and this government.

Simon Corbell set up the Land Development Agency and then instructed them and instructed the policymakers not to release land, to slow down land supply, to squeeze land supply. This was a deliberate decision. This was not accidental. This was not something the government did not have control over. Simon Corbell went out there and made a deliberate decision to make it less affordable for Canberra families. He decided we did not need any land supply and that we would slow it right down. We saw the prices surge, and we saw the hopes and dreams of young Canberra families fading away as a result of the decision making of this government.

We have seen in planning the squeeze on land supply and the interference in the market through the Land Development Agency. We have seen the failure to deliver infrastructure on time. All of that is not sustainable planning. That is a failure to plan, and that failure to plan has serious consequences. We see it time and time again. Go and talk to young families. Go and talk to young people in Canberra about what they see as the biggest issues, and housing affordability, the cost of renting a place and the cost of buying a home are very high up on their list of concerns. They are concerns and problems that have been created through the failure to plan of ACT Labor. In fact, in the case of land supply, it was a deliberate decision by Simon Corbell and ACT Labor to make it more difficult, to make it more expensive, to deliberately squeeze land supply.

That has had serious consequences, to the extent that Andrew Barr now says they have created a two-class Canberra. That means there are second-class citizens, according to the Labor Party. In fact, they have created a class of people who are now finding it extremely difficult to buy a home in the ACT, and that is a great shame. That will be one of the shameful legacies of ACT Labor.

Unfortunately, their Greens alliance partners want to take them further down that destructive path. Let us look at Throsby, where that is on display in its most extreme form. Shane Rattenbury said in this place:

> Throsby is the perfect case in point of the kind of area for which we should perhaps just put aside all notion of development … the Greens' view is that Throsby may well be a complete no-go zone.

They have been backed by the Labor Party in that motion, and now we are seeing the consequences in Throsby where the number of blocks is being massively scaled back by the commonwealth. The commonwealth, I think, have taken their cues from the Labor Party and the Greens—a majority in this place—who seem to be expressing a view that we did not want to see development in Throsby. Well, the Canberra Liberals want to see sustainable development in Throsby. That does not mean no development in Throsby or very little development in Throsby.

We heard earlier from Ms Bresnan now saying Kowen Forest should not be developed as well. So they want to knock off things like Gungahlin Drive. They want to knock

off suburbs like Throsby. They want to knock off future potential suburbs in Kowen Forest. Is there anywhere they actually want to see development? When the Greens talk about sustainable development, I think they just mean no development—zero population growth, or the population going backwards. I guess we would not need any development if our population just kept shrinking. How exactly they are going to bring that about, I do not know, but these are the crazy policies that we now have from this Labor-Greens alliance. The Labor Party have been dragged further down this anti-development, anti-growth path by their Greens partners. It is a dangerous development, and we are seeing the consequences.

The Catholic school that was going to be at Throsby had to start again. They had to start again on a new site, and who knows how long that might take? We are assured that they will get it right this time, but for years they did not get it right at Throsby, did they? We are going to see fewer houses. So Canberra families will be saying: "Yes, we want sustainable development. Yes, we value our open spaces." Do that, but do not stop providing housing choice to the community. That is what the Labor Party have done, and that is what the Greens have encouraged them to do. This Labor-Greens alliance will answer for that at the ballot box. They are anti family and they have made it so much more difficult through their planning policies for the community to exist.

MS LE COUTEUR (Molonglo) (4.02): I thank Ms Bresnan for bringing this MPI on. It is of course a very important subject. I might start with some comments on the comments from the Liberal Party's planning spokesperson, Mr Seselja, who started off by saying how transport to Gungahlin was not as it should be. I would have to say that the Greens totally agree that transport to Gungahlin is not as it should be. Our solution, however, would be different from the Liberal Party's.

We strongly support the idea of light rail. I suppose I feel more passionate about this because this was one of the early areas of planning in the ACT that I was involved in. Mr Seselja may not remember this but when Gungahlin was first being planned, there was a proposal from private enterprise, the Village Building Company, to put in a light rail from Civic to the Gungahlin town centre. And that was going to be done at no cost to ACT taxpayers. I think it is one of the continuing disappointments of ACT planning, and particularly sustainable planning in the ACT, that this was not in fact put in place.

There have been, of course, many disappointments, but I will first, being a reasonably positive person, in the next little while try to talk about some of the improvements we have made in sustainable planning. In particular, over the last three years, due to the influence of the Greens, all new houses should be six-star energy efficiency rated and will have to use energy efficient hot-water systems. New house plans in Molonglo are being looked over by a sustainability assessor, and Molonglo house blocks have to be orientated fairly well from a solar energy point of view.

Our energy efficiency rating system is being better monitored and audited. We now have expanded urban wetlands which slow creek flow and help store non-potable water. We are really pleased about this, but there is a long way to go.

One of the longest ways to go, I fear, might be in relation to our legislated greenhouse gas targets. In 2010, as we all know, we passed legislation committing the ACT to reducing greenhouse gas emissions to 40 per cent less than 1990 levels by 2020. As we all know, 31 per cent of our energy use is from the residential sector, 40 per cent from the commercial sector and 23 per cent from transport. All of these relate to planning. They are all issues that relate to sustainable planning. And we think very strongly that these issues need to be taken into account at the beginning of planning decisions and in all planning decisions.

I was very disappointed when the draft ACT planning strategy did not have any strong commitments, or any commitments, to the legislated 40 per cent greenhouse gas reduction target by 2020. Its strongest commitment was the 50 per cent infill target, which it did say will support other key ACT government policy outcomes, including the legislated greenhouse gas target for 2060. And that is true, but that is not the same as actually committing to reducing greenhouse gas emissions.

Members may remember that last month, I tabled a bill which relates to making our planning system more sustainable, the Planning and Development (Greenhouse Gas Reduction Targets) Amendment Bill. I have put it out as an exposure draft, and I would very much welcome comments from members or anyone else, preferably by 20 April. If we are going to look at sustainable planning then one of the most important things we need to look at is our long-lived infrastructure, and from that point of view, I do commend Mr Seselja's concentration on some of the bigger infrastructure projects in the ACT.

The planning strategy's major topic, as I said, was a 50 per cent infill target. It is unfortunate that it is, in my opinion, the number one target that we should be aiming at from a sustainability point of view, because, after all, you can have this and have a more sustainable or a less sustainable Canberra. The two are not really related. The other problem, of course, is that it relates very closely to the existing target, which is not being met. In general the government does not own the land in existing areas. So changing development so that we have 50 per cent of our developments in existing areas is close to an aspirational goal for the government, and the government did not go through any levers that it was going to use to achieve this. Arguably, the government has made the task to achieve the 50 per cent infill harder by its revised arrangements for the lease variation charge.

We do support the idea of the lease variation charge but, as well as that, we believe that it is absolutely essential to implement the regulations which will allow rebates for dwellings in strategic locations or for highly energy efficient buildings. This is needed if we actually are to have meaningful infill and for infill to contribute to sustainability and greenhouse gas reductions.

There needs to be more emphasis on good design and appropriately sized housing. Canberra has the dubious honour of having the largest new houses in the world, but of course we do not have the largest families in the world. We have a lot of space per person, and this is not aiding sustainability in Canberra.

One of the other big problems with the strategy was that it really did not look at the biggest parts of Canberra, our suburban areas. It made no effort to make them more sustainable. What seems to be happening in Canberra is that, in the suburban areas, we are getting knock-downs and rebuilds. And we are finding that when houses are demolished, they are replaced by bigger houses, with fewer occupants, so that even if the energy efficiency rating of the new house is higher than what it replaced, the total operational energy for that house has quite possibly increased. Certainly when you look at the lifecycle cost, with all the resources required for the demolition and construction, there is almost no doubt that, from a lifecycle point of view, it will not be a positive move.

We would like to see the territory plan better reflect our commitments to the transport corridors, biodiversity and ecological connectivity. These are not currently part of the plan.

Design quality is an area everybody, I believe, would like to see improved. This is something that is not part of the draft planning strategy, and it is particularly important if we are to start to have community acceptance of infill development. The community continually says: "We are not against infill. We just want it done properly."

It is also important to ensure that we build for our climatic conditions. It is particularly worrying that most new apartment blocks will not allow through-ventilation and thus will be difficult to cool in summer. We seem to be building a city that will rely on air conditioners in summer. That is not sustainable.

I will talk a bit more about how we need to change things to get towards lower greenhouse gas emissions. As I mentioned earlier, last month I tabled a bill which would require ACTPLA to revise the territory plan to ensure that it is compatible with greenhouse gas targets, and I would expect that this revision would lead to quite a number of changes to our planning codes, such as the territory plan requiring buildings to be consistent with our greenhouse gas reduction target. In the short run, that might be a move to, say, seven-star energy efficiency requirements but I would imagine that over time it would mean incremental increases to carbon neutrality.

I would point out that carbon neutrality is something which has been embraced by other parts of the world. England, which do have a more challenging climate than the ACT, have committed that by 2016 all new housing is going to be zero carbon emission. That is only four years away. As far as I know, they are on track to doing that.

It is happening, of course, in Australia as well. The Victorian government has zero emissions neighbourhood projects which include building zero emissions housing in partnership with the CSIRO. In South Australia the government has established a model sustainable urban village at Lochiel Park in the Adelaide CBD and each house there has to have a minimum of 7.5 stars EER. The South Australian Land Management Corporation, the people running it, are currently running it as a zero carbon design challenge for a block on the site.

There are, of course, in Canberra quite a number of houses which are already carbon neutral and they do that, firstly, by energy efficiency and, secondly, by either buying green power or generating renewable energy themselves. And I would remind all members—and I know that you, Madam Assistant Speaker, know—that Sustainable House Day in September is a great opportunity to look at these houses. The Green Building Council in Canberra has—*(Time expired)*

MS PORTER (Ginninderra) (4.12): I am pleased to speak today on this matter of sustainable planning in the ACT. Transport for Canberra and the ACT planning strategy establish a pathway towards a more sustainable Canberra, with greater accessibility, higher productivity, better social inclusion and lower greenhouse gas emissions. As we know, how far and how often and how we choose to travel have a big impact on greenhouse gas emissions, as well as an impact on productivity, the community's ability to participate in the life of the city and our health. Transport accounts for around 22 per cent of the territory's greenhouse gas emissions.

The transport for Canberra policy released last week is an important planning policy and details two important ways to reduce transport sector emissions: firstly, choose more efficient ways to travel, by shifting to public transport, walking or cycling, and reduce how far or how often we travel and share our trip with other people, in other words, carpooling; and, secondly, choose more efficient vehicles to travel in, by increasing our uptake of electric and other low-emission vehicles and by investigating light rail and continuing our current program to bring lower emission buses into the ACTION fleet.

Choosing more efficient ways to travel requires big changes in the way we plan for Canberra's future. Our planning can help more people live and work within their local district, reducing the distances they need to travel and associated greenhouse gas emissions, and making the healthiest mode, active travelling—that is, walking and cycling—an easier travel option.

Our planning framework is detailed in the ACT planning strategy and transport for Canberra. It will build on Canberra's multi-centred structure to help plan for and create a more sustainable Canberra. Already our local group and town centres in each of Canberra's five districts collectively offer a wide variety of shops and amenities that reduce the need to travel long distances for everyday purposes. As a result, 40 per cent of Canberrans travel less than 10 kilometres to work. This distance can be easily cycled in half an hour. Already the transformation of our inner suburbs around Canberra city has seen the numbers of people walking to work increase. Some inner suburbs like Turner had about 30 per cent of people walking to work in 2006, and this is expected to have increased when the 2011 census data is released.

Transport for Canberra and the ACT planning strategy aim to create more compact, sensitively designed residential and commercial development around the centres, with more employment in the town centres and development along the frequent network. This will help more people live closer to the centres, within walking and cycling distance, or a quick public transport ride away. Buses will be able to travel full in all directions throughout the day. We already see this sort of travel pattern between

Belconnen and the city during the day. The Blue Rapid travels between two major employment and residential areas, via two major universities and a hospital, the kinds of places that have considerable all-day demand.

Improved pedestrian and cycling facilities and transport services will connect neighbourhoods and suburbs to the centres. With more people living in the centres, it will be more financially attractive for retail and commercial developments to establish themselves around them. In turn, this will bring more choices of goods and services closer to more people, both immediately around the centre and in the suburbs nearby, renewing and revitalising these vital community hubs. There will be less need to get in your car to get to work, socialise, shop and get to health facilities and recreational and cultural facilities.

Transport for Canberra establishes the frequent network of permanent public transport corridors, with public transport services operating at 15-minute or better frequencies. The frequent network will be the backbone of Canberra's growing public transport system. It will connect Canberra's districts and town centres and be the focus for Canberra's city building. The Rapid services between town centres and frequent locals in denser areas and in between group centres and major employment zones provide fast, frequent services where people need to go. As well as committing to the frequent network, the government has committed to 30-minute services across the city by 2021.

We are committed to exploring alternative transit options to help our city grow more sustainably and minimise the impact of congestion that would be generated with a growing population. To this end, we have invested $2.8 million for a study of the Gungahlin to city corridor, including Northbourne Avenue and Dickson station. This study is looking at light rail and bus rapid transit options to help reduce congestion and create a more sustainable, liveable locale, a fitting entrance to our city.

Expanding the frequent services and introducing services into new suburbs is also a priority. Last budget, we announced $21.4 million over four years to improve ACTION bus services. A new network from May-June 2012 will include the extension of the Blue Rapid to Kippax, improving frequency for Fyshwick, ANU and the Canberra Hospital and new services for new suburbs in Gungahlin.

Bus priority measures will help save time and make public transport more attractive. Investments in bus priority measures include $7.3 million to construct stage 1 of the Belconnen to city transitway, and this work has just started in the last few weeks and will include bus lanes and priority bus signalling on Barry Drive and a new ANU transit station integrated with the ANU exchange development and $8.2 million to build a transit lane on Canberra Avenue by 2013 to speed up the Red Rapid bus service.

A $4.1 million investment in a network of park-and-ride facilities along the transport corridors and at group centres will enable commuters to easily cycle or drive to their nearest facility, park their vehicle and hop on a fast public transport service. Park-and-ride facilities have been constructed at Purdue Street in Belconnen, at Exhibition Park in Canberra and at the expanded Mawson site. The park-and-ride construction

program in 2012 includes new facilities near College Street at the University of Canberra, near Cotter Road for Weston Creek residents and new Molonglo residents, the expansion of park and ride at Kippax to support the extension of Blue Rapid from later this year, and an expansion and relocation of a peak-hour park and ride at Calwell.

A feasibility study is also exploring potential future park-and-ride sites which may be constructed subject to feasibility, stakeholder and community input and future budget decisions. Areas in consideration include sites adjacent to Canberra Avenue, near Gungahlin town centre, in northern Belconnen suburbs, adjacent to Athllon Drive near Kambah and Wanniassa and near Yarra Glen at Curtin.

Over $1 million has been allocated to construct a new network of bike-and-ride cages. The first bike-and-ride cage opened at Belconnen community bus station at Flemington Road. Two additional cages—at Lyons, on Melrose Drive near Phillip pool, and at Mawson—were opened in 2011, and more are under consideration in 2012.

The government has spent $9.2 million over four years to improve walking and cycling facilities across Canberra, $2.5 million for the new bus station at Gungahlin and $2 million for bus stops and station improvements at the Civic bus interchange and city west, a $1.395 million upgrade to bus stops to meet disability standards.

Information is an important part of making public transport an easier way to travel. The government has invested $20.5 million over four years to deliver a real-time passenger information system which will improve certainty for public transport customers. Google Transit now enables easy trip planning by public transport and transport for Canberra plans for the development of a multi-modal trip planner that includes information on the location of bike and ride and park-and-ride facilities and shared paths.

The government is serious about improving public transport for Canberra, and these transport initiatives will make our city more sustainable, equitable and accessible. Transport and land use planning work together to ensure that new developments are public transport friendly and, in turn, more sustainable, making walking, cycling and public transport the easier travel choices.

Planning for the Molonglo valley is an example of this, designed with a public transport perspective from the outset. Molonglo valley has a single arterial road, John Gorton Drive, which forms the spine of the area on which group centres and major centres will be located. A simple, legible road network will enable buses to easily navigate their way through the valley, enabling public transport operators to provide an effective, frequent network. Similarly, East Lake is being designed as a sustainable development, with links with the rapid corridor on Canberra Avenue and a frequent local service through the centre of the new residential development. The government is planning transport and urban development together to enable Canberra to meet tomorrow's challenges.

MR SMYTH (Brindabella) (4.22): The issue of sustainability in the city is, of course, a very important one. I was lucky enough to attend a National Press Club luncheon yesterday where Peter Verwer, the national CEO of the Property Council of Australia, spoke about what the Property Council has been doing to make cities more liveable—not just Canberra but all around the country. For those that are not aware of it, the Property Council has just launched a campaign called "make my city work". What it is about is getting in touch with the population so that the population know what it costs to run a city and when a city grows, what is required. It allows them to have their say.

Indeed, they also launched a paper called "My city: the people's verdict". It is interesting because "My city: the people's verdict" does not particularly come out with a good verdict for the government of the ACT. Overall, the most liveable city in the country was Adelaide. Canberra was rated second, which is exactly where it was the last time this survey was done. It would be very unexpected that we were not there at the top of the list given the youthfulness of the city and the lack of the problems that cities designed 100, 200 or 220-odd years ago truly do have.

In talking about some of Canberra's attributes, some of what was said was good for the government. People believed it had a good environment. It was a nice place to live in that regard. But it certainly has other problems. In looking at some of those other attributes that a city might have, the summary in the section called "The liveability of Canberra—Canberra's performance according to its residents", said:

> Canberra's residents were least likely to agree that Canberra has a good range of quality affordable housing, is an affordable place to have a good standard of living, or has good public transport services.

What are they saying? They are saying that it is expensive—"We can't buy a house and we can't get a bus." That is an indictment of this government. When you look at state government performance, again, the summary states:

> Overall, Canberra residents rated the performance of their State Government quite poorly on a number of aspects. For example, most believed the Government was doing a poor job in terms of making housing more affordable (61% poor or very poor); and setting a fair level of taxation to when buying or selling (51% poor or very poor).

These are the factors that really do affect where people live and how they live. We all know through the social determinants of health that a roof over your head is one of those things that really does guarantee you a good life. When you get this report where it says that 61 per cent rated poor or very poor making housing more affordable, it is a damning indictment of this government.

In particular, it is a damning indictment of the former planning minister, now resurrected as the planning minister, Mr Corbell. He is the one that presided over the land release policies in this jurisdiction that crucified young homebuyers, that put homeownership out of their reach. What is it now? We do not have a suburb now with a median house price of $300,000 or less in the ACT. What sort of society has Mr Corbell and his policies created? It is the society of exclusion.

It is not just the Property Council that says that. Recent reports from the Urban Development Institute of Australia said that the two factors that determine housing affordability in the ACT that most needed attention were planning policies—the slowness and the cost of the planning regime—and land release. Who controlled both of those? The government did. Who is responsible for planning? Mr Corbell was. That is why he got sacked. How he got reappointed to this portfolio when he performed so badly last time I think is beyond most people.

The problem for the people of the ACT is that they are now stuck with the problem. Under this crowd it may take a very long time for it to get better because they do not seem to have learned the lessons from last time. Clearly, the Chief Minister did not pay any attention to why Mr Corbell was sacked as the planning minister on the last occasion.

It is very important that we get the city right. What Peter Verwer said yesterday was that we need to look at population, we need to look at productivity and we need to look at participation. He did not quote a lot. He spoke a lot about some of the theories put forward by Edward Glaeser in his book *Triumph of the city*. Glaeser says that cities make us richer, smarter, greener, healthier and happier. He says that the city is one of the great achievements of civilisation. In fact, he claims that the ability of so many people to come together and live together may well be the peak achievement of cities.

But when you have got a Labor government that talks about inclusion and equity and when you have got their policies, particularly the policies of the failed planning minister now resurrected to the job, that drove people out of the market, that kept people out of the market and keep people out of the market, the very notion of sustainable planning in the ACT when this man is at the helm is a joke. His policies are a joke and the outcomes are not a joke. They are very sad outcomes for a lot of young people in particular starting out in this city.

What Mr Verwer said yesterday was that we need plans, we need targets—long-term targets, not airy-fairy documents. We need solid plans to increase population, productivity and participation in a sustainable way. We need to create the jobs so that people will have somewhere to work and can afford to pay the bills that they have.

For instance, in terms of participation and productivity, one of the things he pointed out was access to childcare. We all know what a disaster access to childcare has been in this city under the Labor Party, particularly under the current minister. She just fails to take on board simple suggestions to improve access to childcare.

People like Verwer were saying yesterday that issues like childcare are incredibly important if you are going to have participation and, therefore, you are going to have greater productivity. If you are spending your time in traffic moving from one location to the other, shuffling the kids around, you will get there late. You get caught in the traffic. You do not get parking. You have got to leave early and families carry this burden. If you do not plan properly then what we are doing is making a disaster for the future.

The Property Council, through their national CEO, is very keen to see targets—10, 20, 30-year targets. But what they were more keen to see is, of course, the participation of residents. That is why they have launched this "make my city work" campaign. If people are interested, they can get online and see these reports. They are at www.makemycitywork.org.au. You can sign up. There will be discussions and newsletters coming out. But it is important that people participate.

I want to read the last couple of paragraphs from the press release that the ACT CEO of the Property Council, Catherine Carter, put out yesterday:

> We've seen findings this week from a recent Auspoll survey that rates Canberra as the nation's most liveable city after Adelaide.
>
> But the survey also found that Canberra citizens rank our city poorly on having a vibrant cultural scene. And more than 75% of Canberrans believe we do not have a good range of quality affordable housing in this city.
>
> The survey also found that most Canberrans believe the ACT government is doing a poor job in terms of:
>
> - Making housing more affordable;
> - Setting a fair level of taxation when people buy or sell properties;
> - Supplying infrastructure to keep up with demand; and
> - Managing urban growth.

These are important issues, members. These are things that we should be taking heed of. What we should be doing is aiming to make it not just a good place to live but a great place to live. As a planned city, we do not have some of the burdens that places like Sydney and Melbourne do. They suffer from infrastructure that was started a couple of centuries before the last one.

What we have is a very fresh approach. What we have done is set up good infrastructure. It is about maintaining it. It is about allowing access, particularly for young families, to get into the housing market. It is about having a city heart, which this government has done nothing to further over the last decade.

They got a report in 2001 from the OECD. It has sat on the shelf, largely ignored, because the planning minister knew better. Well, the planning minister did not know better. The results in this report show that people want a cultural heart, they want a city heart, they want affordable housing, they want better transport, they want infrastructure to be keeping up with demand and they want a fair level of taxation.

None of those things have been delivered after 11 years of Labor government and none of those things will ever be delivered under a Labor government, because they play to the sectional interests and they do not have a concrete vision for the long term. Where they have put forward documents, they contain nothing but motherhood statements without any plans to deliver, without any targets that one can measure their progress against, and without any commitment to make it happen.

That is where this government has let down the people of the ACT. Listen to people like Peter Verwer. The futures of the cities are the futures of this country. The futures of our cities are the future of our productivity. If we do not get it right, we damn ourselves to an inconsequential future, a future that the rest of the world will simply laugh at. In the words of Nugget Coombs, we will be the lucky country run by people who are not up to the job.

Currently, this is the lucky city but it is being run by people who are not up to the job because they are not delivering what the people of the ACT want, which is strong infrastructure, fair taxation and affordable housing. *(Time expired.)*

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

Childcare—Holder
Statement by member

MRS DUNNE (Ginninderra): I seek leave to make a statement in response to the statement made by Minister Burch at the end of question time.

Leave granted.

MRS DUNNE: After question time today, Minister Burch used standing order 46 to claim that she was misrepresented in the debate yesterday when I made mention of the Flynn primary school. Minister Burch quoted from *Hansard* to highlight that she had told the Assembly the $4 million for the refurbishment of the Flynn primary school building for a childcare centre was part of the government's commitment in the 2008 election to build two childcare centres, one north and one south, for $4 million.

I said in yesterday's debate that I understood the reverse to be the case. I thank Minister Burch for sending me a copy of the *Hansard* so that I could verify this, and it is the case that what I said yesterday was wrong. My memory failed me. I want to put the record straight on that as quickly as I can.

On the basis of the advice provided by Minister Burch, I withdraw my statement of yesterday that the Flynn refurbishment was in addition to, and therefore not part of, the government's 2008 commitment to build two childcare centres for $4 million.

Minister Burch did not quote all of the stuff from that question. I asked her whether this was part of the $4 million commitment. Minister Burch said in answer to a supplementary question:

> It is part of the 2008 election commitments.

I asked another supplementary question:

> In that case, minister, you have already spent the $4 million and you have delivered one childcare place. Where are you going to get the money and how much extra money will you provide for the extra childcare centre?

And Minister Burch went on to say:

> That … is on the assumption that we are responsible for building and putting on line each childcare place. We have delivered $4 million, and we will look across the sector. The sector itself is quite capable, in responding to the needs of ACT families.

I agree wholeheartedly, and I would point out to members that Minister Burch has now highlighted just how bad they are at providing childcare places in this city. Minister Burch has said that the Flynn development was part of their proposal. But we have to remember that the Flynn refurbishment gave Belconnen residents roughly a net 10 new childcare places as part of that refurbishment. They delivered half of the childcare commitment of the last election. They delivered 10 new places for $4 million.

Minister Burch has already admitted that the whole of their budget was blown on that project. In addition to that we now have the Holder proposal, which appears to be the second part of the government's 2008 commitment to build a childcare centre in the south of Canberra. That will cost $7.5 million. If the government get to build this childcare centre, they will meet their commitment. They will build two childcare centres—one with 10 places, one with 125 places—and they will spend $11.5 million, which is almost treble what they committed to spend at the 2008 election. It is a sign that Labor cannot get it done when it comes to capital works, and they cannot get it done in a cost-effective way when it comes to childcare.

Estimates 2012-2013—Select Committee
Membership

MADAM ASSISTANT SPEAKER (Ms Le Couteur): The Speaker has been notified in writing of the following nominations for membership of the Select Committee on Estimates 2012-13: Ms Bresnan, Mr Coe, Mr Hargreaves, Ms Hunter and Mr Smyth.

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

> That the Members so nominated be appointed as members of the Select Committee on Estimates 2012-2013.

Electoral Amendment Bill 2012

Debate resumed from 23 February 2012, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (4.36): I would like to begin by noting that there are two competing major amendment bills in this area. In addition, there are numerous amendments to amendments, and this is why we are only debating the in-principle stage of this bill today. The Canberra Liberals have reluctantly agreed to this debate on the government's bill because the government have argued that there are

appropriation provisions that only they can pass and have insisted on that basis that, rather than proceed on the basis of the bill that I introduced based on the all-party JACS committee report, they should bring forward this bill.

It is not particularly necessary to do this. The government could have moved the appropriation provisions as a stand-alone provision and concentrated on the excellent work that was done by the JACS committee. Rather, they decided that a whole new bill crafted in their image was desirable. In consequence we have before us today a bill for what might be called "electoral reform lite". When I say "lite", I do not mean light on the hill but, rather, lacking in substance. A more Australian term might be Clayton's electoral reform.

As you know, Madam Assistant Speaker Le Couteur, the ALP have a longstanding opposition to electoral reform in this territory and have opposed everything from the introduction of the Hare-Clark system onward, always with the aim of seeking more control by the parties, specifically themselves, and less control by voters.

When this issue was first mooted, well before it was referred to the JACS committee, Jon Stanhope, the then Chief Minister, rejected out of hand the idea of capping donations, arguing, rather bizarrely, that the fact that the ALP received half its funding from its naming rights sponsor, the Labor Club, that was indicative of broad-based—that is a quote from him—support. Yes, Labor receives funding from a broad base of Canberra's problem gamblers.

On the day in September last year when the JACS committee reported on campaign finance reform, the Attorney-General lambasted the report and went so far as to make the misleading claim in the media that the changes to public funding would cost $30 million a term. Now, however, we are invited to believe that the scales have been lifted from their eyes and that ACT Labor have undergone a road to Damascus conversion—so much so, in fact, that when they saw the bill that I presented to the Assembly implementing the recommendations of the JACS committee, a tripartite committee which I might add considered this matter upon the unanimous referral from the Assembly, they immediately thought: "That's a really great idea. We can do an even better version."

That is one version of the narrative. The other might be that this bill is designed to give the appearance of electoral funding reform, while allowing the ALP to carry out business as usual, funnelling money as smoothly as possible from the pockets of poor gamblers directly into their own. Thus we have, for example, a pretend donations cap, reminiscent of the Maginot line—as you might recall, an absolutely impenetrable barrier which you could simply drive around in a tank, or in this case an armoured car laden with poker machine revenue.

I will be charitable and assume that the idea of using a bank account to keep track of election spending is well intentioned. But it would be neither effective nor necessary. I do not know whether the government have noticed, but we already have a system of accounting for electoral expenditure which does not require it to be funnelled through a single bank account. As far as accounting systems are concerned, this is one step up from requiring money for the election to be held in a petty cash tin and about on a par with keeping receipts for the election in a shoebox under the bed.

Under the Labor government's approach, caps on spending would be rendered ineffective by the capacity to multiply caps across the union movement. This is a matter I will address a little later. In addition, there is considerable evidence of hasty drafting, even apart from the separate bank account idea, which is particularly troublesome.

Perhaps the most egregious was the idea of including in the definition of party grouping the words "any other person who has incurred electoral expenditure to support a candidate or a prospective candidate for the party in contesting an election". There is the obvious difficulty of identifying expenditure "to support a candidate". Does this include general advertising for the party? How about negative advertising against their opponents? Is the enemy of my enemy my friend? More absurdly, however, we would have had the situation of allowing anyone to incur expenditure for a candidate and then have any of their subsequent campaign expenditure deducted from the party's cap, even if it was incurred campaigning for their opponent. Even more absurd would be the problem that entities could engage in the electoral process without the permission of the party and that expenditure would be included in the cap even if the party did not approve the expenditure.

I am pleased to see that there is a government proposal to abandon this piece of nonsense, but their amendment to remove it would leave a loophole for those who really do act in collusion with political parties or third party campaigners to subvert the expenditure cap. This was addressed in my bill through the "acting in concert" provisions and through the broader definition of "associated entity" which the government saw fit not to include in their bill.

When you look closely at this bill, as my staff and I have done in recent weeks, you will find some very curious beasts indeed. You will find creatures called "associated entities", which have the chameleon-like capacity to change colour to suit their circumstances.

The JACS committee took the view that to have an effective spending cap you have to close up the loophole of allowing parties to simply set up dummy or front organisations to do the spending; otherwise the whole idea of caps on expenditure would be meaningless. And yet we find that in the government's view, affiliated trade unions, of which there are 15 in the ACT according to the ALP website, are not associated entities—heavens, no; they are just good friends. Notwithstanding the fact that they can vote on policies, elect office-bearers and even vote to choose candidates, they are not associated entities—if you believe the government. Mr Corbell of course cannot afford to admit that these unions are an integral part of the Labor Party—because they might take away his preselection.

My bill, on the other hand, applies a commonsense, what I might call a "duck", test: if it walks like a duck, flies like a duck—

Mr Hargreaves interjecting—

MRS DUNNE: quacks like a duck, then it is safe to assume that it is a duck—or a goose in the case of Mr Hargreaves! So if a body participates in the operation of a political party, if it has a say in picking the policies or the office-bearers or the candidates, if it does not merely make a donation but pays a regular affiliation fee, then yes, it is an associated entity. Any campaigning it does can be safely assumed to not be an independent activity conducted in its own right, deserving of its own spending cap.

In New South Wales they went further, taking the view that all trade unions are associated entities of the ALP. The JACS committee did not take this view and I think that this is the right approach. However, the government's bill has rejected these extensions to the definition of "associated entity". I think it is reasonable to speak of it in this way, since the government bill came after my bill, which would more properly be called the JACS committee bill if we are thinking in terms of intellectual property. The government has adopted a number of sections from the bill verbatim, amended others and rejected others.

An affiliated union, according to the government, is not an associated entity unless it can be shown to be controlled by the party—apparently it does not count if it is the other way around, the unions controlling the party—or operates for the benefit of the party. Again, if the party operates for the benefit of the unions, that would not make it an associated entity either. This means that the ALP can get around the approximately $1 million cap proposed for the next ACT election and the unions will get almost an equal amount between them to campaign on behalf of the ALP.

Let us turn to the case of the Labor Club, which is undeniably an associated entity even under the current Electoral Act and is handled even less subtly. Since the Labor Club cannot get a cap in its own right, and since it is really a fundraising body and not a campaigning entity, what our friends opposite want to do is transfer the funds across to the ALP and allow them to spend it. We know that they have been doing this for a significant part of the past year in anticipation of electoral funding reform legislation passing the Assembly, which is why Mr Smyth introduced his donations limitation bill in June last year.

But to allow this situation to continue indefinitely, the government has proposed the even more outrageous idea of simply exempting associated entities like the Labor Club from the gift cap. This provision is clearly designed to allow the Labor Club to pretend to be an arm's-length, independent body for the purposes of the Gaming Machine Act but pretend to be an integral part of the party organisation for the purposes of transferring funds under the Electoral Act. The ALP, I would submit, cannot have it both ways. It is a bit like being married for the purposes of obtaining a government house but single for the purposes of claiming welfare.

The treatment of raffle tickets, "excess" membership fees et cetera, at first appearance seemed to address a loophole in the legislation, but this too is illusory. At present, payments made for where there is a quid pro quo, such as dinners, raffle tickets and auction items, are not considered gifts and thus they are not reportable. But the solution is still subject to the requirement to demonstrate that there was no or

inadequate consideration; that is, that the quid pro quo was not value for money. I invite members to consider the difficulty of putting a market value on a dinner with the Attorney-General.

Even the definition of "volunteer labour", a straightforward concept one might have thought, has been twisted to confer a partisan advantage. It appears—though here, as in many places the government bill introduces vaguely worded concepts which it would require years and millions of dollars in the courts to sort out—that "a service for which a person usually charges a fee" would catch advice from, for example, a self-employed lawyer but not a government lawyer. Would anyone care to venture a view as to which of these groups is more likely to provide advice to the ALP and which is more likely to provide advice to the Liberals?

Incidentally, you may think that because services other than volunteer labour are gifts, and there is claimed to be a $10,000 cap on gifts from any one source, such services would be subject to the cap. But you would be wrong. The cap only applies to gifts that you put in an ACT election bank account. So you see why I say that this separate bank account approach, apart from being an administrative nuisance, does not do what it says on the packet. This is snake oil salesmanship from the Attorney-General.

The JACS committee were clear in the view that a different level of penalties should be provided for a party that cynically and flagrantly ignores the expenditure cap as proposed, as opposed to minor breaches through administrative oversight. I do note that some of the government's amendments reduce the risk of the latter. My bill attempted to do this via recklessness provisions. The government's bill ignores the issue altogether. This may or may not say something about the ALP's intentions in this area.

This is a very important piece of legislation for this Assembly, for the parties involved in election campaigns and for openness in election campaigning in the ACT.

I note that the Greens claim a strong track record in the area of electoral reform. However, I note that it nearly fell apart in New South Wales in January. I hope it will not fall apart here in the ACT. I hope that they will move to keep Labor honest and put aside the considerations and interests of their coalition partners in favour of real reform recommended by the JACS committee.

I want to spend some time paying tribute to the people who have worked very hard on this. The JACS committee members Mr Hargreaves and Ms Hunter and the staff of the JACS committee, especially Dr Lloyd, who happens to be in the chamber today, worked very hard on the foundation of this. Since that time, officials from the Justice and Community Safety Directorate and the Electoral Commission, and the Electoral Commissioner himself, have worked very hard on this issue, and I thank them for their work. There will be more discussions between now and when this matter is finalised in May.

I particularly want to pay tribute to the office of parliamentary counsel, who do an extraordinarily difficult job, especially when there are two competing pieces of

legislation and multiple amendments floating around the place. They have done a sterling job, and at the same time they have managed to sort of maintain the confidentiality of members in the highest form possible.

In concluding, I think I need to summarise the problems that the Canberra Liberals have with this bill as it currently stands. It needs to be said in this context that Labor were brought kicking and screaming to reform in this area. The bill that I presented better represents the considered view of the justice and community safety committee, who took considerable time to inquire into this matter and took into account the views of not only local political parties and people locally involved in politics but academics, and particularly constitutional lawyers, across the country. We also looked at the work that was done in other jurisdictions.

In summation, as I have said, this bill amounts to "campaign finance reform lite" from the government. It would have been better had we debated the bill that represented the views of the JACS committee and had we addressed the constitutional issues about administrative funding by a separate bill brought forward by the government.

As I have said before, there are problems with this bill. It attempts to make the Labor Club a de facto associated entity, which is a radical departure from more than 20 years of practice in this place. A spurious claim was made by the Attorney-General in discussions that advice that they have received says that the Labor Club is not an associated entity and should not be subject to the donations cap. However, if that is the case it would be tantamount to being able to drive an armoured car laden with the revenues of problem gamblers through the provisions of the Electoral Act. There are issues with hurried drafting and these are problems that need to be addressed. The government has put forward amendments that would address the most egregious of these, but they leave gaps.

The model of setting up a separate account is outmoded in terms of accounting practice. It is command and control and creates loopholes where donations in kind will not be touched.

In summation, the bill that represented the views of the justice and community safety committee was a better starting point. It would have been better if we had debated that. We are reluctantly debating this bill today, but with amendments we may be able to make this a reasonable attempt at campaign finance reform.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.55): If ever there was a timely event that demonstrated why reform was needed we had it this week with the Conservative Party scandal in the UK. The Conservative Party co-treasurer was caught saying to people who he thought were potential donors that for £250,000 he could get them a meeting with Prime Minister David Cameron and influence in Conservative Party policy. We now know that a number of major party donors have been to dinners at 10 Downing Street, and there is no doubt that incidents like this really challenge people's confidence in the political system.

This incident illustrates all the reasons why money and politics do not mix and the problems that we are attempting to prevent from occurring here in the ACT. Whether

or not decisions or policies were actually made in donors' interests because of their donations is irrelevant; the perception of money buying influence undoubtedly damages the public perception of politicians and governments.

The fact that most articles on the issue of electoral reform start with a quote from a significant historical figure talking about the role of money in politics and dollars buying influence is testament to the need to very carefully regulate the role of money in politics. The fact that even though here in the ACT we have not had scandals like in the UK does not detract from the need for very careful regulation.

The sale of government favours and conflicts of interest for politicians who depend on their party donors is one and perhaps the most insidious reason for reform, but it is certainly not the only one. The other major reason for reform is to ensure that politics does not depend on money and that we have a system that allows anyone who wants to run for political office and compete in the electoral process a fair opportunity to do so. It should not be the case that candidates can get lost or drowned out in the very large amounts of money that can be spent on election campaigns by large party machines.

The Greens are very pleased to be debating this bill today. As most people know, the issue of electoral reform is something the Greens around Australia have campaigned on for many years. We included an improved disclosure scheme in the parliamentary agreement. The New South Wales Greens started the democracy for sale project, which exposed many of the corrupt practices in New South Wales and which has now grown into an enormous public resource. Unfortunately, it does not cover the ACT yet, but federal, New South Wales and South Australian donations are all covered.

The website allows people to search donations by donation category as well as by party and year. For example, you can see that over the last 10 years property developers gave the federal Liberal Party about $9 million—about the same as unions gave to the federal ALP. You can see all the donations from tobacco companies and gaming advocates, as well as almost every other corporate grouping you can think of. There are also many articles and links to other resources all working towards cleaning up Australian politics.

Certainly, as I said, the ACT has not had the kinds of problems seen elsewhere in Australia, notably in New South Wales. However, we have increasing amounts of money spent at our elections. A quick look at the local electoral returns, whilst certainly not as alarming as the larger jurisdictions, gives rise to a number of questions.

As we all know, the Labor Party receive very large amounts of money from their clubs that operate a large number of poker machines. Two years ago when I proposed a mandatory fund for gaming machine licence holders to assist problem gamblers, the Labor Party moved an amendment to reduce the amount of the contribution they would have to pay. There is no question they had a conflict of interest in this matter.

The Liberal Party too, it could be argued, have conflicts of interest when it comes to their assets. They have substantial property holdings, and over the years they have

received significant donations from property developers. Should we be questioning the motives for their opposition to the new lease variation charge? Whether or not anyone has acted genuinely because of their policy view or on the basis of their financial interests is not really the question. The fact that a legitimate perception can exist demonstrates that there is a problem. The only way to deal with that problem is to limit the money that parties can receive in donations.

On the expenditure side of things, it is clear that the amount of money being spent by local parties continues to grow. In fact, in the last 10 years the amount of money spent has more than doubled, and if you compare amounts spent proportionate to the number of seats and population, you can see that we are very big spenders. This is not good for democracy. We should be limiting the amount the parties can spend. I would draw members' attention to page 33 of the Elections ACT submission to the JACS committee inquiry, which has a graph that shows just how dramatic the increase in political expenditure has been over the last couple of elections.

Often in these debates the point is made that it would be preferable to regulate at the national level. Certainly the Greens agree and have been actively advocating for national reforms. However, this should not be used as a reason not to act at the local level. There is certainly much that can be done to protect our democracy, even in the absence of federal reforms. Other jurisdictions have shown that state-based regulation can work effectively. The Greens are very confident that such regulation can equally work for the territory.

That brings me to the issue of the constitutional limitations. As all members are aware, the High Court has found that the constitution creates a limitation on the legislative power of parliaments to restrict political communication. This is a very distinct protection from a constitutional right to free speech. The key point to remember is that laws will be valid if they are reasonable and appropriate to our system of representative and responsible government.

We all need to be particularly mindful of this when we set the respective caps on donations and expenditure for the ACT. The Greens agree there certainly need to be caps, but we need to be very careful about the level that we set them at. I think this is the greatest challenge for us in this area, and probably we need to give the greatest regard to the constitutional limitations.

I would also like to make the point that I think it is very dangerous to equate money with free speech. I would draw everyone's attention to the situation in the US following the Citizens United decision by the Supreme Court there. In that case the court basically said that corporations have the right to give as much money as they like to political parties, which I believe has had a very negative impact on their democracy.

Turning to the comments in the scrutiny of bills report, the committee covered the constitutional issues and also raised the additional issue of the human rights impacts of the bill. The Greens are confident the proposals in the bill are consistent with the Human Rights Act protections. I would again say that, as in the constitutional context, great caution should be exercised in considering the ability to spend money in the

political process as part of the freedom of expression and participation in the political process. Nevertheless, I agree that any limitations can be balanced against other rights and legitimate ends according to the process set out in section 28 of the Human Rights Act.

Turning to the details of the bill, the Greens strongly support the initiatives in the bill. We have a number of amendments, most notably, to limit donations to individuals and prohibit corporations from making donations. The bill covers the ground paved by the first round of New South Wales reforms made in the wake of the local council corruption scandals. We disagree on the particular application of a couple of the provisions but agree in principle that the bill deals with the fundamental issues of donations and expenditure to and by political parties, candidates and third parties that participate in the electoral process. Imposing caps on donations and expenditure is, of course, vital if we are to achieve the desired outcomes.

The bill also provides for increased public funding for parties and greatly improves the disclosure regime. I understand that some in the community may be concerned at public money being spent on the administration of political parties. Whilst I recognise the concern, on balance I think it is a much better outcome for the community and worth the cost to ensure that we minimise the extent that wealthy individuals and corporations can exert disproportionate influence on the political process—or a perception of doing so.

On the disclosure scheme, the Greens are very pleased the proposal is for a seven-day disclosure requirement during the capped expenditure period. This will ensure that voters can make an informed decision when they go to the ballot box and that they know where the respective parties are getting their money from. Again, this is something the Greens have worked very hard on over many years. I would again recommend that everyone in the community have a look at the democracy for sale website to see just where political parties get their money from currently.

We have the benefit of being able to look at other jurisdictions for variations that may improve the operation of the act. These are both Australian and international jurisdictions. We are certainly not the only ones who experience problems created by the federal system. I would like to make particular mention of the New South Wales and Queensland schemes, which, while they have imposed a level of administrative difficulty, have by all accounts been quite successful in achieving many of their goals. That is not to say that they cannot be improved. The amendments that I will be moving attempt to build on other Australian experiences, particularly in New South Wales.

The proposals in the bill are not as expansive as those implemented in other jurisdictions. Mrs Dunne referred to this in her speech. Whilst on the one hand simplicity is a good thing, we have to be careful that we are not so timid as to frustrate the underlying issues that we are attempting to resolve. As a member of the JACS committee and part of its inquiry into campaign finance, I can say that the issues are extraordinarily complex. The scenarios and implications that have to be considered in formulating a response to deal with the issues are very challenging. Nevertheless, the Greens believe we should be ambitious in what we attempt to achieve. This should be seen as an enormous opportunity to improve the quality of our democracy.

I make the point that political parties regulating each other's incomes is bound to be a fraught topic. I would like to acknowledge that we have all worked collaboratively. I look forward to discussing all the amendments with the other parties so that we can find a compromise that best reflects the expectations of Canberrans. It is an opportunity for us to redress many of the negative perceptions about politics and politicians that incidents like the one that occurred in the UK create and to prove that things are different here and we are prepared to pass comprehensive legislation to prevent those types of incidents.

I would encourage all members to have a look at the submissions to the committee inquiry. All public submissions favoured reforms and most wanted very significant reform. The Democratic Audit from the ANU in their submission to the inquiry strongly recommended that we impose caps on donations and expenditure and that they include third parties. They recommended that caps be imposed and that donations be limited to $1,000 and to individuals. Mr Tony Harris, in his submission, made similar comments and very clearly articulated the problems in modern politics that these initiatives would overcome.

I would also turn members' attention to the New South Wales committee inquiry which received around 200 submissions from a very broad number of groups and individuals. Again, these submissions strongly support reforms.

Finally, I would like to turn to the issue of third parties. This is a very difficult area to regulate. It is challenging to balance the competing issues of preventing front organisations to get around expenditure caps and ensuring that legitimate advocacy groups can continue to participate in the electoral process.

As I said, the effect of the changes proposed in today's bill is twofold. It not only removes the reliance on money and donations but also levels the playing field so that those who want to participate in the political process but do not have poker machines or large office buildings can have a reasonable chance of competing.

Obviously, we will not see the full impact of the bill in this election cycle. Nevertheless, I think it will have a positive impact. We will have to wait for the 2016 election to see the full impact. The Greens are very pleased to support this bill in principle today and very much look forward to working with the government and the opposition to further improve the proposed scheme.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (5.10), in reply: I thank members for their comments on the bill. The government has previously expressed its reservations about introducing caps on political expenditure and donations, on the basis that individuals and parties within the political sphere should not be subject to such restrictive financial and administrative burdens. The ACT's electoral system has been operating effectively since its inception, and we are not a jurisdiction plagued by allegations of corruption or improper practice. However, it is clear that the Assembly is determined to introduce caps on expenditures and gifts. The government's response to this is the bill before us today.

The bill represents a sensible, balanced approach to the concept of caps. It balances the rights of political entities against the concern that elections could be unduly influenced by disproportionate funding and donations. As the ACT has never imposed caps on political expenditure and donations, the bill has required very careful consideration by the government and the Electoral Commission to ensure that it captures all of the possible scenarios that may arise from the implementation of caps. The government has had constructive discussions with the opposition and the Greens—and I thank Ms Hunter and Mrs Dunne for that—which have generated important issues to consider.

Not surprisingly, several improvements have been identified. To that end, the government is proposing a number of amendments to this bill, which I would now like to go through in some detail. Amendments 1 and 2 of the government amendments refer to clause 12 of the Electoral Amendment Bill which inserts new definitions—"non-party candidate grouping" and "non-party prospective candidate grouping"—into section 198 of the Electoral Act.

Paragraph (b) of each of the definitions of "non-party candidate grouping" and "non-party prospective candidate grouping" as currently drafted would capture any person who has incurred electoral expenditure to support a candidate or prospective candidate without the knowledge of the candidate or prospective candidate. This is not the intention of the amendment as it is unreasonable that a candidate or prospective candidate should be held responsible for expenditure that has been incurred without their knowledge or authority.

Accordingly, the government proposes to amend these definitions to provide that they only apply in cases where the person incurring the expenditure has done so on the authority of the candidate or prospective candidate. It is conceivable that a person or organisation could deliberately undertake such expenditure to embarrass a candidate or prospective candidate, leading to prosecution of the relevant financial representative.

Amendment 3 refers to clause 12 of the Electoral Amendment Bill, which inserts a new definition, "party grouping," into section 198 of the Electoral Act. Paragraph (g) of the currently drafted definition of "party grouping" has been inadvertently included in the definition. As I have already outlined in relation to amendments 1 and 2, it would be inappropriate to make the financial representative responsible for expenditure incurred by an unrelated person or organisation whereby that expenditure pushes the sum of expenditure incurred by the party grouping over the expenditure cap.

Amendment 4 amends clause 26 of the Electoral Amendment Bill, which inserts a new section 216A into the Electoral Act. Amendment 4 specifically addresses a drafting issue identified in section 216A(1)(e). The new section 216A provides for regular disclosure of gifts received, and subsection (1) lists those to whom the section applies. As it is currently drafted, the new section 216A(1) duplicates the reporting requirements with respect to an associated entity.

Associated entities are included in a party grouping at subsection (1)(a) and with a non-party MLA at subsection (1)(b). If subsection (1)(e) is left to stand, gifts received by relevant associated entities will be reported twice—once by the associated entity and again by the party grouping or non-party MLA. This duplication of reporting requirements is unnecessary and burdensome and, therefore, the government proposes it be omitted from the bill.

Amendment 5 refers to clause 26 of the bill, which inserts a new section 216A into the Electoral Act. Amendment 5 specifically addresses a drafting issue identified in section 216A(6). This new section provides for the relevant period for the regular disclosure of gifts. Paragraph (b) contains a technical error, and paragraphs (b) and (c) can be expressed more concisely. Accordingly, the government proposes that paragraphs (b) and (c) be substituted with a clearer definition for the relevant reporting period for non-party candidates and non-party prospective candidates. The effect of amendment 5 does not alter the intent of the original amendment of the Electoral Amendment Bill.

Amendment 6 refers to clause 57 of the Electoral Amendment Bill and inserts a new section 236 into the Electoral Act. This amendment specifically addresses an omission identified in sections 236(2) and 236(3). The new section 236 has omitted the existing section 236(2) in the act, which provides for the offence of submitting an incomplete return and the offence of failing to keep records in accordance with section 239. This was an inadvertent omission in developing the legislation. The effect of this amendment will be to retain existing offences.

Amendment 7 refers to clause 70 of the bill, which inserts a new part 31, a transitional part, into the act. The amendment inserts into the new part a new section 506A to address an issue identified with the reporting requirements under section 221A of the act.

As the act stands at the moment, for the 2011-12 reporting year, parties are not required to take account of individual gifts received of less than $1,000 in determining which donors they have to identify in their annual returns under sections 230 and 232. This gap in reporting will continue to apply under the transitional provisions in the Electoral Amendment Bill for the 2011-12 financial year.

The gap is partly covered by the requirement under section 221A of the act for donors who give amounts that sum to more than $1,000 in the reporting year, regardless of the size of any individual amounts, to lodge annual returns. The bill closes this gap in party reporting completely by requiring that all gifts received by parties after 1 July this year that total to $1,000 or more be reported in their returns. While section 221A remains in force until 30 June 2012, it is omitted from the Electoral Act after 1 July. However, as currently drafted, the bill has no transitional provision requiring donors to submit returns to the commissioner for the 2011-12 financial year.

In order to avoid opening a loophole in reporting of gifts received for the remainder of the 2011-12 financial year, the new transitional amendment in section 506A applies section 221A for the purpose of the 2011-12 reporting year despite its repeal. It also requires that donor returns be submitted by 31 July 2012, in line with the requirements

for reporting by parties, MLAs and associated entities for the 2011-12 year, as proposed in transitional amendments 507 and 508 of clause 70 of the amendment bill.

These amendments will ensure that the Electoral Act operates in a way that maximises administrative simplicity and ensures that all political parties intended to be covered by the proposed scheme in the bill are covered. The government has taken the close and detailed advice of the Electoral Commission in relation to the operation of all the clauses in the government bill. I thank the commissioner and his staff for their assistance, and I would also like to thank staff of my directorate who have undertaken a very considerable body of work in a very short period of time. I thank them for their efforts.

Before closing debate on the in-principle stage, I wish to make a couple of comments on the way forward. This is a radical and significant departure from the existing regime for the disclosure of election campaign finance in the territory. It is a complex task, and it is made more complex by a wide number of further detailed amendments being proposed by both the opposition and the Greens.

To ensure that we have a considered, detailed and accurate debate when the bill returns to the Assembly in the next sittings—at this point in time that is the government's intention—I think it would be valuable if the three parties were to meet and discuss in detail the different amendments that are now on the table so that we can conclude a position which identifies areas of agreement so that amendments can be dealt with promptly and, further, those areas where there is not agreement so that they can be the focus of debate in this place when the bill returns for the detailed stage.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Mr John Hargreaves—point of order
Statement by Speaker

MR SPEAKER: Members, just before we move to the adjournment, earlier today in question time Mr Hargreaves took a point of order on an interjection Mr Hanson made which he felt was unparliamentary. I have now reviewed the tapes, and it was one of those cases where both members were right in the sense that none of us heard the first part of Mr Hanson's interjection, which ensured that it was not unparliamentary. There will be no further action on that matter.

Adjournment

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

> That the Assembly do now adjourn.

Kapa haka festival

MRS DUNNE (Ginninderra) (5.21): Last Friday I had the honour to represent the Canberra Liberals at the powhiri—a traditional Maori welcome—for the fourth regional kapa haka festival, which serves as a qualifying competition for Australian teams to participate in the Te Matatini—"many faces"—national kapa haka festival in New Zealand, which will be hosted by the Te Arawa people, the people of Rotorua, in 2013. The festival has been held at a national level every two years in Australia since 2006. It was in Sydney in 2006, in Melbourne in 2008, and it was in Canberra in 210 and 2012, so Canberra must have done a good job in 2010.

The powhiri, the traditional Maori welcome, formally welcomed attending groups, officials, judges and visiting dignitaries from overseas. The highlight of the welcoming ceremony was the arrival and attendance of the Maori king, Kingi Tuheitia, and his wife, Makau Ariki, who opened the Australian kapa haka festival, an event celebrating Maori culture through song and dance. The Canberra and region kapa haka performers, aged from three upwards, sang the welcome to the Maori king and other dignitaries. There was also a welcome to country by Auntie Agnes Shea, which showed a great deal of sympathy and cooperation between Indigenous people on both sides of the ditch.

The speeches of welcome and responses from visitors were interspersed with prayer and impressive singing, a foretaste of the entertainment of the next day. Attendees were also witness to the most astounding exposition of the rhetorical arts. Despite all the speeches being in a language I do not understand, my interest did not fade, even after eight obviously impressive speeches. I did not have the opportunity to attend the kapa haka proper on Saturday, but some of my staff did attend, and I understand it was a great success.

There was some disquiet expressed by some of the organisers that there was such a small amount of financial assistance for the organisers from the ACT government, which is sad considering the number of people who travelled from interstate and overseas to attend the kapa haka.

I want to pay tribute to the Tradies club, who contributed financially to the organisation. I also want to pay tribute to various people and organisations—ACT Maori Performing Arts Inc and their president, Geoff Wallace; the Australian-New Zealand Maori Culture School of Dreams and its director, Isaac Cotter; and the Kia Ora Te Whanau Social Club and its organiser, Raewyn Bastion—for organising a fantastic event. The welcome that I and my staff received was very warm and very genuine. The experience of the great Maori culture was one that I will remember for a long time.

The great participation of all those in attendance was something marvellous to see. I understand that there are now three Australian groups—sadly, not the ACT group—who will be travelling to Rotorua for the kapa haka festival in 2013. I wish all Australian participants good luck, but I want to pay particular tribute to the ACT Maori Performing Arts group and their associated organisations for organising such a splendid event. I wish them success in the future.

Ginninderra District Girl Guides
HeartKids hill climb

MR COE (Ginninderra) (5.25): Today I would like to acknowledge the Ginninderra District Girl Guides, another outstanding community organisation in operation in my electorate. Girl Guides is the largest movement in the world for girls. There are 10 million guides around the world and tens of thousands in Australia.

On Sunday, 25 March I was honoured to present the Ginninderra district group with an ACT flag at their AGM. There are five units in operation in the district, and I would like to acknowledge the leadership and dedication of the following leaders of these units: Rita Turnbull and Melanie Broadbent for the 1st Higgins Junior Girl Guides; Catie Smith and Tammy Hackett for the 1st Hawker Blue Gum Girl Guides; Peta Wright, Jenni Cox, Maddie Cox and Kat Gamack, leaders in 2011 and 2012 for the 2nd Ginninderra Girl Guides; Sara Vassallo, Christine MacRae and Joanne Allan, leaders in 2011 and 2012 for the 1st Ginninderra Tassie Devils Senior Guides; and the chair of the Athena Rangers Olave Program Peer Group, Catie Smith.

I acknowledge the hard work and dedication of the ACT and south-east region leader, Shareen Gleeson; the president of the Ginninderra District Support Group, Sujit Mukherjee, and his executive, past and present, including the treasurer in 2011, Lorraine McAnulty; the district leader for the Ginninderra Guides, Kaz Ely; and the assistant district leader, Laura Mukherjee.

As I said in this place on 15 September, as the Girl Guides of Australia entered into their centenary celebrations commencing in 2010, guiding has been integral to the lives of so many Australians since soon after Federation, and I commend the important role they play in our community.

I know the calendar for the guides is full for yet another year of exciting and challenging events, and I wish them all well for their future endeavours. I encourage all Canberrans to have a look at the guides' revamped website at www.ginninderragirlguides.weebly.com.

This evening I would like to acknowledge another event which is taking place this weekend. I will be very pleased to attend the HeartKids hill climb. This charity event, which has been held each year since 2009, aims to raise the profile of HeartKids, who provide huge support, encouragement and hope to families of children with heart disease. Action starts at 9.30 am and goes to 4 pm at Fairbairn Park on Sunday, 1 April. Congratulations to Daniel Cummins on organising the event. I wish them all the best for the weekend's activities.

Malkara special school—fundraiser

MR DOSZPOT (Brindabella) (5.27): It gives me great pleasure to be able to speak in tonight's adjournment debate about a great annual fundraising event for special needs education. Along with around 440 other Canberrans I had the pleasure of attending a function at Government House last Friday morning, 23 March. That function was a

fundraiser in aid of Malkara special school called a hats and gloves high tea at Government House.

The hats and gloves event was first held at Government House in 2009. It was organised as a fundraising event and a gesture of thanks by the spouse of a Brazilian diplomat whose child had attended Malkara while the family was based in Canberra. Approximately 130 people attended that first event and around $30,000 was raised and gifted to the Malkara P&C.

A couple of the attendees at that first function, Lisa Tremopolous and Kylie Krinas, were so impressed with the concept that they decided to offer their services and take over the organising of the event. Since then three further hat and glove events have been held. Lisa and Kylie as organisers have brought together a group of friends and the hats and gloves committee now includes Lisa Tremopolous, Kylie Krinas, Belinda Notaras, Donna Mollica, Sam Andrighetto, Christine Waring, Gaby Soulsby, Barbara Fisher, Dr Michelle Barratt, Dee Ryan and Janelle Marcus.

The hats and gloves committee have proven to be very hardworking, innovative and enthusiastic in their support of Malkara special school. This group of amazing friends also recruited a core group of generous corporate sponsors that include SAP and Actew as major sponsors and other key sponsors such as Telstra, McDonald's, Frozpak, Innogence, Caphs Restaurant at Manuka, Briolette, KITT, Kamberra wines, Watson IGA, Cre8ive and Blackhawk Logistics.

The organisers have also acknowledged the enormous contribution from St Mary MacKillop college and Canberra grammar schools and the many additional volunteers who contribute so much support.

The success of the event is also underpinned by the continued support from His Excellency Mr Michael Bryce AM, AE and the incredible Government House staff led by Lynette Mace.

The event has grown substantially over the past three years. In 2010, there were 300 people who attended the hats and gloves high tea in aid of Malkara school and $60,000 was raised. In 2011, the event grew to 380 attendees and raised $90,000, while this year, 2012, there were 440 guests. Whilst the final amount raised is yet to be confirmed, indications are that it could be over $100,000. All of the money raised goes to the Malkara P&C Association for management and is used for programs for the children at Malkara and for specialised equipment that they need.

Thanks to the many volunteers and the very generous support of sponsors, all the costs of running the high tea event are covered, so all money from table sales and auction items goes to the school. The committee is composed of mums who all give their time, effort and varied talents to pull this event together each year. As I understand it, the 11 committee members are all mothers. Four of them have four children, two have three children, four have two children and one has one child. These are all caring mothers who, in their words, give their hearts and souls to this event—and frozen dinners to their children as they organise this event each year. Between them they have an amazing 31 children, which I am told can lead to some noisy meetings at times, and only one of these children attends Malkara school.

Some of the areas where the raised funds were utilised at the Malkara school include a secure, all-weather play area adjacent to their classroom for students with autism, two safe courtyards adjacent to classrooms for younger students, 16 iPads, a customised school chair for a high-needs student, commencement of a program of replacing seven interactive whiteboards, engagement of a specialist visiting literacy consultant one week a month for 2012. And there are many others.

The principal of Malkara school, Jennie Lindsay, gave a very emotional speech on the day, giving thanks on behalf of the Malkara school community to all involved in this wonderful community effort to support a very special school.

In my capacity as shadow minister for disability, I have made a number of visits to Malkara school and I congratulate Principal Jennie Lindsay and her wonderful staff for their dedication to Malkara. I would also like to thank the hats and gloves committee for their hard work and great contribution to such a wonderful cause, the Malkara special school.

Nexus eWater
Earth Hour

MR RATTENBURY (Molonglo) (5.32): Tonight I would like to acknowledge local business Nexus eWater, which has just been placed third in an international waste water innovation prize. This annual competition is run by San Francisco-based, non-profit organisation Imagine H_2O, and recognises the world's most promising water start-up companies. The winners were chosen from a field of 50 entrants by a judging panel that included leaders in the international water industry. Criteria included the viability of the technology and the business model. Canberra company Nexus eWater was up against some stiff competition in the pre-revenue track of this competition, including a Stanford University project and a venture backed by the University of Queensland.

Nexus eWater was started by a small group of talented Canberrans, including CEO Craig Richmond. The Nexus team has world-class experience in unlocking the value of grey water and has received financial support from the ACT government's ICon program and the ANU connect ventures discovery translation fund. Nexus eWater recycling technology converts a home's grey water into near-potable water, while recycling the water's energy for hot water heating.

Grey water from showers, baths and washing machines accounts for about 70 per cent of waste water generated in the home. Grey water is also warm and, when flushed away, represents a waste of both water and heat resources. The Nexus recycler not only converts grey water to a quality that is safe to use on lawns and in toilets but also extracts the heat from grey water and concentrates it in a hot-water tank. The product has been designed as a combined unit but will also be sold separately as either a water recycler or a hot-water system.

I saw one of the prototypes of the unit. I was invited out to a suburban house in Canberra, over in Mawson. It was a very impressive unit, particularly given that it

produces hot water as well. I think that is the real ingenuity in the project. I saw a photo of the next stage of the prototype and it is half the size of the first one. So real progress is being made. The Nexus recycler can reduce domestic water usage by 45 per cent, slashing sewage flows by 70 per cent, and produce hot water for 75 per cent less energy than conventional technologies.

Technological innovation is an important part of addressing the world's water scarcity and energy problems, along with smart consumption and conservation measures. I am very proud of the fact that a local Canberra business is at the forefront of this innovation on an international scale. I would like to congratulate Craig and his team on their success at the Imagine H_2O awards and all their hard work in getting their technology through the development stage.

We commend the government for their support in helping businesses like Nexus eWater. We would like to encourage more well-targeted support for innovative and sustainable emerging enterprises in future so that we can aid in the diversification of the local economy and play a role in aiding the transition to a clean economy. These are the sorts of companies that we really want to see in Canberra in future. These are all locals. They have stayed in town to develop this technology. They are committed to having Canberra as their base. I think that is very exciting for this city. As they are employing more people, it obviously adds to the economic opportunities for this city. It is providing good and interesting jobs to keep the best and the brightest in Canberra. Overall, it is a good news story for this city.

I would also, just briefly, like to acknowledge that this Saturday night Earth Hour is on. It has been around since 2007 and I think members are well aware of it. It is another great Australian initiative. Whereas originally it only occurred in this country, we now see that in 2010 there were 128 countries that participated. Around 1,000 of the world's national and man-made wonders such as the Eiffel Tower, the Empire State Building, Egypt's pyramids and Niagara Falls all turned off their lights to participate in Earth Hour. There were 135 countries in 2011.

I think there is some discussion about whether Earth Hour is appropriate and whether it is too symbolic. Clearly, it is a symbolic activity. It does not try to be an energy or carbon reduction exercise. It is actually about talking to people and creating an awareness of practices and of understanding how energy works—how they impact on the way humans are changing the environment. I think the initiatives to talk about going "beyond the hour" to encourage people to reduce their footprint on an ongoing basis are very much the future direction of that. I think I will be fine on Saturday night. I plan to be in a tent in the Snowy Mountains, so I reckon I will be okay participating. I encourage Canberrans to be involved and to make this as big a success as they can.

Mr Jeremy Hanson—media release

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (5.37): I rise tonight to talk briefly about and respond to a media release that was put out earlier today by Jeremy Hanson, the shadow minister for health, titled "ACT loses 249 medical practitioners". I think what we see in this media release is yet another reckless and irresponsible example of the

shadow minister in the performance of his duties. He seems to take great pleasure in announcing that there is "more grim news for the ACT's health system". And I have to say that, if there is any bad news to generate, Mr Hanson is the first one to lead that brigade. He always appears to be genuinely excited if there is some news that he can turn into a negative around the health system.

What Mr Hanson fails to acknowledge in his media release is that the Australian Institute of Health and Welfare report on the medical workforce shows that there have been 183 extra employed medical practitioners during this data set that has been set out. In, I think, 2006, there were 1,340 employed medical practitioners—that is, doctors working in the ACT—and this has grown to 1,523 in the latest results.

The figures that Mr Hanson uses to quote from are for registered medical practitioners. As Mr Hanson would know, "registered medical practitioners" does not necessarily translate into "employed medical practitioners". Mr Hanson has jumped on table A1 in this report. That features a number of caveats on the data. And I do think it is interesting that Mr Hanson has also selectively chosen to quote from this report and has decided that table A1 is actually the most relevant document here.

In his media release he goes on to say that we have doctors leaving the ACT, that there is a workforce loss, when there clearly is not any workforce loss. Indeed, I am sure Mr Hanson saw the table about employed medical practitioners in the ACT, because that appeared before table A1, which is the table he jumped on.

As Mr Hanson would know, national registration came in in July 2010. That required doctors to only have one registration whereas, in the past, there may have been the need for multiple registrations. So it is quite clear that doctors who may be practising in the ACT but who hold New South Wales registration would choose to register in the location where they reside.

Essentially, it is a very misleading media release to allege that doctors are leaving the ACT in the way that he has. I think it is—

Mr Doszpot: So what is the actual percentage?

MS GALLAGHER: The actual percentage shows that there has been an increase, quite a considerable increase, and that is what the media release should have said: "Mr Hanson welcomes the extra doctors working in the ACT, as shown by the Australian Institute of Health and Welfare". Instead, he chooses to use a figure around registered medical practitioners, knowing that there has been a change in the way medical practitioners are registered, that every jurisdiction has seen a significant decline in the numbers of registered practitioners because of those changes. The actual responsible thing to do is welcome the good news—and it is not a political thing—that there are more doctors working in the public and private health systems than ever before. But not for the Canberra Liberals that need to be at the front of trying to generate every bad news story they can!

Why would you not take a bit of pleasure from the fact that there are more doctors here than in the past? Regardless of what political party you are a member of, why

would you not genuinely take the good news that is contained in this report and make a song and dance about that, instead of misrepresenting figures and trying, again, to fear-monger out there that there is some reduction in the medical practitioners working in this place? It is irresponsible, it should not continue, and I look forward to Mr Hanson correcting the record.

Question resolved in the affirmative.

The Assembly adjourned at 5.43 pm until Tuesday, 1 May 2012, at 10 am.

Answers to questions

Public Advocate of the ACT—annual report (Question No 1988)

Mrs Dunne asked the Attorney-General, upon notice, on 14 February 2012:

(1) In relation to the 2010-11 annual report of the Public Advocate of the ACT, to what extent is the office unable to meet its statutory obligations due to staff reductions, brought about by the Government's requirement for an efficiency dividend.

(2) To what extent does this inability to meet statutory obligations mean that the office is at risk of being in breach of its legislation.

(3) What changes to resources and funding are required to enable the office to meet its statutory obligations.

(4) What discussions have taken place with the Government in this regard and what has been the Government's response.

(5) To what extent can and does the office decline to take on work that is above and beyond its statutory obligations.

(6) What matters does the office consider when deciding whether to take on that work.

(7) What relationship does the office have with other agencies, such as the Public Trustee and others, in terms of taking on that "above and beyond" work.

(8) Given the wide range of work done at a practical level by the office, does the office consider it has a role to provide policy advice to the Government.

(9) What policy advice, suggestions or recommendations did the office make to the Government during the reporting period and what was the Government's response.

(10) In light of the percentage of children in out-of-home placements with kinship carers (55%), compared to foster carers (25%), is the Attorney-General able to say what the Public Advocate's assessment is of relativity of the services provided by government for these carer groups.

(11) In relation to page 24 and given that 32% of children in out-of-home care were not sighted by a child protection caseworker during the reporting period, is the Attorney-General able to say what the Public Advocate's assessment is of the effectiveness of the child protection service.

(12) In relation to page 25, is the Attorney-General able to say what the Public Advocate's assessment is of the Government's response to its previous adverse reports in relation to the number of young people leaving care without adequate planning and preparation.

(13) What was the quantum of the efficiency dividend and other cost saving measures that the office was required to achieve in 2010-11.

(14) Were those targets referred to in part (13) met; if not, why not.

(15) What was the total cost of staff learning and development during the reporting period as a percentage of total employee costs.

(16) What is the office's target percentage cost of learning and development to total employee costs.

(17) When is it anticipated the office will meet that target.

(18) What proposals has the office advanced to the Government in terms of the scope of the second part of this review and how has the Government responded.

(19) What resources will the office require to complete this work and how has the Government responded.

(20) Is the Attorney-General able to say whether there are matters of concern to the office in the Government's response to the preliminary report, particularly in relation to the advice the Government received from the Solicitor-General; if so, how does the office intend to address those concerns.

Mr Corbell: The answer to the member's question is as follows:

1) The Public Advocate has indicated that her office does experience pressure in meeting its statutory obligations due to increases in the number of people brought to the attention of the Office requiring substitute decision making and advocacy services and the growing complexity of these matters.

   The Public Advocate advises me that she has, however, been able to meet her statutory obligations.

2) The Public Advocate advises me that she has been able to meet her statutory obligations. I am not aware of any breach of legislation by the Public Advocate, although I am aware the Office closely monitors the impact of the workload on current resources to identify risks.

3) The Public Advocate advises me that she has been able to meet her statutory obligations.

   The Government will consider the resourcing and funding needs of the Public Advocate in the context of priorities across the broad range of ACT Government services.

4) The Public Advocate has the opportunity to submit proposals for consideration as part of the budget process.

5) The Public Advocate should, and advises me that she does, decline work that does not fall within her statutory functions.

   The Public Advocate is not in a position to decline work when appointed as guardian of last resort by the ACAT. This is also the case when the Public Advocate is appointed emergency guardian. Increasingly, the Public Advocate is attorney of last resort because some people in our community completing their Enduring Powers of Attorney (EPA) have no one else in the community to appoint or are in conflict with their family or loved ones.

The Advocacy Section of the Public Advocate's Office has responsibility for monitoring care and protection services for children and young people, youth justice, forensic and mental health advocacy, and disability advocacy. All requests for individual advocacy are closely reviewed to ensure the Public Advocate only accepts referrals where this is clearly indicated and a Public Advocacy response is required.

The Public Advocate must refer systemic matters relating to people with a disability and children and young people to the Human Rights Commission for consideration.

6) Requests for individual advocacy are reviewed and the complexity of the matter and presenting issues are considered and if a response from the Public Advocate is necessary or the matter is more appropriate for referral to a community advocacy service. If there has been previous involvement of the Public Advocate, whether the matter is before a court or tribunal, and the needs, vulnerability and best interests of the individual client warrant the reinvolvement of the Public Advocate.

7) The question is taken to refer to work that falls within the responsibilities of the Public Advocate, but is "above and beyond" the minimum service required.

The Public Advocate advises me that she has developed close working relationships with agencies such as the Public Trustee of the ACT. Often, when the Public Advocate is appointed guardian for a person in our community for formal substitute decision/s; the Public Trustee has been jointly appointed to manage the finances and property of the person.

Where other government or non-government agencies are involved with our clients, (for example Disability Services), the Public Advocate works closely with these services to facilitate service provision in the best interests of its clients. The Public Advocate has developed effective working relationships with these agencies with particular focus on those who provide direct services to our vulnerable clients. These agencies are of great support to the Public Advocate in responding to requests on behalf of its clients.

8) The *Public Advocate Act 2005* enables the Public Advocate, in acting as advocate for the rights of people with a disability and for children and young people, to undertake the following: fostering the provision of services and facilitates, supporting the establishment of organisations that support people with a disability and children or young people, and promoting the protection of vulnerable people from abuse and exploitation.

Through guardianship and advocacy services, the Public Advocate obtains evidence of the systemic issues and gaps in service provision which exist. The Office therefore is well placed to provide policy advice to government on matters relating to vulnerable people in the Territory.

The Public Advocate provides advice to government which assists in developing policy.

9) Despite acting as advocate for the rights and best interests of people with a disability and for children and young people, the Public Advocate always welcomes an approach to be involved in policy implementation committees or steering groups.

When provided with the opportunity to comment on policy or provide submission to Government on policy reforms the Public Advocate endeavours to respond, on the basis of experience and evidence, in providing advocacy and guardianship services to vulnerable people in the ACT community.

The Public Advocate was consulted in regard to the Bimberi Review undertaken by the Human Rights Commission.

The Public Advocate has responded to reforms relating to the Diversionary Framework for Youth Justice and following from the Bimberi Review, the Children and Young People (Death Review) Amendment Bill 2010, Respite Care services in the ACT, the transition of young people from care, the Throughcare Forums for prisoners, boarding houses, and policies relating to therapeutic protection.

In the recent reporting period, the Public Advocate was an active member of the Review Advisory Committee for the review of the Mental Health (Treatment and Care) Act 2008 and Government was responsive to the Committee's advice.

The Office also contributed to the Mental Health Promotion, Prevention and Early Intervention Evaluation Group, and the Mental Health ACT: Advanced Agreements Committee where our contribution was valued.

In the Disability Services area during the last reporting period, the Public Advocate was involved in the Disability Respite Services Stakeholder Advisory Group, and is available to the Government to be a representative on other Disability Implementation Committees.

10) This falls within the portfolio of the Minister for Community Services.

11) This falls within the portfolio responsibility of the Minister for Community Services.

12) This falls within the portfolio responsibility of the Minister for Community Services.

13) The Public Advocate was required to meet the same efficiency dividend as expected from other Government agencies, 1%, which equates to $17,000.

14) Yes.

15) Public Advocate advises that staff attended training in the reporting period totalling $7,648.50.

16) The Public Advocate does not appropriate separate funds for training but advises that she seeks to achieve optimal training opportunities for all staff via the JACS centralised training program.

17) The Public Advocate advises that she will meet the target during the current reporting period.

18) This falls within the portfolio responsibility of the Minister for Children and Young People.

The Government response to the Public Advocate's report (1st stage) clearly articulated the Government's position in terms of the scope of the 2nd stage of the Public Advocate's Review. This has been agreed by the Public Advocate and the necessary resources requested by the Public Advocate have been provided to the office to support the appointment of staff to a SOG B, two SOG C's and an administrative support position.

19) This question has been responded to above.

20) I am not able to comment on this matter. I understand that the Public Advocate has seen the response from the Solicitor-General.

ACT Ombudsman—annual report (Question No 1995)

Mrs Dunne asked the Attorney-General, upon notice, on 14 February 2012 *(redirected to the Chief Minister)*:

(1) In relation to the 2010-11 annual report of the ACT Ombudsman, table 1, achievements against performance indicators, page 6, what assessment has the Ombudsman made of the primary reasons for the (a) increasing trend in complaints made against ACT Government agencies and (b) decreasing trend in complaints made against ACT Policing.

(2) Why has the percentage fallen for complaints against ACT Government agencies being resolved within three months.

(3) In relation to statement of agency performance, page 6, what is the status of the negotiations with the ACT Government for increased funding for the Ombudsman.

(4) What is the quantum of increased funding being sought by the Ombudsman.

(5) In relation to Looking ahead, page 17, how has the Government responded to the 10-point plan for improved complaints handling.

(6) Is the Attorney-General able to say to what extent the Ombudsman is confident that the Government will implement the 10-point plan.

(7) What tools does the Ombudsman propose to use to facilitate implementation of the 10-point plan.

(8) In relation to point 3, culture of denial and defensiveness, (a) is the Attorney-General able to say what the Ombudsman's assessment is of how entrenched this culture is, (b) how difficult will it be to change that culture, (c) what tools does the Ombudsman suggest can be used to facilitate that change and (d) in the Ombudsman's assessment, to what extent is this culture a response to the Public Interest Disclosure Act and is this Act focussed negatively rather than positively.

Ms Gallagher: The answer to the member's question is as follows:

(1) A response is being sought from the ACT Ombudsman's Office and will be provided once received.

(2) Refer to (1).

(3) Negotiations between the ACT Government and the Ombudsman regarding funding are ongoing.

(4) The quantum of any increased funding is subject to the negotiations and will be considered in the budget context.

(5) The Government included a comprehensive response to the 10 point plan as part of its response to the Standing Committee on Public Accounts Review of Auditor-General's Report No. 7 of 2010: Management of Feedback and Complaints tabled in the Legislative Assembly on 8 December 2011.

(6) Refer to (1).

(7) Refer to (1).

(8) Refer to (1).

Sport and recreation—stadium upgrades (Question No 2009)

Mr Smyth asked the Treasurer, upon notice, on 15 February 2012 *(redirected to the Minister for Economic Development)*:

Has the ACT Government requested any funds from the Federal Government to upgrade Canberra Stadium or Manuka Oval; if so, what quantum of funds has been received from the Federal Government for any upgrade; if not, why has no request for funds for an upgrade of any of the major stadiums in the ACT been made.

Mr Barr: The answer to the member's question is as follows:

No funding has been received by the ACT Government for works at Canberra Stadium and Manuka Oval.

The ACT Government has and will continue to seek funding from the Australian Government to assist with major infrastructure projects in the ACT.

ACT public service—workforce profile (Question No 2012)

Mr Smyth asked the Minister for Industrial Relations, upon notice, on 15 February 2012 *(redirected to the Chief Minister)*:

(1) When will the ACT Public Service Workforce Profile 2010-11 be published.

(2) What is the reason for the delay in the publication of the ACT Public Service Workforce Profile for 2010-11.

Ms Gallagher: The answer to the member's question is as follows:

(1) March 2012.

(2) There are no delays in the publication of the ACT Public Service Workforce Profile for 2010-11.

Emergency services—crisis co-ordination centre (Question No 2013)

Mr Smyth asked the Minister for Police and Emergency Services, upon notice, on 15 February 2012:

(1) Did the ACT Government have any involvement in the design, development and location of the Federal Government's Crisis Co-ordination Centre.

(2) Has there been any consultation or collaboration between the ACT Government and the Federal Government in relation to the sharing of resources between the two governments in the development and the operation of the Crisis Co-ordination Centre.

(3) If there was no consideration given to any sharing of resources between the two jurisdictions, why was there no consideration.

(4) What duplication, if any, will now occur between the operations of the Crisis Co-ordination Centre and the ACT's Emergency Services Agency headquarters.

Mr Corbell: The answer to the member's question is as follows:

(1) The ACT Government was engaged, as all jurisdictions were, during the development of the new Crisis Coordination Centre (CCC) arrangements.

(2) The ACT, and all States and Territories, have primary responsibility for responding to emergency incidents within their jurisdiction. Consequently, each jurisdiction is responsible for ensuring they have processes and capabilities in place to manage the response to any incidents within their jurisdiction.

The CCC's role in a disaster event is to act as a single point of contact between the Australian Government and jurisdictions. During significant crises the CCC also provides a national coordination function when a disaster event either impacts upon multiple jurisdictions or where the affected jurisdiction requests assistance from the Australian Government in responding to the disaster event.

Whilst the CCC can send liaison officers to the relevant jurisdictions to enhance the sharing of resources and information, itself an important resource, it is not set up to duplicate nor facilitate individual jurisdictions' responses to an emergency incident.

(3) Refer to response in (2) above.

(4) As the CCC and the ESA Headquarters perform different but complimentary roles, there is no duplication of effort between the operations of the CCC and the ESA headquarters.

Government—senior executive service (Question No 2026)

Mr Smyth asked the Chief Minister, upon notice, on 16 February 2012:

(1) How many officers were employed in the senior executive service in the ACT Government as at 31 December 2011.

(2) How many officers were employed in the senior executive service in the ACT Government as at 30 June (a) 2006, (b) 2007, (c) 2008, (d) 2009, (e) 2010 and (f) 2011.

(3) In which agencies was there an increase in the number of officers in the senior executive service between 1 July 2006 and 31 December 2011.

(4) What was the increase in the number of officers in the senior executive service in each of the agencies referred to in part (3).

(5) In which agencies was there a decrease in the number of officers in the senior executive service between 1 July 2006 and 31 December 2011.

(6) What was the decrease in the number of officers in the senior executive service in each of the agencies referred to in part (5).

Ms Gallagher: The answer to the member's question is as follows:

(1) There were 193 executives at 31 December 2011.

(2) The number of executives at 30 June each year were as follows:

Reporting Period	Executives
2006	147
2007	155
2008	163
2009	172
2010	175
2011	188

The ratio of executive to non-executive staff in the ACTPS has been maintained at a broadly constant level of one executive for between 105 to 119 non-executive staff since 2006. By comparison, the APS ratios of SES to non-SES staff while also broadly constant over the same time period are double the ACTPS ratio at one SES for approximately 62 non-SES staff.

(3) There have been 13 notifications of Administrative Arrangements since 2006 resulting in a significant number of Machinery of Government transfers of officers, employees and unattached officers between agencies. This included executives.

As a result of these movements, it is not possible to provide meaningful figures on the increase and decrease of executives against a specific agency since 2006.

(4) Refer to 3 above.

(5) Refer to 3 above.

(6) Refer to 3 above.

University of Canberra and Canberra Institute of Technology (Question No 2037)

Ms Hunter asked the Minister for Education and Training, upon notice, on 22 February 2012:

(1) When will the Government have further information about the recently announced creation of the University of Canberra Institute of Technology.

(2) Was the creation of a third tertiary education institute the final recommendation of the Government Steering Group, made up of representatives of the directorates of the Chief Minister and Cabinet, Treasury, Economic Development and Education and Training; if not, what was the rationale of the Government in establishing a third tertiary education institute in the ACT.

(3) What is being done to bring about a timely response from the Commonwealth Government in relation to the $26 million dollar structured funding grant.

(4) What will the makeup and responsibilities of the Project Implementation Group be, as discussed in the Minister's media release dated 16 December 2011.

(5) What will be the role of the Government Steering Group and the Standing Committee on Education, Training and Youth Affairs in future planning regarding the University of Canberra Institute of Technology.

(6) Will the proposed model be referred to the Standing Committee on Education, Training and Youth Affairs for further inquiry.

Dr Bourke: The answer to the member's question is as follows:

1) Since announcing our move towards a collaborative venture involving the University of Canberra (UC) and the Canberra Institute of Technology (CIT) the Government has continued to negotiate with the Commonwealth Government on the VET reforms under the National Agreement for Skills and Workforce Development and the new National Partnership Agreement on Skills Reform. The Government continues to work with both institutions to explore the opportunities in this space, and will make more information available when further details have been agreed.

2) The intention has never been to create a third tertiary education institution. As announced on 16 December 2011, the collaborative venture being examined is intended to lead to an entity 'jointly owned' by UC and CIT.

3) On 7 December 2011, Senator Chris Evans, Minister for Tertiary Education, Skills, Jobs and Workplace Relations, announced that a $25.9 million grant to the University of Canberra would be subject to finalisation of a project plan between the University of Canberra and the then Department of Education, Employment and Workplace Relations under the Commonwealth Government's Structural Adjustment Fund. The finalising of that grant is a matter for the University and the Commonwealth.

4) Any work to implement further collaboration will involve representatives of UC, CIT and Government.

5) The concept of further collaboration between UC and CIT is the product of significant community consultation and ongoing work between the two institutions. Government is continuing to work with both institutions to determine the way forward in light of Commonwealth initiatives in both the VET and Higher Education sectors.

6) There is already a reference before the Standing Committee on Education, Training and Youth Affairs.

Education—school libraries (Question No 2038)

Ms Hunter asked the Minister for Education and Training, upon notice, on 22 February 2012:

(1) In this National Year of Reading, what strategies has/will the Government put into place to ensure students have the advantage of a qualified teacher librarian in every school, such as increased funding and scholarships for teacher librarian tertiary training.

(2) Is the Government aware of the link between improved literacy and well-funded and professionally staffed school libraries.

(3) How many government schools do not have dual-trained teacher librarians in charge of their libraries.

4) How many government primary and secondary primary schools do not have centralised school libraries.

Dr Bourke: The answer to the member's question is as follows:

1) All teachers in ACT public schools can apply for a scholarship to increase their professional capabilities, including in teacher librarianship.

The Directorate has offered partial financial assistance to teachers enrolled in teacher librarianship courses. Since 2005 seven teachers have received funding through the scholarship program to support their participation in teacher librarianship courses.

Decisions around the allocation of staffing resources are a matter for each school and its board.

2) The ACT Government has a strong focus on improving literacy in schools, and has a range of programs in place founded on a strong evidence base which target these skills. A key to improving literacy is the shared responsibility of all teachers to promote and facilitate the development of the literacy of their students.

3) The 2012 school staffing returns will not be finalised until the end of term 1, 2012. At the start of the 2011 school year all colleges and all high schools, except one, had an identified teacher-librarian. The remaining high school library was staffed with a dedicated administrative assistant supported by a classroom teacher at designated times

during the week. Over 70 per cent of primary schools had an identified part-time or full-time teacher-librarian.

4) With the exception of the Colleges that share a joint use facility with the public library system, by the end of 2011 all school libraries were centralised on the new Oliver Library Management System.

Legislative Assembly—staff timesheets (Question No 2044)

Mrs Dunne asked the Chief Minister, upon notice, on 23 February 2012:

(1) In all the Minister's ministerial capacities, how many instances in your office have staff failed to submit timesheets to the relevant corporate area within (a) one, (b) two, (c) four, (d) eight and (e) greater than eight, weeks of the relevant period.

(2) What actions have been taken in relation to staff submitting timesheets late.

Ms Gallagher: The answer to the member's question is as follows:

(1) The Auditor General's report of August, 2009 examined and reported on this matter.

(2) The submission of staff timesheets are in accordance with the provisions of the ACT Legislative Assembly Members' Staff (LAMS) Enterprise Agreement 2011-2013 and its predecessor agreements.

Finance—Treasurer's advance (Question No 2047)

Mrs Dunne asked the Attorney-General, upon notice, on 23 February 2012:

In relation to Treasurer's Advance Directions Numbered 2011-12/2 and 2011-12/3, what are the detailed line items and related amounts that comprise the amounts advanced under each of the above directions.

Mr Corbell: The answer to the member's question is as follows:

Justice and Community Safety Directorate

In relation to Treasurer's Advance Directions Numbered 2011-12 /2, the Directorate is appropriated $0.583 million to address waiting times in the Supreme Court. The detailed line items and related amounts are shown as follows:

	$ ('000)
GPO	583
Employee Expenses	411
Superannuation Expenses	50
Supplies and Services	121
Borrowing Costs	1
Total Expenses	**583**

Legal Aid

In relation to Treasurer's Advance Directions Numbered 2011-12 /3, Legal Aid is appropriated $0.089 million to address waiting times in the Supreme Court. The detailed line items and related amounts are shown as follows:

	$ ('000)
GPO	89
Supplies and Services	89

Legislative Assembly—staff timesheets (Question No 2048)

Mrs Dunne asked the Attorney-General, upon notice, on 23 February 2012:

(1) How many instances in your office have staff failed to submit timesheets to the relevant corporate area within (a) one, (b) two, (c) four, (d) eight and (e) greater than eight, weeks of the relevant period.

(2) What actions have been taken in relation to staff submitting timesheets late.

Mr Corbell: The answer to the member's question is as follows:

(1) The Auditor General's report of August 2009, examined and reported on this matter.

(2) The submission of staff timesheets are in accordance with the provisions of the ACT Legislative Assembly Members' Staff (LAMS) Enterprise Agreement 2011-2013 and its predecessor agreements.

Labor Party—meetings (Question No 2049)

Mrs Dunne asked the Attorney-General, upon notice, on 23 February 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Attorney-General's ministerial office suite; if so, (a) how many times and on what date and (b) was payment made at the time.

(2) If payment was made can the Attorney-General detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and/or facilitated by the Attorney-General or any of his employees; if so, (a) how many times and on what dates and (b) was payment made at the time.

(4) If payment was made can the Attorney-General detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

Mr Corbell: The answer to the member's question is as follows:

(1) I undertake a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

(2) See answer to (1) above.

(3) See answer to (1) above.

(4) See answer to (1) above.

ACT public service—expense claims (Question Nos 2050, 2053, 2055)

Mrs Dunne asked the Attorney-General, the Minister for Police and Emergency Services and the Minister for the Environment and Sustainable Development, upon notice, on 23 February 2012 *(redirected to the Treasurer)*:

(1) How many instances have there been of contested, inappropriate or queried expense claims in the Minister's directorate.

(2) How many times have claims for expenses been denied.

Mr Barr: The answer to the member's question is as follows:

(1) Expense claims in each directorate are subject to scrutiny and review by authorised financial delegates before any claim is approved for payment. Directorates' financial management systems only record approved expense claims data, upon receipt of properly authorised payment paperwork. Therefore records of expenditure cannot be interrogated to identify claims not approved for payment.

(2) See response to (1).

ACT public service—workplace investigations (Question No 2054)

Mrs Dunne asked the Minister for the Environment and Sustainable Development, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Mr Corbell: The answer to the member's question is as follows:

The *ACT Public Service Environment and Sustainable Development Directorate Enterprise Agreement 2011-2013*, Clause H7.1 (and similar provisions in earlier Enterprise Agreements) requires the head of service to arrange a workplace investigation when warranted as a result of an "evidence gathering process" associated with an allegation of misconduct.

During the period 1 July 2011 to 15 March 2012:

(a) Four evidence gathering processes were initiated and completed; and

(b) Three workplace investigations were initiated and completed; two further investigations initiated before that date were also completed.

Legislative Assembly—staff timesheets (Question No 2056)

Mrs Dunne asked the Minister for Community Services, upon notice, on 23 February 2012:

(1) How many instances in your office have staff failed to submit timesheets to the relevant corporate area within (a) one, (b) two, (c) four, (d) eight and (e) greater than eight, weeks of the relevant period.

(2) What actions have been taken in relation to staff submitting timesheets late.

Ms Burch: The answer to the member's question is as follows:

(1) The Auditor-General's report of August 2009 examined and reported on this matter.

The submission of staff timesheets is in accordance with the provisions of the ACT Legislative Assembly Members' Staff (LAMS) Enterprise Agreement 2011-2013 and its predecessor agreements.

(2) See answer to (1) above.

Legislative Assembly—staff timesheets (Question No 2058)

Mrs Dunne asked the Minister for Education and Training, upon notice, on 23 February 2012:

(1) In all your ministerial capacities, how many instances in your office have staff failed to submit timesheets to the relevant corporate area within (a) one, (b) two, (c) four, (d) eight and (e) greater than eight, weeks of the relevant period.

(2) What actions have been taken in relation to staff submitting timesheets late.

Dr Bourke: The answer to the member's question is as follows:

(1) The Auditor General's report of August 2009 examined and reported on this matter.

The submission of staff timesheets in my office is in accordance with the provisions of the ACT Legislative Assembly Members' Staff (LAMS) Enterprise Agreement 2011-2013 and its predecessors.

(2) See (1) above.

ACT Building and Construction Industry Training Fund Authority—levy money
(Question No 2059)

Mrs Dunne asked the Minister for Industrial Relations, upon notice, on 23 February 2012 *(redirected to the Minister for Education, Training and Youth Affairs*):

(1) In relation to the ACT Building and Construction Industry Training Fund Authority, how much revenue has been collected per financial year for the last five years.

(2) How is revenue apportioned and at whose discretion.

(3) How are the finances acquitted operationally.

(4) Do Registered Training Organisations have to justify attendance and success at each program and how is success determined.

(5) Is the fund still charged if those booked for the training do not show up.

(6) Is data kept detailing bookings versus actual attendance; if so, can the Minister provide data for the last two years.

(7) What expert panel assesses and provides research-based direction for the way the levy money is prioritised.

(8) Who is the highest regular recipient of funding and why.

(9) Why has training in "culture and safety" behaviours not been funded in the ACT.

(10) What kind of safety training is industry best practice.

(11) What kind of safety training is being funded by similar training bodies in other jurisdictions.

(12) What types of safety training are the major building companies in the ACT wanting and in fact requesting.

(13) Are the requests referred to in part (12) being addressed by the Building and Construction Industry Levy; if not, why not.

(14) Do those who are being funded by the levy have to get the support from major building companies; if not, why not.

(15) Are there any examples where a request for training has been rejected; if so, on what grounds.

Dr Bourke: The answer to the member's question is as follows:

1) The ACT Building and Construction Industry Training Fund Authority (TFA) has collected the following revenue over the last five financial years:

2006-2007	$2,818,515
2007-2008	$3,472,236
2008-2009	$2,985,083
2009-2010	$4,395,519
2010-2011	$5,313,701.

2) The revenue is expended according to demand following consultation with industry stakeholders by the Construction Industry Training Council (CITC), Electro Industry Training Board (EITB) and the TFA Board. The majority of the TFA's expenditure is in the five key areas identified by industry consultation. In 2010-11 was invested as follows:

Key training and related programs:

49%	Existing Worker
28.7%	Entry Level
3.4%	Research and Development
1.5%	Access and Equity
2.4%	Promotion and Marketing.

The Key areas for annual activity are identified in the TFA's Annual Training Plan, which is approved by the TFA Board, the ACT Minister for Education and Training and the Legislative Assembly.

3) TFA operational finances are acquitted weekly by the Chief Executive Officer, monthly by the TFA Board, bi-annually by RSM Bird Cameron and annually by the ACT Auditor-General. In addition a full schedule of funding applications is tabled at each TFA Board meeting for approval and/or ratification.

4) Registered training organisations (RTOs) must justify attendance and success of each program. Each RTO must provide the TFA with the details of the applicants who have successfully completed the training program and/or a copy of the certificate issued to the applicant by the RTO before the TFA will make any financial payment.

5) The TFA makes payment on evidence that an applicant has completed the relevant training program.

6) At the commencement of each calendar year, RTOs or employers apply to the TFA for funding to provide training for a booked number of applicants in that year. Data is kept on actual attendances and completions. Payments are made based on this data.

7) The TFA contracts the CITC to research and consult with stakeholders from the ACT building and construction industry, the EITB to research and consult with stakeholders from the ACT electrical industry, and in addition, the TFA consults with additional industry stakeholders for example the Master Builders Association, Housing Industry Association and Property Council of Australia. This information is then collated and prioritised by the TFA Board into the TFA's annual Training Plan which provides the direction and priorities for the training needed in the following year.

8) The Master Builders – Group Training (MB-GT) is the highest regular recipient of funding from the TFA. This is because MB-GT is a group training organisation which employs and trains entry-level apprentices and an RTO which provides training for existing workers in the ACT building and construction industry. Other RTOs do not provide the same range of services in the ACT.

9) Training in occupational health and safety promotes a culture of safety in the workplace and the industry. The TFA provides funding to a number of RTOs in the ACT for the specific purpose of occupational health and safety training as well as to other RTOs where occupational health and safety is a component of a specific training plan.

10) WorkCover ACT oversees workforce health and safety for all industries in the ACT including the building and construction industry under the *ACT Work Health and Safety Act 2011* (the Act). The Act establishes minimum standards for employer organisations in relation to health and safety, including requirements for training and promotes best practice behaviour. Training against these standards would be considered best practice.

11) The training fund authorities in Queensland, Western Australia, South Australia and Tasmania provide similar training in occupational health and safety as provided and funded in the ACT. (Examples can be found in the answer to question 12).

12) The following safety training programs are being requested by the major building companies and RTOs and funded by the TFA:

- ACT National Construction Induction training
- ACT Work Safety Representative training
- Drug, Alcohol and Fatigue; - Bullying, Harassment and Racial Vilification; - Suicide Awareness; and Asbestos Awareness training
- First Aid training at all levels
- Certificate IV and Diploma in Occupational Health & Safety
- OH&S for Managers and Supervisors
- Working Safely at Heights
- Manual Handling
- Sun Smart and Nutrition training.

13) Yes.

14) RTOs funded by the levy must provide evidence of support from major building companies as part of their application.

15) The TFA rejects any application for funding from an applicant/organisation if the intended provider of training is not an RTO.

The *ACT Building and Construction Industry Training Levy Act 1999* states in Part 5 - Section 28 – 'The expenditure of fund money under this section, may only be approved for the purpose of approved training to be provided by a Registered Training Organisation'.

Labor Party—meetings (Question No 2061)

Mr Hanson asked the Minister for Community Services, upon notice, on 23 February 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times and on what date and (b) was payment made at the time.

(2) If payment was made, can the Minister detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and/or facilitated by the Minister or any of her employees; if so, (a) how many times and on what dates and (b) was payment made at the time.

(4) If payment was made can the Minister detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

Ms Burch: The answer to the member's question is as follows:

I undertake a wide range of activities to fulfil my duties as Member for Brindabella, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

Labor Party—meetings (Question No 2062)

Mr Seselja asked the Chief Minister, upon notice, on 23 February 2012:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times and on what date and (b) was payment made at the time.

(2) If payment was made can the Minister detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and/or facilitated by the Minister or any of her employees; if so, (a) how many times and on what dates and (b) was payment made at the time.

(4) If payment was made can the Minister detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

Ms Gallagher: The answer to the member's question is as follows:

(1) I undertake a wide range of activities to fulfil my duties as the Member for Molonglo, a number of which involve use of my office facilities. This is consistent with long-established practice, as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008 (attached).

(2) See answer to (1) above

(3) See answer to (1) above

(4) See answer to (1) above

(A copy of the attachment is available at the Chamber Support Office).

ACT public service—expense claims (Question Nos 2064 and 2068)

Mr Seselja asked the Chief Minister and the Minister for Territory and Municipal Services, upon notice, on 23 February 2012 *(redirected to the Treasurer)*:

(1) How many instances have there been of contested, inappropriate or queried expense claims in the Minister's directorate.

(2) How many times have claims for expenses been denied.

Mr Barr: The answer to the member's question is as follows:

(1) Expense claims in each directorate are subject to scrutiny and review by authorised financial delegates before any claim is approved for payment. Directorates' financial management systems only record approved expense claims data, upon receipt of properly authorised payment paperwork. Therefore records of expenditure cannot be interrogated to identify claims not approved for payment.

(2) See response to (1).

ACT public service—workplace investigations (Question No 2065)

Mr Seselja asked the Chief Minister, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Ms Gallagher: The answer to the member's question is as follows:

In 2011-2012 to date there have been no investigations or reviews requested or carried out within the Chief Minister and Cabinet Directorate.

ACT public service—workplace investigations (Question No 2066)

Mr Seselja asked the Minister for Health, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

1. Within the Health Directorate for the period 1 January 2011 to 23 February 2012:
   a) 34 workplace investigations/reviews were requested; and
   b) 31 were carried out.

ACT public service—workplace investigations (Question No 2069)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Ms Gallagher: The answer to the member's question is as follows:

In the 2011-12 financial year, as at end February 2012, there were 13 formal investigations commenced, eight of which have been completed.

ACT public service—expense claims (Question Nos 2071, 2073 and 2075)

Mr Smyth asked the Treasurer, the Minister for Economic Development and the Minister for Tourism, Sport and Recreation, upon notice, on 23 February 2012:

(1) How many instances have there been of contested, inappropriate or queried expense claims in the Minister's directorate.

(2) How many times have claims for expenses been denied.

Mr Barr: The answer to the member's question is as follows:

(1) Expense claims in each directorate are subject to scrutiny and review by authorised financial delegates before any claim is approved for payment. Directorates' financial management systems only record approved expense claims data, upon receipt of properly authorised payment paperwork. Therefore records of expenditure cannot be interrogated to identify claims not approved for payment.

(2) See response to (1).

ACT public service—workplace investigations (Question No 2072)

Mr Smyth asked the Treasurer, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Mr Barr: The answer to the member's question is as follows:

a) Since 1 July 2011 two workplace investigations have been requested.

b) Since 1 July 2011 one investigation has been completed and two are in process.

ACT public service—workplace investigations (Question No 2074)

Mr Smyth asked the Minister for Economic Development, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Mr Barr: The answer to the member's question is as follows:

The Economic Development Directorate was established on 17 May 2011. There are three ministerial portfolios that have responsibilities within this directorate: Minister for Economic Development, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing.

Within my ministerial portfolios and since the establishment of the Directorate and 23 February 2012, there have been three investigations requested.

One request within the portfolio responsibility of the Minister for Economic Development was withdrawn.

One investigation was undertaken within the portfolio responsibility of the Minister for Economic Development.

One investigation was within the portfolio responsibility of the Minister for Tourism, Sport and Recreation.

ACT public service—workplace investigations (Question No 2076)

Mr Smyth asked the Minister for Tourism, Sport and Recreation, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Mr Barr: The answer to the member's question is as follows:

The Economic Development Directorate was established on 17 May 2011. There are three ministerial portfolios that have responsibilities within this directorate: Minister for Economic Development, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing.

Within my ministerial portfolios and since the establishment of the Directorate and 23 February 2012, there have been three investigations requested.

One investigation was undertaken within the portfolio responsibility of the Minister for Tourism, Sport and Recreation.

One investigation was undertaken within the portfolio responsibility of the Minister for Economic Development.

One request within the portfolio responsibility of the Minister for Economic Development was withdrawn.

Labor Party—meetings (Question No 2077)

Mr Coe asked the Minister for Industrial Relations, upon notice, on 23 February 2012 *(redirected to the Minister for Education and Training)*:

(1) Has any Labor Party meeting or Labor faction meeting of any description been held in the Minister's ministerial office suite; if so, (a) how many times and on what date and (b) was payment made at the time.

(2) If payment was made can the Minister detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

(3) Has any Labor Party meeting or Labor faction meeting of any description been held in the Assembly that was sponsored and/or facilitated by the Minister or any of his employees; if so, (a) how many times and on what dates and (b) was payment made at the time.

(4) If payment was made can the Minister detail the (a) date of each meeting, (b) what were the amounts paid for each meeting and (c) date that the payment was made for each meeting.

Dr Bourke: The answer to the member's question is as follows:

(1) I undertake a wide range of activities to fulfil my duties as the Member for Ginninderra, a number of which involve use of my office facilities. This is consistent with long established practice as set out for example by the Clerk of the Assembly in a letter to the then Speaker on 27 June 2008.

(2) See (1) above.

(3) See (1) above.

(4) See (1) above.

ACT public service—expense claims (Question Nos 2081, 2083, 2085 and 2088)

Mr Coe asked the Minister for Education and Training, the Minister for Aboriginal and Torres Strait Islander Affairs, the Minister for Industrial Relations and the Minister for Corrections, upon notice, on 23 February 2012 *(redirected to the Treasurer)*:

(1) How many instances have there been of contested, inappropriate or queried expense claims in the Minister's directorate.

(2) How many times have claims for expenses been denied.

Mr Barr: The answer to the member's question is as follows:

(1) Expense claims in each directorate are subject to scrutiny and review by authorised financial delegates before any claim is approved for payment. Directorates' financial management systems only record approved expense claims data, upon receipt of properly authorised payment paperwork. Therefore records of expenditure cannot be interrogated to identify claims not approved for payment.

(2) See response to (1).

ACT public service—workplace investigations (Question No 2082)

Mr Coe asked the Minister for Education and Training, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Dr Bourke: The answer to the member's question is as follows:

1a) Thirteen workplace investigations and two workplace reviews have been requested in relation to the Education and Training Directorate in 2011-12.

b) All investigations and reviews have been carried out or are underway.

ACT public service—workplace investigations (Question No 2086)

Mr Coe asked the Minister for Industrial Relations, upon notice, on 23 February 2012:

How many workplace investigations/reviews have been (a) requested and (b) carried out in the Minister's directorate.

Dr Bourke: The answer to the member's question is as follows:

The Industrial Relations portfolio sits within the Chief Minister and Cabinet Directorate and the question was answered by the Chief Minister under QoN 2065.

Health Directorate—wild mushrooms information sheets (Question No 2127)

Mr Coe asked the Minister for Health, upon notice, on 21 March 2012:

(1) What was the cost for (a) production and (b) distribution of the recent printed information sheets regarding wild mushrooms.

(2) Where was the printed material referred to in part (1) distributed.

(3) How many of these printed information sheets were (a) produced and (b) distributed.

(4) What method of delivery was used to distribute the information sheets.

Ms Gallagher: I am advised that the answer to the member's question is as follows:

(1) Both A2 sized posters and DL sized flyers were produced as part of this campaign, including in the two (Chinese language) versions.

a) Production of both flyers and posters– approx. $6,800[1]

b) Mail out to Canberra households - approx. $7,100. Printing and packing of envelopes for mail out – approx. $11,800[2]

Costs included the printing of posters and flyers, printing of envelopes, packing envelopes, distribution and translations into two languages.

(2) The printed material was distributed as follows:

- Canberra households
- airport, train and bus station
- shopping centre's management
- through places of worship
- National Multicultural Festival, in both English and Chinese
- Canberra Institute of Technology, Australian National University and University of Canberra
- the Visitor Information Centre
- new Canberra residents through Live in Canberra
- Health Directorate Community Health centres
- Both the private and public hospitals.

(3) How many of these printed information sheets were (a) produced and (b) distributed.

a) Produced

i. English Flyer – 167,000 (150,000 for household distribution)

ii. Traditional Chinese Flyer – 5,000

iii. Modern Chinese Flyer – 6,000

iv. English Poster – 2,000

v. Traditional Chinese Poster – 250

vi. Modern Chinese Poster - 250

b) Distributed[3]

i. English Flyer – 145,000 (133,000 through household distribution)

ii. Traditional Chinese Flyer – 3,000

iii. Modern Chinese Flyer – 3,000

iv. English Poster – 500

v. Traditional Chinese Poster – 100

vi. Modern Chinese Poster – 100

(4) A distribution company was engaged to deliver flyers to Canberra Households. Posters were mailed to management of the airport, train station and bus station, and shopping centre managements with a letter from the Chief Health Officer requesting they be displayed.

The posters and flyers are being distributed through places of worship with the assistance of the Office of Multicultural Affairs and the Canberra Multicultural Community Forum.

The poster and flyer was distributed at the National Multicultural Festival, in both English and Chinese, by volunteers arranged by the Office of Multicultural Affairs.

Posters and flyers were hand delivered by Health Directorate staff to the tertiary institutes to be included in their orientation programs, to be made available in the residences, student centres and medical centres.

Posters and flyers were internally mailed to the Visitor Information Centre and to the Live in Canberra campaign office.

Posters were internally mailed to the Health Directorate Health Centres and Public Hospitals and sent through regular mail to the private hospitals.

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[1] This amount is based on quotations received. Invoices have not yet been received for all work undertaken

[2] As above

[3] These are approximate amounts, and some distribution is still ongoing, with further requests from stakeholders are being received for additional materials. Left over materials will be provided to key locations and stakeholders in future years, i.e. Universities, Multicultural Forum, Visitors Centre.

Questions without notice taken on notice

Belconnen dog park

Ms Gallagher *(in reply to a question and a supplementary question by Mrs Dunne on Thursday, 23 February 2012)*: Both the Tuggeranong and Belconnen dog parks were the first to be constructed by the Territory and initially did not contain separate small dog off-leash areas. Since opening the dog parks, and in response to community requests, a small dog area was added to the Tuggeranong off-leash dog park in December 2010.

Subject to funding availability, construction of a small dog enclosure attached to the existing dog off-leash area would be feasible for the Belconnen dog park.

Following extensive community consultation, the design guidelines developed for the dog parks recommended that lighting is not installed; rather, that use after daylight is not encouraged for safety reasons.

Trees—replacement

Ms Gallagher *(in reply to a supplementary question by Ms Bresnan on Tuesday, 20 March 2012)*: The Territory and Municipal Services (TAMS) Directorate is conscious of the need to take advantage of the favourable weather conditions and has increased its commitment to tree planting from 2010 in line with the improved conditions.

In 2010-11 financial year approximately 1,200 trees were planted in urban streets and parks. To date in the 2011-12 financial year approximately, 270 trees were planted over the 2011 winter, 660 trees were planted within urban areas in spring 2011, and an autumn planting program involving a further 700 trees will commence in May 2012. TAMS is currently developing a winter planting program involving approximately 1,000 trees that will commence in August 2012.

The Government has increased funding since 2010 for tree planting which has led to the improved planning for planting as well as a scaling up of the program.
It is expected that as many as 2,000 new trees will be planted in the 2012-13 financial year (during spring and autumn) to replace gaps in streets and some parkland areas where trees have been removed.

Favourable weather conditions at the time of planting is not the only guide TAMS uses to determine the scale of its tree planting activities. The tree planting program considers a whole of life cycle costing, stock availability as well as the lessee's view on the species and their preference for a replacement tree to be planted on the nature strip.

Health—restaurant closures

Ms Gallagher *(in reply to a supplementary question by Mr Smyth on Wednesday, 21 March 2012)*: Generally, food businesses are not given forewarning of impending inspections by public health officers, as was the case with the two businesses to which Mr Smyth has referred. This is to ensure that the inspection reveals a true picture of the cleanliness and practices currently at that food business.

In relation to these two businesses, inspections were carried out late morning on 9 March 2012. In each case the inspection determined that the food business was not compliant with the Food Act and the Food Standards Code, warranting the immediate closure of the business through a prohibition notice.

Following conclusion of the inspections of the businesses on 9 March 2012 the findings of the inspections were reviewed by senior personnel at the Health Protection Service, and the decision to close these businesses was then made. The businesses were phoned the same day to inform them of the decision and were advised that prohibition orders were to be delivered to them, which occurred in the early evening, a couple of hours after being informed of the decision.